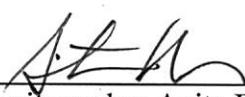



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Councilmember Anita Bonds




Councilmember Charles Allen



Councilmember Mary M. Cheh




Councilmember David Grosso



Councilmember Vincent C. Gray



Councilmember Brandon Todd



Councilmember Robert C. White, Jr.

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend the Human Rights Act of 1977 to permit a complainant to bring a civil action in any court of competent jurisdiction *de novo* and without regard to any Office of Human Rights or Commission on Human Rights proceedings or findings, and to require complainants to be notified of these rights when they file a complaint with the Office and at the time of a determination or withdrawal of the matter.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Human Rights Amendment Act of 2017".

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:

44 (a) Section 102(3) (D.C. Official Code § 2-1401.02(3)) is amended by striking the phrase
45 “Chairman” both times it appears and inserting the phrase “Chairperson” in its place.

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

47 (1) Subsection (a) is amended by striking the phrase “the Mayor or his designee.”
48 and inserting the phrase “the Mayor or his or her designee and shall be served on all parties and
49 their counsel with a notice of rights to file a civil action pursuant to section 316.”.

50 (2) Subsection (b) is amended by striking the phrase “may elect to file” and
51 inserting the phrase “may file” in its place.

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

53 “(c) An administrative complaint filed under the rules of procedure established by the
54 Mayor under subsection (a) may be withdrawn by the complainant at any time. Within 30 days
55 of the complainant’s request for withdrawal, the Mayor or his or her designee shall serve on all
56 parties and their counsel a withdrawal notice and notice of rights to file a civil action pursuant to
57 section 316.”.

58 (c) Section 304 (D.C. Official Code § 2-1403.04) is amended as follows:

59 (1) The section heading is amended by striking the phrase “Filing of complaints”
60 and inserting the phrase “Filing and withdrawal of complaints” in its place.

61 (2) Subsection (b) is amended as follows:

62 (i) By striking the phrase “time prior to the completion of the Office’s
63 investigation and findings as specified in section 305,” and inserting the phrase “time,” in its
64 place.

65 (ii) By striking the period at the end of the paragraph and inserting the
66 phrase “. Within 30 days of the complainant’s request for withdrawal, the Office shall serve on

67 all parties and their counsel a withdrawal notice and notice of rights to file a civil action pursuant
68 to section 316.”.

69 (d) Section 305(c) (D.C. Official Code § 2-1403.05(c)) is amended by striking the phrase
70 “on the appropriate parties, an order dismissing the allegations of the complaint.” and inserting
71 the phrase “on the appropriate parties and their counsel, an order dismissing the allegations of the
72 complaint and notice of rights to file a civil action pursuant to section 316.”.

73 (e) Section 307 (D.C. Official Code § 2-1403.07) is amended by striking the phrase
74 “Corporation Counsel” both times it appears and inserting the phrase “Attorney General for the
75 District of Columbia” in its place.

76 (f) Section 313 (D.C. Official Code § 2-1403.13) is amended as follows:

77 (1) Subsection (b) is amended by striking the phrase “served on the complainant,
78 an order dismissing the complaint as to such respondent.” and inserting the phrase “served on the
79 complainant, parties, and their counsel, an order dismissing the complaint as to such respondent
80 and notice of rights to file a civil action pursuant to section 316.” in its place.

81 (2) Subsection (c) is amended by striking the period at the end of the paragraph
82 and inserting the phrase “. The Commission shall serve a final determination and order on all
83 parties and their counsel, which shall include notice of rights to file a civil action pursuant to
84 section 316.” in its place.

85 (g) Section 314 (D.C. Official Code § 2-1403.14) is amended by striking the period at the
86 end of the paragraph and inserting the phrase “. This provision shall not affect a person’s right to
87 bring a cause of action pursuant to section 316.” in its place.

88 (h) Section 315 (D.C. Official Code § 2-1403.15) is amended by striking the phrase
89 “Corporation Counsel” wherever it appears and inserting the phrase “Attorney General for the
90 District of Columbia” in its place.

91 (i) Section 316(a) (D.C. Official Code § 2-1403.16(a)) is amended to read as follows:

92 “(a) Any person claiming to be aggrieved by an unlawful discriminatory practice shall
93 have a *de novo* cause of action in any court of competent jurisdiction for damages and such other
94 remedies as may be appropriate. No person who maintains, in a court of competent jurisdiction,
95 any action based upon an act which would be an unlawful discriminatory practice under this
96 chapter may thereafter file the same complaint with the Office, and the Office shall dismiss any
97 pending complaint upon receiving notice that the person has filed the same complaint in court. A
98 private cause of action pursuant to this chapter shall be filed in a court of competent jurisdiction
99 no later than the later of (1) one year after the unlawful discriminatory act, or the discovery
100 thereof, except that the limitation shall be within 2 years of the unlawful discriminatory act, or
101 the discovery thereof, for complaints of unlawful discrimination in real estate transactions
102 brought pursuant to this chapter or the FHA, or (2) 60 days following receipt of the notice of
103 rights specified in sections 303, 304, or 313. The timely filing of a complaint with the Office, or
104 under the administrative procedures established by the Mayor pursuant to § 2-1403.03, shall toll
105 the running of the statute of limitations while the complaint is pending.”.

106 (j) Section 204(7) (D.C. Official Code § 2-1411.03(7)) is amended by striking the phrase
107 “Corporation Counsel” and inserting the phrase “Attorney General for the District of Columbia”
108 in its place.

109 Sec. 3. Fiscal impact statement.

110 The Council adopts the fiscal impact statement in the committee report as the fiscal

111 impact statement required by section 4a of the General Legislative Procedures Act of 1975,
112 approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

113 Sec. 4. Effective date.

114 This act shall take effect following approval by the Mayor (or in the event of veto by the
115 Mayor, action by the Council to override the veto), a 30-day period of congressional review as
116 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
117 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
118 Columbia Register.