Foggy Bottom and West End
Advisory Neighborhood Commission (ANC-2A)

c/o St. Mary's Court 725 24th Street, N.W. Washington, D.C. 20037 (202) 736-1775

MS. JERRILY KRESS
Director
Zoning Commission
441 Fourth Street N.W. – Room 210
Washington, DC 20001

December 13, 2002

RECEIVED
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Re: Zoning Commission Case No. 02-26
The George Washington University (GWU) Application for Further Processing of a Special Exception for the Lerner Health & Wellness Center (Square 42, Lot 847)

Dear Ms. Kress:

ANC-2A requests that the rules be waived and, if necessary, the file be reopened, to allow the late submission (after 3:00 pm on December 13, 2002) of ANC-2A's additional submissions on the above-titled GWU further processing Zoning Commission case. Due to having to handle a continuing and excessive number of ANC issues, the ANC-2A was not able to file timely in this matter.

As per Chairperson Mitten's December 2, 2002 hearing request for additional materials from the ANC on the above-titled Case, the ANC submits this letter including: 1. further comments and evidence allowed from ANC-2A due to procedural errors on GWU's and OP's part limiting the ANC's time for response (including a 2-page letter from Mr. John McCarthy, President of the International Health, Racquet & Sportsclub Association [IHRSA] as well as a GWU student Letter to the Editor of the 12-9-02 student newspaper, the *GW Hatchet*), 2. a copy of the Human Rights Act (HRA) of 1977 (as amended September 2002 with amendments attached), and 3. comments from ANC-2A on provisions of the HRA that will preclude any "cap" or other limitations on GWU's opening of this facility to other categories of users.

Item 1.
In his December 9, 2002 letter to ANC-2A as a party to this case, Mr. McCarthy clearly outlines the troubling implications of GWU's request to lift the carefully-crafted conditions in the Board of Zoning Adjustment's original order (BZA Order No. 16276) of January 7, 1998. The ANC fully supports the IHRSA's observations and experience in these matters (both the unfair competition aspects and the tax implications of running a commercial facility) and urges that the Zoning Commission and Corporation Council be fully aware of the legal implications of any changes to this order as it now stands, as outlined and opposed by Mr. McCarthy.

In a related issue, the ANC attaches a copy of a Letter to the Editor from the December 9, 2002 *GWU Hatchet* written by one of the University's own students describing the experiences of a fellow student, raising another aspect of the negatives covered by the ANC regarding extension of hours of this facility. The ANC would remind the Commission that the University's invariable claim of always considering its student population as its primary concern, something that the non-University community has heard repeatedly but on which it has extensive evidence to the contrary, is belied by this correspondence.

ZONING COMMISSION
District of Columbia
Case 02-26
Exhibit 58

ZONING COMMISSION
District of Columbia
CASE NO.02-26
EXHIBIT NO.58

Item 2.
Enclosed please find a copy of the Human Rights Act (HRA) of 1977 (as amended September 2002 with amendments attached).

Item 3.
The ANC submits that the following specific provisions of the HRA preclude any limitations of GWU's offering to the general public if the condition ordering the categories of users is changed in any way. Other provisions of the HRA may apply as well.

SUBCHAPTER II. PROHIBITED ACTS OF DISCRIMINATION.
Part A. General.
§ 2-1402.01. General

Every Individual shall have an equal opportunity to participate fully in the economic, cultural and intellectual life of the District and to have an equal opportunity to participate in all aspects of life, including, but not limited to, in employment, in places of public accommodation, resort or amusement, in educational institutions, in public service, and in housing and commercial space accommodations.

Part D. Public Accomodations.
§ 2-1402.31. Prohibitions.

(a) General. It shall be an unlawful to do any of the following acts.....etc.

(1) To deny, directly or indirectly, any person the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of any place of public accommodations;
(2) To print, circulate, post, or otherwise cause, directly or indirectly, to be published a statement, advertisement, or sign, which indicates that the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of a place of public accommodation will be unlawfully refused, withheld from or denied an individual, or that an individual's patronage of, or presence at, a place of public accommodation is objectionable, unwelcome, unacceptable, or undesirable.

As ANC-2A presented in its testimony at the December 2, 2002 public hearing on this case, the ANC believes that the ZC's approval of any change to either of the BZA's conditions in its final order approving the LH&WC would, in fact, be tantamount to its approval of a change in use from the original order and would be grounds for reopening the original BZA Special Exception Application #16276 as well as the BZA-approved GWU Campus Plan #16553.

The Zoning Commission should be aware also that at its regularly-scheduled monthly meeting of December 11, 2002, ANC-2A unanimously (4-0-0) voted to file an appeal, which is imminent, with the Office of Zoning on the BZA's Order No. 16276 governing the LH&WC. As the ANC discovered in the University's current application and pointed out to the ZC, GW has, in violation of the BZA order in this case which precludes the LH&WC's use as an intercollegiate sports facility (01-07-98 BZA Order No.16276, Summary of Evidence No. 3. Excerpt "Intercollegiate athletics will not be a part of programming, and space will not be used for any spectator events..."), simply announced in its filing that it has already moved the apparently newly-created men's and women's intercollegiate squash teams to the facility.

ANC-2A is satisfied that the conditions created by the BZA in this order, limiting the categories of users and limiting the hours of operation, are clearly working to prevent the University from creating any further objectionable effects (including increased traffic, noise, and too-intense use,

e.g.) with this facility that would impact negatively on the Foggy Bottom host community and should not be reconsidered, changed, or altered in any way.

In closing, please note that the Home Rule Charter for the District gave ANC's the power to represent local residents in expressing community concerns before District agencies and decreed that the concerns expressed by the ANC be given "great weight" and that a written rationale be given should the agency take a position different from that of the ANC.

Sincerely,



Elizabeth B. Elliott
Chair

Attachments: (1) 2-page Letter from Mr. John McCarthy, President of the International Health, Racquet & Sportsclub Association (IHRSA).
(2) Mr. Chris Kucharski, Letter to the Editor of the 12-9-02 student newspaper, the *GW Hatchet.*
(3) Human Rights Act (HRA) of 1977 (as amended September 2002 with amendments attached).

cc: Jerry Moore, Arter & Hadden for GWU
Andrew Altman, Office of Planning
John Fondersmith, Office of Planning
Councilmember Jack Evans, DC City Council
Mayor Anthony Williams
Ron Cocome, President, Foggy Bottom Association

IHRSA
To Grow, Protect and Promote the Industry.

**International
Health, Racquet &
Sportsclub Association**

December 9, 2002

The Honorable Elizabeth B. Elliott, Chairperson
Foggy Bottom-West End Advisory Neighborhood Commission 2A
532 20th Street NW, Apt. 501
Washington, DC 20006

Dear Chairwoman Elliott:

As the Executive Director for the International Health, Racquet & Sportsclub Association (IHRSA), I write to respectfully request that you convey my strong opposition to George Washington University's (GWU) proposal—Zoning Commission Case 02-26 to change existing use and engage in commercial health and fitness operations at its Lerner Health & Wellness Center(Board of Zoning Adjustment Order No.16276)— to Carol Mitten, Chair of the D.C. Zoning Commission.

When the D.C. BZA approved GWU's application for a recreational fitness facility—approximately five years ago—the approval was conditioned on the fact that the facility would be operated solely for the use of students, staff, and faculty. Due to this seemingly limited scope of the project and because the IRS, under current tax regulations, deems such a facility appropriate for educational institutions, its approval and construction were unopposed at that time by IHRSA.

Clearly now, GWU has every intention of venturing into a commercial operation with its fitness center and competing directly with area health and fitness businesses by selling memberships to the public. IHRSA represents more than 6,500 businesses worldwide and has been studying, monitoring, and analyzing the development of tax-exempt health and fitness clubs entering the market for approximately 20 years. Tax-exempt competition from colleges and universities is a significant problem for our industry. In fact, in1987, the U.S. General Accounting Office found that the fitness industry is the most universally effected (negatively) by tax-exempt competition and this, unfortunately, still remains true today.

IHRSA members welcome business competition, as long as the playing field is level and the game fair. However, because of the tax-exempt status of university facilities, their ability to fund construction with donated dollars, and numerous other cost savings granted to them, these centers undercut and eventually destroy the existing fitness market. Tax-paying businesses simply cannot compete with such subsidized operations.

263 Summer Street
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800.228.4772
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www.ihrsa.org
www.healthclubs.com

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One Hundred Million
Members by 2010

Should GWU's request be approved, its consequences would be real and devastating. When the Texas A&M University recreation center opened to the public, Aerofit Health and Fitness Center lost over 1150 members. In addition, four out of seven taxpaying clubs in the area went out of business within 12 months of the center's opening. This is, unfortunately, just one of many examples.

GWU's desire to open its facility to the general public not only has the potential to damage the livelihood of businesspeople and their employees but also violates current tax code regulations. The Internal Revenue Service (IRS) Examination Guideline for Colleges and Universities 342.31 states that since colleges and universities are exempt from state and local real property tax, the property must be "used 'exclusively' for 'educational' purposes." Property that is exempt from taxation "may be subject to tax if used for 'noneducational' purposes such as...operating a trade or business." Furthermore, the IRS has stated very clearly that use of college and university fitness centers by the general public and alumni was not related to the university's exempt purpose of education.

It is tremendously important for the future of area businesses that the proposal be rejected. In 1998 the D.C. Board of Zoning Adjustment had the foresight to approve the wellness center subject, among other things, to the condition that it be limited to "students, faculty and staff." It was an appropriate and reasonable ruling that still remains valid today.

Please convey to Chairperson Mitten and the members of the D.C. Zoning Commission that I hope they will not hesitate to contact me if I can answer any questions regarding these matters.

Sincerely,

John McCarthy
Executive Director

GW Hatchet - Opinions
Issue: 12/09/02

Letters to the editor

Bad working conditions

If the zoning regulation changes and allows the Health and Wellness Center to stay open until 1 a.m. Monday to Friday, many unforeseen problems will come to head for HWC management and is student employees.

Currently, all student employees at the HWC are seen as expendable, and management urges students who are unhappy about quality of life issues and wages to seek other employment instead of trying to give pay raises and create a good working environment.

HWC management is not striving for high standards but is concerned with saving its own jobs at the expense of the student worker. With the additional burden of later hours on the horizon, it is of utmost importance to take care of student employees who constitute the workforce that runs these buildings and to take into consideration their thoughts and feelings.

Presently, however, management resorts to firing those who express their concerns with such operations, as it did to my friend, who voiced his concerns. It is probably those that express such concerns, after three and a half years of work, that truly care about the organization for which they work and are trying to improve - as with my friend.

I saw first hand how employees are treated when I was poked with a radio antenna by the head manager during the Jay Leno concert at the Smith Center. He treated me condescendingly for looking like I was enjoying the show. I have also heard horror stories of student employees who get screamed at by student patrons for enforcing pointless Department of Athletics and Recreation policies, then have the management side with the screaming students instead of backing up the student they employ. Furthermore, I asked student employees how much they are paid, and it is surely not enough to take such abuse from management, who sees them as expendable, or from fellow students, who yell at them for enforcing mundane policy.

Next time you go into the HWC, please inquire as to how upper management treats their student employees.

-Chris Kucharski senior

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Committee Re-Referral Date: Committee Reassign: Comments Reassign:

Introduced By: SCHWARTZ

Co-Sponsored By: CROPP, ALLEN, AMBROSE, CATANIA, CHAVOUS, EVANS, FENTY, GRAHAM, MENDELSON, ORANGE

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Council Action:

First Reading: 5-7-02,CC
Amended First Reading:
Final Reading: 6-4-02,CC

Mayor/Council:

Transmitted : 6/12/2002 **ACT/ Resolution #:** A14-399 **Mayor Signed:** 6/26/2002
Response Date: 6/26/2002 **Enactment/ Action Date:** 6/26/2002 ☐ **W/O Signature**

Congress:

Transmitted : 7/10/2002 **Projected DC Law Date:** 9/25/2002
Re-Transmitted:

D.C. Law

Law #: **Effective Date:** **Expiration Date:**

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AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

Codification District of Columbia Official Code

2001 Edition

2002 Winter Supp.

West Group Publisher

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.

(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: New § 2-1402.73

"Sec. 273. Application to the District government.

"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.".

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

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF HUMAN RIGHTS

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HUMAN RIGHTS ACT OF 1977

As Amended September 2002

Title 2, Chapter 14 - Human Rights
District of Columbia Code

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UNIT A. HUMAN RIGHTS LAW

SUBCHAPTER I. GENERAL PROVISIONS

§ 2-1401.01. Intent of Council.

It is the intent of the Council of the District of Columbia, in enacting this chapter, to secure an end in the District of Columbia to discrimination for any reason other than that of individual merit, including, but not limited to, discrimination by reason of race, color, religion. national origin, sex, age, marital status, personal appearance, sexual orientation, familial status, family responsibilities, matriculation, political affiliation, disability, source of income, and place of residence or business.

§ 2-1401.02. Definitions.

The following words and terms when used in this chapter have the following meanings:

(1.) "Administrative Procedure Act" means the "District of Columbia Administrative Procedure Act," (§ 2-501 et seq.).

(2.) "Age" means 18 years of age or older.

(3.) "Chairman" means the duly appointed Chairman of the District of Columbia Commission on Human Rights.

(4.) "Commission" means the District of Columbia Commission on Human Rights. As established by Commissioner's Order No. 71-224, dated July 8, 1971.

(5.) "Council" means the Council of the District of Columbia as established by 1-204.01(a).

(5A) "Disability" means a physical or mental impairment that substantially limits one or more of the major life activities of an individual having a record of such an impairment or being regarded as having such an impairment.

(6.) "Director" means the Director of the District of Columbia Office of Human Rights, or a designate.

(7.) "District" means the District of Columbia.

(8.) "Educational institution" means any public or private institution including an academy, college elementary or secondary school, extension course, kindergarten, nursery, school system or university; and a business, nursing, professional, secretarial, technical, or vocational school; and includes an agent of an educational institution.

(9.) "Employee" means any individual employed by or seeking employment from an employer.

(10.) "Employer" means any person who, for compensation, employs an individual, except for the employer's parent, spouse, children or domestic servants, engaged in work in and about the

employer's household; any person acting in the interest of such employer, directly or indirectly; and any professional association.

(11.) "Employment agency" means any, person regularly undertaking or attempting, with or without compensation, to procure employees for an employer or to procure for employees, opportunities to work for an employer, and includes an agent of such a person.

(11A) "Familial status" means one or more individuals under 18 years of age being domiciled with: (1) a parent or other person having legal custody of the individual; or (2) the designee, with written authorization of the parent, or other persons having legal custody of individuals under 18 years of age. The protection afforded against discrimination on the basis of familial status shall apply to any person who is pregnant or in the process of securing legal custody of any individual under 18 years of age.

(12.) "Family responsibilities" means the state of being, or the potential to become, a contributor to the support of a person or persons in a dependent relationship, irrespective of their number, including the state of being the subject of an order of withholding or similar proceedings for the purpose of paying child support or a debt related to child support.

(13.) "Hearing tribunal," mean members of the Commission, or one (1) or more hearing examiners, appointed by the Commission to conduct a hearing.

(14.) "Housing business", means a business operated under the authority of a license issued by the Mayor, or other authorized District agent, pursuant to § 47-2828 and the regulations promulgated thereunder.

(15.) "Labor organization" means any organization, agency, employee representation committee, group, association, or plan in which employees participate directly or indirectly; and which exists for the purpose, in whole or in part, of dealing with employers, or any agent thereof, concerning grievances, labor disputes, wages, rates of pay, hours, or other terms, conditions, or privileges of employment; and any conference, general committee, joint or system board, or joint council, which is subordinate to a national or international organization.

(16.) "Make public" means disclosure to the public or to the news media of any personal or business data obtained during the course of an investigation of a complaint filed under the provisions of this chapter, but not to include the publication of EEO-1, EEO-2, or EEO-3 reports as required by the Equal Employment Opportunity Commission, or any other data in the course of any administrative or judicial proceeding under Title VII of the Civil Rights Act of 1964 involving such information; nor shall it include access to such data by staff or the Office of Human Rights, members of the Commission on Human Rights, or parties to a proceeding, nor shall it include publication of aggregated data from individual reports.

(17.) Marital status" means the state of being married, single, divorced, separated, or widowed and the usual conditions associated therewith, including pregnancy or parenthood.

(18.) "Matriculation" means the condition of being enrolled in a college, or university; or in a business, nursing, professional, secretarial, technical or vocational school; or in an adult education program.

(19.) "Office" means the District of Columbia Office of Human Rights, as established by Commissioner's Order No. 71-224, dated July 8, 1971, as amended.

(20.) (A) "Owner" means 1 of the following:

(i) Any person, or any one of a number of persons in whom is vested all or any part of the legal or equitable ownership, dominion, or title to any real property;

(ii) The committee, conservator, or any other legal guardian of a person who for any reason is non sui juris, in whom is vested the legal or equitable ownership, dominion or title to any real property; or

(iii) A trustee, elected or appointed or required by law to execute a trust, other than a trustee under a deed of trust to secure the payment of money; or one who, as agent of, or fiduciary, or officer appointed by the court for the estate of the person defined in sub-subparagraph (i) of this subparagraph shall have charge, care or control of any real property.

(B) The term "owner" shall also include the lessee, the sublessee, assignee, managing agent, or other person having the right of ownership or possession of, or the right to sell, rent or lease, any real property.

(21.) "Person" means any individual, firm, partnership, mutual company, joint-stock company, corporation, association, organization, unincorporated organization, labor union, government agency, incorporated society, statutory or common-law trust, estate, executor, administrator, receiver, trustee, conservator, liquidator, trustee in bankruptcy, committee, assignee, officer, employee, principal or agent, legal or personal representative, real estate broker or salesman or any agent or representative of any of the foregoing.

(22.) "Personal appearance" means the outward appearance of any person, irrespective of sex, with regard to bodily condition or characteristics, manner or style of dress, and manner style or personal grooming, including, but not limited to, hair style and beards. It shall not relate, however, to the requirement of cleanliness, uniforms, or prescribed standards, when uniformly applied for admittance to a public accommodation, or when uniformly applied to a class of employees for a reasonable business purpose; or when such bodily conditions or characteristics, style or manner of dress or personal grooming presents a danger to the health welfare or safety of any individual.

(23.) Repealed.

(24.) "Place of public accommodation" means all places included in the meaning of such terms as inns, taverns, road houses, hotels, motels, whether conducted for the entertainment of transient guests or for the accommodation of those seeking health, recreation or rest; restaurants or eating houses, or any place where food is sold for consumption on the premises; buffets saloons, barrooms, or any store, park or enclosure where spirituous or malt liquors are sold; ice cream parlors, confectioneries, soda fountains; and all stores where ice cream, ice and fruit preparation or their derivatives, or where beverages of any kind are retailed for consumption on the premises, wholesale and retail stores, and establishments dealing with goods or services of any kind, including, but not limited to, the credit facilities thereof, banks, savings and loan associations, establishments of mortgage bankers and bankers, all other financial institutions and credit information bureaus; insurance companies and establishments of insurance policy

brokers; dispensaries, clinics, hospitals, bath-houses, swimming pools, laundries and all other cleaning establishments; barber shops, beauty parlors, theaters, motion picture houses, airdromes, roof gardens, music halls, race courses, skating rinks, amusement and recreation parks, trailer camps, resort camps, fairs, bowling alleys, golf courses, gymnasiums, shooting galleries, billiards and pool parlors; garages, all public conveyances operated on land or water or in the air, as well as the stations terminals thereof; travel or tour advisory services, agencies or bureaus; public halls and public elevators of buildings and structures, occupied by 2 or more tenants, or by the owner and 1 or more tenants. Such term shall not include any institution, club, or place of accommodation, which is in its nature distinctly private except, that any such institution, club or place of accommodation shall be subject to the provisions of § 2-1402.67. A place of accommodation, institution, or club shall not be considered in its nature distinctly private if the place of accommodation, institution, or club:

(A) Has 350 or more members;

(B) Serves meals on a regular basis; and

(C) Regularly receives payment for dues, fees, use of space, facilities, services, meals, or beverages directly or indirectly from or on behalf of nonmembers for the furtherance of trade or business.

(25.) "Political affiliation" means the state of belonging to or endorsing any political party.

(26.) "Real estate broker (or salesperson)" means any person licensed as such in accordance with the provisions of Chapter 17 of Title 42.

(27.) "Real Estate Commission" means the Real Estate Commission of the District of Columbia established by § 42-1739.

(28.) "Sexual orientation" means male or female homosexuality, heterosexuality and bisexuality, by preference or practice.

(29.) "Source of income" means the point, the cause, or the form of the origination, or transmittal of gains of property accruing to a person in a stated period of time; including, but not limited to money and property secured from any occupation, profession or activity, from any contract, agreement or settlement, from federal payments, court-ordered payments, from payments received as gifts, bequests, annuities, life insurance policies and compensation for illness or injury, except in a case where conflict of interest may exist.

(30.) "Transaction in real property" means the exhibiting, listing, advertising, negotiating, agreeing to transfer or transferring, whether by sale, lease, sublease, rent, assignment or other agreement, any interest in real property or improvements thereon, including, but not limited to, leaseholds and other real chattels.

(31.) "Unlawful discriminatory practice" means those discriminatory practices, which are so specified in subchapter II of Unit A of this chapter. "Unlawful discriminatory practice" shall include harassment engaged in for discriminatory reasons specified in section 211(a) [§2-1402.11]

§ 2-1401.03. Exceptions.

(a) Any practice which has a discriminatory effect and which would otherwise be prohibited by this chapter shall not be deemed unlawful if it can be established that such practice is not intentionally devised or operated to contravene the prohibitions of this chapter and can be justified by business necessity. Under this chapter, a "business necessity" exception is applicable only in each individual case where it can be proved by a respondent that, without such exception, such business cannot be conducted; a "business necessity" exception cannot be justified by the facts of increased cost to business, business efficiency, the comparative characteristics of one group as opposed to another, the stereotyped characterization of one group as opposed to another, and the preferences of co-workers, employers, customers or any other person. The business necessity exemption is inapplicable to complaints of unlawful discrimination in residential real estate transactions and to complaints alleging violations of the Fair Housing Act, approved April 11, 1968 (42 U.S.C. § 3601 et seq.) ("FHA").

(b) Nothing in this chapter shall be construed to bar any religious or political organization, or any organization operated for charitable or educational purposes, which is operated, supervised or controlled by or in connection with a religious or political organization, from limiting employment, or admission to or giving preference to persons of the same religion or political persuasion as is calculated by the organization to promote the religious or political principles for which it is established or maintained.

(c) Nothing in this chapter shall be construed to supersede any federal rule, regulation or act.

(d) Nothing in this chapter shall prohibit any religious organization, association, or society or non-profit organization which is operated, supervised or controlled by or in conjunction with a religious organization, association or society from limiting the sales, rental or occupancy of housing accommodations which it owns or operates for other than a commercial purpose to members of the same religion or organization, or from giving preference to these persons, unless the entity restricts its membership on the basis of race, color, or national origin. This chapter does not prohibit a private club, not open to the public, which incident to its primary purpose, provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of these lodgings to its members or from giving preference to its members.

§ 2-1401.04. Severability of Provisions.

If any provision, or part thereof of this chapter or application thereof to any person or circumstances is held invalid, the remainder of the chapter and the application of the provision, or part thereof, to other persons not similarly situated or to other circumstances is not to be affected thereby.

§ 2-1401.05. Discrimination based on pregnancy, childbirth, or related medical conditions.

(a) For the purposes of interpreting this chapter, discrimination on the basis of sex shall include, but not be limited to, discrimination on the basis of pregnancy, childbirth, or related medical conditions.

(b) Women affected by pregnancy, childbirth, or related medical conditions shall be treated the same for all employment-related purposes, including receipt of benefits under fringe benefit programs, as other persons not so affected but similar in their ability or inability to work, and this requirement shall include, but not be limited to, a requirement that an employer must treat an employee temporarily unable to perform the functions of her job because of her pregnancy-related condition in the same manner as it treats other temporarily disabled employees.

SUBCHAPTER II. PROHIBITED ACTS OF DISCRIMINATION

Part A. General.

§ 2-1402.01. General.

Every individual shall have an equal opportunity to participate fully in the economic, cultural and intellectual life of the District and to have an equal opportunity to participate in all aspects of life, including, but not limited to, in employment, in places of public accommodation, resort or amusement, in educational institutions, in public service, and in housing and commercial space accommodations.

Part B. Employment.

§ 2-1402.11. Prohibitions.

(a) General. It shall be an unlawful discriminatory practice to do any of the following acts, wholly or partially for a discriminatory reason based upon the actual or perceived: race, color, religion, national origin. sex, age, marital status, personal appearance, sexual orientation, family responsibilities, disability, matriculation, or political affiliation of any individual:

(1) *By an employer* - To fail or refuse to hire, or to discharge, any individual; or otherwise to discriminate against any individual, with respect to his compensation, terms, conditions, or privileges of employment, including promotion; or to limit, segregate, or classify his employees in any way which would deprive or tend to deprive any individual of employment opportunities, or otherwise adversely affect his

status as an employee;

(2) *By an employment agency* - To fail or refuse to refer for employment, or to classify or refer for employment, any individual, or otherwise to discriminate against, any individual; or

(3) *By a labor organization* - To exclude or to expel from its membership, or otherwise to discriminate against, any individual; or to limit, segregate, or classify its membership; or to classify, or fail, or refuse to refer for employment any individual in any way, which would deprive such individual of employment opportunities, or would limit such employment opportunities, or otherwise adversely affect his status as an employee or as an applicant for employment; or

(4) *By an employer, employment agency or labor organization* -

(A) To discriminate against any individual in admission to or the employment in, any program established to provide apprenticeship or other training or retraining, including an on-the-job training program;

(B) To print or publish, or cause to be printed or published, any notice or advertisement, or use any publication form, relating to employment by such an employer, or to membership in, or any classification or referral for employment by such a labor organization, or to any classification or referral for employment by such an employment agency, unlawfully indicating any preference, limitation, specification, or distinction, based on the race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, family responsibilities, matriculation, disability, or political affiliation of any individual.

(b) *Subterfuge* - It shall further be an unlawful discriminatory practice to do any of the above said acts for any reason that would not have been asserted but for, wholly or partially, a discriminatory reason based on the actual or perceived: race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, family responsibilities, matriculation, disability, or political affiliation of any individual.

(c) *Accommodation for religious observance* -

(1) It shall further be an unlawful discriminatory practice for an employer to refuse to make a reasonable accommodation for an employee's religious observance by permitting the employee to make up work time lost due to such observance, unless such an accommodation would cause the employer undue hardship. An accommodation would cause an employer undue hardship when it would cause the employer to incur more than de minimis costs.

(2) Such an accommodation may be made by permitting the employee to work:

(A) During the employee's scheduled lunchtime or other work breaks;

(B) Before or after the employee's usual working hours;
(C) Outside of the employer's normal business hours;
(D) During the employee's paid vacation days;
(E) During another employee's working hours as part of a voluntary swap with such other employee; or
(F) In any other manner that is mutually agreeable to the employer and employee.

(3) When an employee's request for a particular form of accommodation would cause undue hardship to the employer, the employer shall reasonably accommodate the employee in a manner that does not cause undue hardship to the employer. Where other means of accommodation would cause undue hardship to the employer, an employee shall have the option of taking leave without pay if granting leave without pay would not cause undue hardship to the employer.

(4) An employee shall notify the employer of the need for an accommodation at least 10 working days prior to the day or days for which the accommodation is needed, unless the need for the accommodation cannot reasonably be foreseen.

(5) In any proceeding brought under this section, the employer shall have the burden of establishing that it would be unable reasonably to accommodate an employee's religious observance without incurring an undue hardship, provided, however, that in the case of an employer that employs more than 5 but fewer than 15 full-time employees, or where accommodation of an employee's observance of a religious practice would require the employee to take more than 3 consecutive days off from work, the employee shall have the burden of establishing that the employer could reasonably accommodate the employee's religious observance without incurring an undue hardship; and provided further, that it shall be considered an undue hardship if an employer would be required to pay any additional compensation to an employee by reason of an accommodation for an employee's religious observance. The mere assumption that other employees with the same religious beliefs might also request accommodation shall not be considered evidence of undue hardship. An employer that employs 5 or fewer full-time employees shall be exempt from the provisions of this subsection.

§ 2-1402.12. Exception.

(a) It shall not be an unlawful discriminatory practice for an employer to observe the conditions of a bona fide seniority system or a bona fide employee benefit system such as retirement, pension or insurance plan which is not a subterfuge to evade the purposes of this chapter, except that no such employee seniority system or benefit plan shall excuse the failure to hire any individual.

(b) It shall not be an unlawful discriminatory practice for the District of Columbia to prescribe minimum and maximum age limits for appointment to the police officer and firefighter cadet programs.

§ 2-1402.13. Reports and records.

Every employer, employment agency, and labor organization, subject both to this chapter and to Title VII of the Civil Rights Act of 1964, as amended, is to furnish to the Office, all reports that may be required by the Equal Employment Opportunity Commission established under the Civil Rights Act of 1964.

Part C. Housing and Commercial Space.

§ 2-1402.21. Prohibitions.

(a) *General* - It shall be an unlawful discriminatory practice to do any of the following acts, wholly or partially for a discriminatory reason based on the 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 of any individual:

(1) To interrupt or terminate, or refuse or fail to initiate or conduct any transaction in real property; or to require different terms for such transaction; or to represent falsely that an interest in real property is not available for transaction;

(2) To include in the terms or conditions of a transaction in real property, any clause, condition or restriction;

(3) To appraise a property, refuse to lend money, guarantee a loan, purchase a loan, accept residential real property as security for a loan, accept a deed of trust or mortgage, or otherwise refuse to make funds available for the purchase, acquisition, construction, alteration, rehabilitation, repair or maintenance of real property; or impose different conditions on such financing; or refuse to provide title or other insurance relating to the ownership or use of any interest in real property;

(4) To refuse or restrict facilities, services, repairs or improvements for a tenant or lessee;

(5) To make, print, or publish, or cause to be made, printed, or published any notice, statement, or advertisement, with respect to a transaction, or proposed

transaction, in real property, or financing relating thereto, which notice, statement, or advertisement unlawfully indicates or attempts unlawfully to indicate any preference, limitation, or discrimination based on 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, of any individual;

(6) To discriminate in any financial transaction involving real property, on account of the location of residence or business (i.e. to "red-line"); or

(7) To limit access to, or membership or participation in any multiple-listing service, real estate brokers' organization or other service, organization, or facility relating to the business of selling or renting residential real estate, or to discriminate against any person in terms or conditions of access, membership or participation in any organization, service or facility.

(b) *Subterfuge* - It shall further be an unlawful discriminatory practice to do any of the above said acts for any reason that would not have been asserted but for, wholly or partially, a discriminatory reason based on the actual or perceived: race, color, religion, national origin, sex, sexual orientation, familial status, family responsibilities, disability, matriculation, political affiliation, source of income, or place of residence or business of any individual.

(c) *Families with children* -

(1) It shall be an unlawful discriminatory practice to do any of the acts prohibited in subsections (a) and (b) of this section wholly or partially based on the fact that a person has one or more children who reside with that person.

(2) There shall be a rebuttal presumption that an unlawful discriminatory practice has occurred if the person alleging discrimination has 1 or more children who reside with that person and any of the acts prohibited by subsections (a) and (b) of this section are done to maintain residential occupancies more restrictive than the following:

(A) In an efficiency apartment, 2 persons; or

(B) In an apartment with one or more bedrooms, 2 times the number of bedrooms plus one.

(3) Nothing contained in this chapter limits the applicability of any District or federal restriction regarding the maximum number of occupants permitted to occupy a dwelling. Nothing in this chapter regarding familial status applies to housing for older persons.

(4) For the purposes of this subsection "housing for older persons" means a premises which:

(A) The U.S. Department of Housing and Urban Development determines pursuant to a federal program, is specifically designed and operated to assist older persons;

(B) Is intended for, and solely occupied by persons 62 years of age or older; or

(C) Is intended and operated for occupancy by persons 55 years of age or older, provided that at least 80% of the occupied units are occupied by at least one person who is 55 years of age or older, and the housing facility or community publishes and adheres to policies and procedures that demonstrate the intent required pursuant to this paragraph, and complies with rules issued by the Secretary of the U.S. Department of Housing and Urban Development for verification of occupancy.

(d) *Disability* -

(1) It shall be an unlawful discriminatory practice in the sale or rental of real estate to deny a dwelling to a buyer or renter or to otherwise make a dwelling unavailable to a buyer or renter because of a disability of:

(A) That buyer or renter; or

(B) Any person residing in or intending to reside in that dwelling after it is sold, rented or made available; or any person associated with that buyer or renter.

(2) It shall be unlawful to discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling or in the provision of services or facilities in connection with the dwelling because of a disability of:

(A) That buyer or renter; or

(B) Any person residing in or intending to reside in that dwelling after it is sold, rented or made available; or any person associated with that buyer or renter.

(3) For purposes of this subsection, "unlawful discrimination" includes:

(A) A refusal to permit, at the expense of the person with the disability, reasonable modifications of existing premises occupied or to be occupied by the person if the modification may be necessary to afford the person full enjoyment of the premises of a dwelling. A landlord, where it is reasonable, may condition permission for a modification on the renter agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted;

(B) A refusal to make reasonable accommodations in rules, policies, practices, or services, when these accommodations may be necessary to afford any person equal opportunity to use and enjoy a dwelling;

(C) In connection with the design and construction of covered multifamily dwellings for first occupancy after April 20, 1999, a failure to design and construct these dwellings in a manner that:

(i) The public and common use portions of the dwellings are readily accessible to and usable by disabled persons; and
(ii) Doors designed to allow passage into and within all premises within the dwellings are sufficiently wide to allow passage by persons with wheelchairs;

(D) All premises within the dwellings shall contain the following features of adaptive design:
(i) An accessible route into and through the dwelling;
(ii) Light switches, electrical outlets, thermostats, and other environmental controls in accessible locations;
(iii) Reinforcements in bathroom walls to allow later installations of grab bars;
(iv) Usable kitchens and bathrooms so that an individual in a wheelchair can maneuver about the space; and
(v) The premises within the dwellings shall have at least 1 building entrance on an accessible route unless it is impracticable because of the terrain or unusual characteristics of the site.

(4) Compliance with the appropriate requirements of the American National Standard for buildings and facilities providing accessibility and usability for disabled persons suffices to satisfy the requirements of paragraph (3) of this subsection.

(5) Nothing in this subsection requires that a dwelling be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others.

§ 2-1402.22. Blockbusting and steering.

It shall be an unlawful discriminatory practice for any person, whether or not acting for monetary gain, directly or indirectly to engage in the practices of "blockbusting" and "steering", including, but not limited to, the commission of any 1 or more of the following acts:

(1) To promote, induce, influence, or attempt to promote, induce, or influence a transaction in real property through any representation, means or device whatsoever calculated to induce a person to discriminate or to engage in such transaction wholly or partially in response to discrimination, prejudice, fear or unrest adduced by such means, device or representation;

(2) To place a sign, or display any other device, either purporting to offer or tending to lead to the belief that an offer is being made for a transaction in real property that is not in fact available or offered for transaction, or which purports that any transaction in real property has occurred that in fact has not.

§ 2-1402.23. Acts of discrimination by broker or salesperson.

Any real estate broker or real estate salesperson who commits any act of discrimination prohibited under the provisions of this chapter, if such act or the property involved is within the District of Columbia, or if such act occurs outside of the District of Columbia, in a place where such act is prohibited by state or local law, ordinance or regulation, without regard to location of the property, shall be considered by the Real Estate Commission, for the purposes of Chapter 17 of Title 42, as having endangered the public interest; and shall be subject to the procedures set forth in § 2-1403.17.

§ 2-1402.24. Exceptions.

(a) Nothing in this chapter is to be construed to apply to the rental or leasing of housing accommodations in a building in which the owner, or members of his family occupy one of the living units and in which there are, or the owner intends that there be, accommodations for not more than:

(1) Four families, and only with respect to a prospective tenant, not related to the owner-occupant, with whom the owner-occupant anticipates the necessity of sharing a kitchen or bathroom; or

(2) Two families living independently of each other.

(b) Nothing contained in the provisions of this chapter shall be deemed to permit any rental or occupancy otherwise prohibited by any statute, or by any regulation previously enacted and not repealed herein.

(c) Nothing in this chapter shall apply to the sale or rental of a single-family home sold or rented by an owner if:

(1) The owner does not own more than 3 single-family homes at any one time; or own any interest in, or has owned or reserved on his behalf, under any express or voluntary agreement, title to any right to all or a portion of the

proceeds from the sale or rental of more than 3 single-family homes at any one time. This exemption shall apply only to one sale within a 24-month period of the sale of any single-family home by a private owner not residing in that home at the time of the sale or who was not the most recent resident of that home prior to the sale.

(2) The home was sold or rented without:

(A) The use of the sales or rental facilities or services of a real estate broker, agent, or salesperson, or of the facilities or services of any person in the business of selling or renting dwellings, or of any employee or agent, or sales person; and

(B) Without the publication, posting or mailing, after notice, of any advertisement in violation of § 2-1402.21(a)(5).

Part D. Public Accommodations.

§ 2-1402.31. Prohibitions.

(a) General. It shall be an unlawful discriminatory practice to do any of the following acts, wholly or partially for a discriminatory reason based on the 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 of any individual:

(1) To deny, directly or indirectly, any person the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of any place of public accommodations;

(2) To print, circulate, post, or mail, or otherwise cause, directly or indirectly, to be published a statement, advertisement, or sign which indicates that the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of a place of public accommodation will be unlawfully refused, withheld from or denied an individual; or that an individual's patronage of, or presence at, a place of public accommodation is objectionable, unwelcome, unacceptable, or undesirable.

(b) *Subterfuge* - It is further unlawful to do any of the above said acts for any reason that would not have been asserted but for, wholly or partially, a discriminatory reason based on the 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 of any individual.

Part E. Educational Institutions.

§ 2-1402.41. Prohibitions.

It is an unlawful discriminatory practice, subject to the exemptions in § 2-1401.03(b), for an educational institution:

(1) To deny, restrict, or to abridge or condition the use of, or access to, any of its facilities, services, programs, or benefits of any program or activity to any person otherwise qualified, wholly or partially, for a discriminatory reason, based upon the actual or perceived: race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, familial status, family responsibilities, political affiliation, source of income, or disability of any individual; or

(2) To make or use a written or oral inquiry, or form of application for admission, that elicits or attempts to elicit information, or to make or keep a record, concerning the race, color, religion, or national origin of an applicant for admission, except as permitted by regulations of the Office.

(3) Notwithstanding any other provision of the laws of the District of Columbia, it shall not be an unlawful discriminatory practice in the District of Columbia for any educational institution that is affiliated with a religious organization or closely associated with the tenets of a religious organization to deny, restrict, abridge, or condition -

(A) The use of any fund, service, facility, or benefit; or
(B) The granting of any endorsement, approval, or recognition, to any person or persons that are organized for, or engaged in, promoting, encouraging, or condoning any homosexual act, lifestyle, orientation, or belief.

§ 2-1402.42. Exceptions regarding sex discrimination and age.

(a) Nothing in this chapter regarding sex discrimination in admission policy shall apply to any private undergraduate college or to any private preschool, elementary or secondary school; except that, when any of the above exempted colleges offers a course nowhere else available in the District, opportunity for admission to that course must be open to students of both sexes who otherwise meet lawful requirements for admission.

(b) It shall not be an unlawful discriminatory practice for the District of Columbia to

prescribe minimum and maximum age limits for appointment to the police officer and firefighter cadet programs.

Part F. General Requirements.

§ 2-1402.51. Posting of notice.

Every person subject to this chapter shall post and keep posted in a conspicuous location where business or activity is customarily conducted or negotiated, a notice whose language and form has been prepared by the Office, setting forth excerpts from or summaries of, the pertinent provisions of this chapter and information pertinent to the filing of a complaint.

§ 2-1402.52. Records and reports.

(a) Every person subject to this chapter shall preserve any regularly kept business records for a period of 6 months from the date of the making of the record, or from the date of the action which is the subject of the record, whichever is longer; such records shall include, but not be limited to, application forms submitted by applicants, sales and rental records, credit and reference reports, personnel records, and any other record pertaining to the status of an individual's enjoyment of the rights and privileges protected or granted under this chapter.

(b) Where a charge of discrimination has been filed against a person under this chapter, the respondent shall preserve all records, which may be relevant to the charge or action, until a final disposition of the charge in accordance with subsection (c) of this section.

(c) All persons subject to this chapter shall furnish to the Office, at the time and in the manner prescribed by the Office, such reports relating to information under their control as the Office may require. The identities of persons and properties contained in reports submitted to the Office under the provisions of this section shall not be made public.

§ 2-1402.53. Affirmative action plans.

(a) It shall not be an unlawful discriminatory practice for any person to carry out an affirmative action plan that has been approved by the Office. An affirmative action plan is any plan devised to effectuate remedial or corrective action in response to past discriminatory practices prohibited under this chapter and may also include those plans devised to provide preferential treatment for a class or classes of persons, which preferential treatment by class would otherwise be prohibited by this chapter and which plan is not devised to contravene the intent of this chapter.

(b) All banks and savings and loan associations, subject to this chapter, shall submit annually to the Office an affirmative action plan, which shall include goals and timetables for the remediation or correction of past or present discriminatory practices. Such plan shall be reviewed by the Office and is subject to its approval.

(c) It shall be an unlawful discriminatory practice for any bank or savings and loan association, subject to this chapter, to fail to develop an affirmative action plan approved by the Office or fail to comply substantially with the terms of such affirmative action plan.

(d) The Office shall develop and promulgate guidelines, which will set forth the affirmative action requirements of this section and shall incorporate, but not be limited to, applicable federal guidelines. Such guidelines shall be promulgated by the Office within 120 days of the enactment of this law consistent with the District of Columbia Administrative Procedure Act (§2-501 et seq.) and shall not become effective until 60 calendar days following submission to the Council.

Part G. Other Prohibited Practices.

§ 2-1402.61. Coercion or retaliation.

(a) It shall be an unlawful discriminatory practice to coerce, threaten, retaliate against, or interfere with any person in the exercise or enjoyment of, or on account of having exercised or enjoyed, or on account of having aided or encouraged any other person in the exercise or enjoyment of any right granted or protected under this chapter.

(b) It shall be an unlawful discriminatory practice for any person to require, request, or suggest that a person retaliate against, interfere with, intimidate or discriminate against a person, because that person has opposed any practice made unlawful by this chapter, or because that person has made a charge, testified, assisted, or participated in any manner in an investigation, proceeding of hearing authorized under this chapter.

(c) It shall be an unlawful discriminatory practice for any person to cause or coerce, or attempt to cause or coerce, directly or indirectly, any person to prevent any person from complying with the provisions of this chapter.

§ 2-1402.62. Aiding or abetting.

It shall be an unlawful discriminatory practice for any person to aid, abet, invite, compel. or coerce the doing of any of the acts forbidden under the provisions of this chapter or to attempt to

do so.

§ 2-1402.63. Conciliation agreements.

It shall be an unlawful discriminatory practice for a party to a conciliation agreement, made under the provisions of this chapter, to violate the terms of such agreement.

§ 2-1402.64. Resisting the Office or Commission.

(a) Any person who shall willfully resist, prevent, impede or interfere with the Office or the Commission, or any of their representatives, in the performance of any duty under the provisions of this chapter, or shall willfully violate an order of the Commission, shall upon conviction, be punished by imprisonment for not more than 10 days, or by a fine of not more than $300, or by both, except, that filing a petition for review of an order, pursuant to the provisions of this chapter, shall not be deemed to constitute such willful conduct, nor shall compliance with any procedure regarding a subpoena in accord with § 5-1021, be deemed to constitute such willful conduct.

(b) It shall be an unlawful discriminatory practice for a person subject to this chapter to fail to post notices, maintain records, file reports, as required by §§ 2-1402.51 to 2-1402.53, or to supply documents and information requested by the Office in connection with a matter under investigation.

§ 2-1402.65. Falsifying documents and testimony.

It shall be unlawful to willfully falsify documents, records, or reports, which are required or subpoenaed pursuant to this chapter, or willfully to falsify testimony, or to intimidate any witness or complainant; such violations shall be punishable by imprisonment for not more than 10 days, or by a fine of not more than $300, or by both.

§ 2-1402.66. Arrest records.

It shall be an unlawful practice, punishable by a fine of not more than $300, or imprisonment for not more than 10 days, or both, for any person to require the production of any arrest record or any copy, extract, or statement thereof, at the monetary expense of any individual to whom such record may relate. Such "arrest records" shall contain only listings of convictions and forfeitures of collateral that have occurred within 10 years of the time at which such record is requested.

§ 2-1402.67. District of Columbia.

All permits, licenses, franchises, benefits, exemptions, or advantages issued by or on behalf of the government of the District of Columbia, shall specifically require and be conditioned upon

full compliance with the provisions of this chapter; and shall further specify that the failure or refusal to comply with any provision of this chapter shall be a proper basis for revocation of such permit, license, franchise, benefit, exemption, or advantage.

§ 2-1402.68. Effects clause.

Any practice which has the effect or consequence of violating any of the provisions of this chapter shall be deemed to be an unlawful discriminatory practice.

Part H. Miscellaneous Provisions.

§ 2-1402.71. Prohibitions.

It is unlawful discriminatory practice for an insurer authorized to sell motor vehicle insurance in the District of Columbia to do any of the following acts, wholly or partially for a discriminatory reason based on actual or perceived: race, color, religion, national origin, sex, marital status, personal appearance, sexual orientation, family responsibilities, disability, matriculation, political affiliation, lawful occupation, or location within the geographical area of the District of Columbia of any individual:

(1) To fail or refuse to issue a policy of motor vehicle insurance;
(2) To fail or refuse to renew a policy of motor vehicle insurance; or
(3) To cancel a policy of motor vehicle insurance.

§ 2-1402.72. Motor vehicle rental companies.

Notwithstanding any other provision of this chapter, it shall not be an unlawful practice for a motor vehicle rental company to fail or refuse to rent a motor vehicle, or to impose differential terms and conditions upon the rental of a motor vehicle, based on the age of any person, where such action is reasonably related to accident risk or threat to public safety.

§ 2-1402.73 Application to the District Government.

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.

SUBCHAPTER III. PROCEDURES.

§ 2-1403.01. Powers of Office and Commission; annual report by Mayor.

(a) The activities of the Office and the Commission, under the provisions of this chapter, shall be considered investigations or examinations of municipal matters, within the meaning of §5-1021; and the Commission, the individual members thereof, and the Director, shall possess the powers vested in the Council of the District of Columbia.

(b) The Office is hereby empowered to undertake its own investigations and public hearings on any racial, religious, and ethnic group tensions, prejudice, intolerance, bigotry, and disorder; and on any form of, or reason for, discrimination, in accordance with §§ 2-1401.01 and 2-1402.01, against any person, group of persons, organization, or corporations, whether practiced by private persons, associations, corporations, city officials, or city agencies; for the purpose of making appropriate recommendations for action, including legislation, against such discrimination.

(c) The Office and the Commission may make, issue, adopt, promulgate, amend, and rescind such rules and procedures as they deem necessary to effectuate and which are not in conflict with, the provisions of this chapter. Such rules and procedures and amendments thereto shall be adopted and promulgated in accordance with procedures promulgated pursuant to the D.C. Administrative Procedure Act (§ 2-501. et seq.).

(d) In taking any action authorized or required by the provisions of this chapter, the Commission may act through panels or a division of not less than 3 of its members, a majority of whom shall constitute a quorum.

(e) The Mayor shall recommend to the Council any additional regulations.

(f) Investigations relating to the enforcement of provisions of this chapter shall be given priority over all other duties and activities of the Office.

(g) The Mayor shall report annually to the Council as to the progress with regard to the enforcement of this chapter, and any other activity related to the field of human rights deemed valuable to the Council in the pursuit of its responsibilities.

(h) The Office and the Commission shall enforce §§ 34-1240, 34-1241, 34-1242, 34-1243 and any other human rights provisions of Chapter 12 of Title 34.

§ 2-1403.02. Complaints; independent action by other District agencies.

Nothing in the provisions of this chapter is deemed to relieve any agency or authority of the government of the District of its obligation to take immediate and independent action regarding a

matter filed with it, in accord with its jurisdiction, that also may be the subject of a complaint filed with the Office.

§ 2-1403.03. Establishment of procedure for complaints filed against District government.

(a) The Mayor shall establish rules of procedure for the investigation, conciliation, and hearing of administrative complaints filed against District government agencies, officials and employees alleging violations of this chapter. The final administrative determination in such matters shall be made by the Mayor or his designee.

(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 [§2-1403.16]

§ 2-1403.04. Filing of complaints and mediation.

(a) Any person or organization, whether or not an aggrieved party, may file with the Office a complaint of a violation of the provisions of this chapter, including a complaint of general discrimination, unrelated to a specific person or instance. The complaint shall state the name and address of the person alleged to have committed the violation, hereinafter called the respondent, and shall set forth the substance thereof, and such other information as may be required by the Office. The Director, sua sponte, may investigate individual instances and patterns of conduct prohibited by the provisions of this chapter and may initiate complaints in connection therewith. Any complaint under this chapter shall be filed with the Office within 1 year of the occurrence of the unlawful discriminatory practice, or the discovery thereof, except as may be modified in accordance with § 2-1403.03.

(b) Complaints filed with the Office under the provisions of this chapter may be voluntarily withdrawn at the request of the complainant at any time prior to the completion of the Office's investigation and findings as specified in § 2-1403.05, except that the circumstances accompanying said withdrawal may be fully investigated by the Office.

(c) A mediation program shall be established and all complaints shall be mediated before the Office commences a full investigation. During the mediation the parties shall discuss the issues of the complaint in an effort to reach an agreement that satisfies the interests of all concerned parties. The Office shall grant the parties up to 45 days within which to mediate a complaint. If an agreement is reached during the mediation process, the terms of the agreement shall control resolution of the complaint. If an agreement is not reached, the Office shall proceed with an investigation of the complaint.

(d) Complaints filed with the Office alleging unlawful discrimination in residential real estate transactions or violations of FHA, shall be served on the complainant and respondent within 5 days of filing, with a notice identifying the alleged discriminatory practice and advising the parties of their procedural rights and obligations under this chapter and FHA. The Office shall refer the complaint for mediation, but shall begin investigating the complaint within 30 days of its filing if the parties fail to reach an agreement.

§ 2-1403.05. Investigation.

(a) With the exception of complaints alleging unlawful discrimination in residential real estate transactions brought pursuant to this chapter or the FHA, the Office shall serve, within 15 days of said filing, a copy thereof upon the respondent, and upon all persons it deems to be necessary parties; and shall make prompt investigation in connection therewith.

(b) Within 120 days, after service of the complaint upon all parties thereto, the Office shall determine whether, in accord with its own rules, it has jurisdiction; and if so, whether there is probable cause to believe that the respondent has engaged or is engaging in an unlawful discriminatory practice.

(c) If the Office finds, with respect to any respondent, that it lacks jurisdiction or that probable cause does not exist the Director forthwith shall issue and cause to be served on the appropriate parties, an order dismissing the allegations of the complaint.

(d) The Office shall complete investigations of complaints alleging unlawful discrimination in residential real estate transactions brought pursuant to this chapter or the FHA, within 100 days after filing of the complaint. The Office shall notify the parties in writing of the reasons for not timely completing the investigation, if it is unable to or it becomes impracticable to complete the investigation within 100 days.

(e) The Office may join a person not named as an additional or substitute respondent upon written notice for complaints alleging unlawful discrimination in residential real estate transactions brought pursuant to this chapter or the FHA. The Office, in the notice to the respondent shall explain the basis for determining that the person is properly joined as a respondent.

(f) The complainant, respondent, or an aggrieved person on whose behalf the complaint was filed, for complaints alleging unlawful discrimination in residential real estate transactions or violations of the FHA, may elect to have the claims asserted in the complaint decided in a civil action:

(1) An election of remedies, pursuant to this subsection, shall be made no later

than 20 days after the service of a charge, based on a finding of probable cause pursuant to the investigation of the complaint.

(2) The person making the election of remedies shall give notice by certified mail to the Director and to all parties to the complaint.

(g) If a timely election is made pursuant to subsection (f) of this section, the Director shall authorize, not later than 30 days after the election is made, and the Corporation Counsel shall file a civil action on behalf of the aggrieved party in the Superior Court of the District of Columbia. Venue for an action pursuant to this section shall be in the District of Columbia. Any aggrieved party may intervene in this court action. The Court may grant relief pursuant to § 2-1403.16(b) if the court finds that a discriminatory housing practice has occurred or is occurring.

§ 2-1403.06. Conciliation.

(a) If, in the judgment of the Office, the circumstances so warrant, it may. at any time after the filing of the complaint, endeavor to eliminate such unlawful discriminatory practice by conference, conciliation, or persuasion.

(b) If the Office determines that there exists probable cause to believe that the respondent has engaged or is engaging in an unlawful practice, the parties shall attempt to conciliate the complaint. The Office shall grant the parties up to 60 days within which to reach a conciliation agreement. If the parties fail to execute a conciliation agreement within the time allowed by the Office, the Office shall certify the case to the Commission for a public hearing. The terms of a conciliation agreement may require a respondent to refrain, in the future, from committing specified discriminatory practices, and to take such affirmative action as, in the judgment of the Office, will effectuate the purposes of this chapter; and may include consent, by the respondent. to the entry in court of a consent decree, embodying the terms of the conciliation agreement.

(c) Upon agreement of all parties to a complaint and upon notice to all parties thereto, a conciliation agreement shall be deemed an order of the Commission, and shall be enforceable as such. Except for the terms of the conciliation agreement, employees of the Office shall not make public, without the written consent of the respondent, information concerning conciliation efforts.

(d) Repealed.

(e) The Office shall make public, unless the complainant and respondent agree otherwise and the Director determines that disclosure is not required to further the purpose of this chapter, conciliation agreements alleging unlawful discrimination in residential real estate transactions or violations of the FHA.

§ 12-1403.07. Injunctive relief.

If, at any time after a complaint, has been filed, the Office believes that appropriate civil action to preserve the status quo or to prevent irreparable harm appears advisable, the Office shall certify the matter to the Corporation Counsel, who shall bring, in the name of the District of Columbia, any action necessary to preserve such status quo or to prevent such harm, including the seeking of temporary restraining orders and preliminary injunctions. The appropriate parties shall be notified of such certification and the complainant may initiate independently, or in cooperation with the Corporation Counsel, appropriate civil action to seek a temporary restraining order or preliminary injunction.

§ 2-1403.08. Posting of notice of complaint in housing accommodation.

If a finding of probable cause has been made, as to a complaint of discrimination in housing, and the property owner, or his duly authorized agent, will not agree voluntarily to withhold from the market the subject housing accommodations for a period of 10 days from the date of such finding of probable cause, the Office may cause to be posted on the door of said housing accommodations for a period of 10 days from the date of said finding a notice advising that said accommodations are the subject of a complaint before the Office and that prospective transferees will take such housing accommodations at their peril. Any destruction, defacement alteration or removal of the notice thereof, by the owner or his agents, servants and employees. shall be punishable, upon conviction, by a fine of up to $300, or by imprisonment for not more than 10 days. or both.

§ 2-1403.09. Service of process.

In all cases where the Office is required to effect service, it shall be accomplished by registered or certified mail, return receipt requested or by personal service and shall otherwise be in accordance with rules of the Office regarding service and notice.

§ 2-1403.10. Notice of hearing.

In case of failure of conciliation efforts, or in advance of conciliation efforts, as determined by the Office, and after a finding of probable cause, the Office shall cause to be issued and served in the name of the Commission, a written notice, together with a copy of the complaint, as the same may have been amended, requiring the respondent to answer the charges of such complaint at a public hearing before I or more members of the Commission or before a hearing examiner, such hearing to be scheduled not less than 10 days or-not more than 30 days after such service and at a place to be specified in such notice. Notice shall be served by registered or certified mail, return receipt requested, or by personal service.

§ 2-1403.11 Hearing tribunal.

(a) After a complaint has been noticed for hearing, a hearing tribunal consisting of 3 members of the Commission, sitting as the Commission, shall be appointed to make a

determination upon such complaint. At the discretion of the Commission, 1 or more hearing examiners may be delegated to hear and report back to the Commission, on any case or question before the Commission.

(b) A hearing examiner may be an employee of the District government or may be selected from a list of qualified hearing examiners prepared by the Commission. Commission members may serve as hearing examiners. Hearing examiners shall be paid on a per diem basis, while actually sitting and hearing a case: Provided, that funds are available for such purpose.

§ 2-1403.12. Conduct of hearing.

(a) The hearing shall be conducted in accordance with procedures promulgated pursuant to the Administrative Procedure Act (§ 2-501 et seq.).

(b) The case in support of the complaint shall be presented by an agent or attorney of the Office.

(c) Any Commissioner or hearing examiner, who has participated in the investigation, conciliation or processing of a complaint, or has participated in any decision related to the merits of a complaint, may not sit with a hearing tribunal appointed to make a determination upon such complaint.

(d) Efforts at conciliation by the Office, or the parties, shall not be received in evidence.

(e) If the respondent fails to answer the complaint, the hearing tribunal, or the hearing examiner designated to conduct the hearing, may enter the default and the hearing shall proceed on the basis of the evidence in support of the complaint. Such default may be set aside only for good cause shown, and upon equitable terms and conditions.

§ 2-1403.13. Decision and order.

(a)(l) If, at the conclusion of the hearing, the Commission determines that a respondent has engaged in an unlawful discriminatory practice or has otherwise violated the provisions of this chapter, the Commission shall issue, and cause to be served upon such respondent, a decision and order, accompanied by findings of fact and conclusions of law, requiring such respondent to cease and desist from such unlawful discriminatory practice, and to take such affirmative action including but not limited to:

(A) The hiring, reinstatement or upgrading of employees, with or without back pay;

(B) The restoration to the membership in any respondent labor organization, admission to or participation in a program, apprenticeship training

program, on-the-job training program or other occupational training or retraining program;

(C) The extension of full, equal and unsegregated accommodations, advantages, facilities and privileges to all persons;

(D) The payment of compensatory damages to the person aggrieved by such practice;

(E) The payment of reasonable attorney fees;

(E-1) The payment of civil penalties, which shall be deposited in the General Fund, according to the following schedule:

(i) In an amount not to exceed $10,000 if the respondent has not been adjudged to have committed any prior unlawful discriminatory practice;

(ii) In an amount not to exceed $25,000 if the respondent has been adjudged to have committed 1 other unlawful discriminatory practice during the 5-year period ending on the date of the filing of this charge; and

(iii) In an amount not to exceed $50,000 if the respondent has been adjudged to have committed 2 or more unlawful discriminatory practices during the 7-year period ending on the date of the filing of this charge; and

(F) The payment of hearing costs, as, in the judgment of the Commission will effectuate the purposes of this chapter, and including a requirement for a report as to the manner of compliance with such decision and order.

(2) With regard to compensatory damages, civil penalties, and attorney's fees, the Commission shall develop guidelines, which shall be submitted to the Council for review prior to implementation.

(b) If, upon all the evidence, the Commission finds that a respondent has not engaged in any unlawful discriminatory practice, the Commission shall issue and cause to be served on the complainant, an order dismissing the complaint as to such respondent.

(c) Whenever a case has been heard by 1 or more hearing examiners who do not have the power to render a final order or decision, the Commissioners, assigned to decide the case, shall serve upon the parties a proposed order or decision, including findings of fact and conclusions of law, with a notice providing that each party adversely affected may file exceptions and present arguments to the Commissioners, on a date not less than 10 days from the date of service of the proposed order or decision.

(d) Findings of fact and conclusions of law shall be supported by, and in accordance with. reliable, probative, and substantial evidence.

§ 2-1403.14. Judicial review.

Any person suffering a legal wrong, or adversely affected or aggrieved by an order or decision of the Commission in a matter pursuant to the provisions of this chapter, is entitled to a judicial review thereof, in accordance with § 2-510, upon filing, in the District of Columbia Court of Appeals, a written petition for such review.

§ 2-1403.15. Enforcement of order.

(a) The decision and order of the Commission shall be served on the respondent, with notice that, if the Commission determines that the respondent has not, after 30 calendar days following service of its order, corrected the unlawful discriminatory practice and complied with the order, the Commission will certify the matter to the Corporation Counsel, and to such other agencies as may be appropriate for enforcement.

(b) The Corporation Counsel shall institute, in the name of the District, civil proceedings including the seeking of such restraining orders and temporary or permanent injunctions, as are necessary to obtain complete compliance with the Commission's orders. In the event that successful civil proceedings do not result in securing such compliance, the Corporation Counsel shall institute criminal action.

(c) No enforcement action shall be instituted pending review as provided in § 2-1403.14.

(d) Nothing in this section shall be construed to deprive any person of rights in the criminal justice process.

§ 2-1403.16. Private cause of action.

(a) Any person claiming to be aggrieved by an unlawful discriminatory practice shall have a cause of action in any court of competent jurisdiction for damages and such other remedies as may be appropriate, unless such person has filed a complaint hereunder; provided, that where the Office has dismissed such complaint on the grounds of administrative convenience, or where the complainant has withdrawn a complaint, such person shall maintain all rights to bring suit as if no complaint had been filed. No person who maintains, in a court of competent jurisdiction, any action based upon an act which would be an unlawful discriminatory practice under this chapter may file the same complaint with the Office. A private cause of action pursuant to this chapter shall be filed in a court of competent jurisdiction within one

year of the unlawful discriminatory act, or the discovery thereof, except that the limitation shall be within 2 years of the unlawful discriminatory act, or the discovery thereof, for complaints of unlawful discrimination in real estate transactions brought pursuant to this chapter or the FHA. The timely filing of a complaint with the Office, or under the administrative procedures established by the Mayor pursuant to section 303 [§2-1403.03], shall toll the running of the statute of limitations while the complaint is pending.

(b) The court may grant any relief it deems appropriate, including, the relief provided in §§ 2-1403.07 and 2-1403.13(a).

§ 2-1403.17. Referral to licensing agencies.

(a) Whenever it appears that the holder of a permit, license, franchise, benefit, or advantage issued by any agency or authority of the government of the District is a person against whom the Office has made a finding of probable cause pursuant to § 2-1403.05, the Office, notwithstanding any other action it may take or may have taken under the authority of the provisions of this chapter, may refer to the proper agency or authority the facts and identities of all persons involved in the complaint for such action as such agency or authority, in its judgment considers appropriate, based upon the facts thus disclosed to it.

(b) The Commission, upon a determination of a violation of any of the provisions of this chapter by a holder of, or applicant for any permit, license, franchise, benefit, exemption, or advantage issued by or on behalf of the government of the District of Columbia, and upon failure of the respondent to correct the unlawful discriminatory practice and comply with its order, in accordance with § 2-1403.15(a), shall refer this determination to the appropriate agency or authority. Such determination shall constitute prima facie evidence that the respondent, with respect to the particular business in which the violation was found, is not operating in the public interest. Such agency or authority shall, upon notification, issue to said holder or applicant an order to show cause why such privileges related to that business should not be revoked, suspended, denied or otherwise restricted.

UNIT B. OFFICE OF HUMAN RIGHTS

§ 2-1411.01. Establishment of the Office of Human Rights.

(a) Pursuant to § 2-1204.04(b), there is hereby established, in the Executive Branch of the government of the District of Columbia, an Office of Human Rights under the supervision of a Director, who shall carry out the functions and authorities assigned to the Office. The Office of Human Rights ("Office") is established as a separate agency as of October 1, 1999.

(b) The Director shall have full authority over the Office and all functions and personnel assigned thereto, including the power to redelegate to other employees and officials of the Office such powers and authority as in the judgment of the Director are warranted in the interests of efficiency and sound administration.

§ 2-1411.02. Purpose.

The purpose of the Office is to secure an end to unlawful discrimination in employment, housing, public accommodations, and educational institutions for any reason other than that of individual merit. The Office shall seek to eradicate discrimination on the basis of race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, familial status, family responsibilities, matriculation, political affiliation, physical handicap, source of income, and place of residence or business.

§ 2-1411.03. Functions.

The functions of the Office shall be to:

(1) Educate the public, including District residents and employers, about Unit A of this chapter ("Human Rights Act");

(2) Undertake investigations and public hearings on racial, religious, or ethnic group tensions, prejudice, intolerance, bigotry, disorder, and on any form of unlawful discrimination pursuant to the Human Rights Act;

(3) Receive, review and investigate complaints of unlawful discrimination in employment, housing, public accommodations, or educational institutions;

(4) Receive and investigate complaints of violations of § 32-501 et seq. and § 32-1201 et seq. and take appropriate enforcement action regarding these complaints;

(5) Mediate complaints of unlawful discrimination in employment, housing, public accommodations, or educational institutions to help parties to a complaint reach a voluntary settlement;

(6) Conciliate complaints of unlawful discrimination in employment, housing, public accommodations, or educational institutions, after the Office has made a finding of probable cause to believe that an act of unlawful discrimination has occurred, to help the parties to a complaint reach a voluntary settlement;

(7) Certify a complaint to the Office of the Corporation Counsel for legal action needed, in the Director's judgment, to preserve the status quo or to prevent irreparable harm to a party to the complaint; and

(8) Forward to the Commission on Human Rights, for a hearing, decision, and order, any complaint that has resulted in a finding of probable cause by the Office.

§ 2-1411.04. Transfers.

All positions, personnel, property, records, and unexpended balances of appropriations, allocations, and other funds available or to be made available to the Department of Human Rights and Local Business Development for the human rights functions set out in Reorganization Plan No. 1 of 1989, effective November 1, 1989, are hereby transferred to the Office.

§ 2-1411.05. Organization.

(a) There are hereby established the following 5 primary organizational functions in the Office:

(1) The Office of the Director, which sets overall policy and performance targets for the Office, supervises and evaluates staff, administers the budget, and promotes conciliation after a determination of probable cause has been reached.

(2) Education and Research, which studies patterns of discrimination in employment, public accommodations and educational institutions, and educates District residents, employers, community groups, and other concerned parties about the Human Rights Act and federal anti-discrimination laws in order to prevent unlawful discrimination.

(3) Intake, which counsels prospective complainants on the Office's functions and statutory responsibilities, evaluates the complainants' allegation of unlawful discrimination, and completes the forms and procedures necessary for the filing of a complaint;

(4) Mediation, which trains and oversees the activities of mediators who assist the parties to a complaint in trying to reach a voluntary settlement; and

(5) Investigations, which solicits and evaluates evidence provided by the complainant and respondent to prepare a written determination about whether there is probable cause to believe that the respondent has violated the Human Rights Act.

(b) The Director, in the performance of his or her duties and functions, is authorized to restructure the organizational components of the Office as he or she deems necessary to improve the quality of services.

§ 2-1411.06. Abolishment of the Department of Human Rights and Local Business Development.

Pursuant to § 1-1204.04(b), the Council hereby abolishes the Department of Human Rights and Local Business Development, established under Reorganization Plan No. 1 of 1989, effective

November 1, 1989. The Department of Human Rights and Local Business Development is abolished as of October 1, 1999.