

AN ACT

Codification
District of
Columbia
Official Code

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend the Human Rights Act of 1977 to provide that harassment constitutes an unlawful discriminatory practice; to provide District of Columbia employees with the same rights as private citizens in choice of remedies; to prohibit the District government from engaging in unlawful discrimination in the provision of programs, services, benefits, or facilities to the public; and to provide that discriminatory practices engaged against a person based on his or her perceived membership in a protected class is unlawful.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Human Rights Amendment Act of 2002”.

Sec. 2. The Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Official Code § 2-1401.01 *et seq.*), is amended as follows:

(a) Section 102(31) (D.C. Official Code § 2-1401.02(31)) is amended by adding a new second sentence to read as follows:

Amend
§ 2-1401.02

““Unlawful discriminatory practice” shall include harassment engaged in for discriminatory reasons specified in section 211(a).”

(b) Section 211 (D.C. Official Code § 2-1402.11) is amended as follows:

Amend
§ 2-1402.11

(1) Subsection (a) is amended by striking the word “race” and inserting the phrase “actual or perceived: race” in its place.

(2) Subsection (b) is amended by striking the word “race” and inserting the phrase “actual or perceived: race” in its place.

(c) Section 221 (D.C. Official Code § 2-1402.21) is amended as follows:

Amend
§ 2-1402.21

(1) Subsection (a) is amended by striking the word “race” and inserting the phrase “actual or perceived: race” in its place.

(2) Subsection (b) is amended by striking the word “race” and inserting the phrase “actual or perceived: race” in its place.

(d) Section 231 (D.C. Official Code § 2-1402.31) is amended as follows:

Amend
§ 2-1402.31

(1) Subsection (a) is amended by striking the word “race” and inserting the phrase “actual or perceived: race” in its place.

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(2) Subsection (b) is amended by striking the word “race” and inserting the phrase “actual or perceived: race” in its place.

(e) Section 241(1) (D.C. Official Code § 2-1402.41(1)) is amended as follows:

**Amend
§ 2-1402.41**

(1) Strike the phrase “facilities and services” and insert the phrase “facilities, services, programs, or benefits of any program or activity” in its place.

(2) Strike the word “race” and insert the phrase “actual or perceived: race” in its place.

(f) Section 271 (D.C. Official Code § 2-1402.71) is amended by striking the word “race” and inserting the phrase “actual or perceived race” in its place.

**Amend
§ 2-1402.71**

(g) A new section 273 is added to read as follows:

“Sec. 273. Application to the District government.

**New
§ 2-1402.73**

“Except as otherwise provided for by District law or when otherwise lawfully and reasonably permitted, it shall be an unlawful discriminatory practice for a District government agency or office to limit or refuse to provide any facility, service, program, or benefit to any individual on the basis of an individual’s actual or perceived: race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, familial status, family responsibilities, disability, matriculation, political affiliation, source of income, or place of residence or business.”.

(h) Section 303 (D.C. Official Code § 2-1403.03) is amended as follows:

**Amend
§ 2-1403.03**

(1) Designate the existing text as subsection (a).

(2) Newly designated subsection (a) is amended as follows:

(A) Strike the phrase “Notwithstanding any other provision of this chapter,”.

(B) Strike the phrase "investigation, conciliation, and hearing of " and insert the phrase “investigation, conciliation, and hearing of administrative” in its place.

(C) Strike the phrase “The final” and insert the phrase “The final administrative” in its place.

(3) A new subsection (b) is added to read as follows:

“(b) A person claiming to be aggrieved by an unlawful discriminatory practice on the part of District government agencies, officials, or employees may elect to file an administrative complaint under the rules of procedure established by the Mayor under this section or a civil action in a court of competent jurisdiction under section 316.”.

(i) The fourth sentence of section 316(a) (D.C. Official Code § 2-1403.16(a)) is amended to read as follows:

“The timely filing of a complaint with the Office, or under the administrative procedures established by the Mayor pursuant to section 303, shall toll the running of the statute of limitations while the complaint is pending.”.

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Sec 3. Fiscal impact statement.

The Council adopts the fiscal impact statement in the subcommittee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 831; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

Chairman
Council of the District of Columbia

Mayor
District of Columbia