

A RESOLUTION

22-680

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 4, 2018

To declare the sense of the Council that the District of Columbia is in support of the human rights and inherent dignity of transgender, non-binary, and gender non-conforming individuals and in opposition to proposed changes to federal interpretations of gender.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Sense of the Council in Support of Transgender, Intersex, and Gender Non-Conforming Communities Resolution of 2018”.

Sec. 2. The Council finds that:

(1) On October 21, 2018, the New York Times reported that the U.S. Department of Health and Human Services is leading an effort at the federal level to publish new regulations that would define sex as either male or female, unchangeable, and determined by the genitals that a person is born with, in an effort to exclude transgender, intersex, and gender non-conforming people from civil rights protections under federal law. According to the reporting, the Trump administration is pushing for the U.S. Departments of Justice, Education, and Labor to adopt this definition in their regulations as well, to further the exclusion of these individuals from civil rights protections.

(2) The District of Columbia has long sought to ensure the equal protection of human and civil rights of all residents, workers, and visitors in our city, including those who are transgender, intersex, and gender non-conforming through:

(A) Inclusion of gender identity and expression as explicitly protected traits under the District of Columbia’s Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Official Code § 2-1401.01 *et seq.*), via amendment in 2006, after decades of inferred protection;

(B) Simplifying the processes for changing a person’s name or gender marker on District of Columbia government documents including birth certificates, driver’s licenses, and non-driver’s identity cards, and creating a gender-neutral option on a driver’s license or non-driver’s identity card;

(C) Implementing and enforcing the Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Official Code § 2-1401.01 *et seq.*), including by:

(i) Adopting policies to ensure appropriate and equitable treatment for transgender, intersex, and gender non-conforming youth in schools, foster care, and the

juvenile justice system, as well as prohibiting conversion therapy, and mandating comprehensive and inclusive sexual education curricula;

(ii) Prohibiting insurance companies from discriminating against transgender individuals by denying coverage for necessary medical care related to gender transition;

(iii) Adopting policies to ensure that individuals are treated consistent with their gender identity in all governmental service settings, including homeless shelters and jail; and

(iv) Mandating gender-neutral, single occupancy restrooms, and equal access to gender-segregated locations based on gender identity; and

(D) Mandating the collection of sexual orientation and gender identity data to better understand the implications of social bias and structural discrimination against these communities in order to address and prevent it.

(3) Transgender, intersex, and gender non-conforming people exist and deserve the full and equal protection under the laws of the District of Columbia and the United States, the U.S. Constitution, and international law, including the Universal Declaration of Human Rights.

(4) Stigma and discrimination based on gender identity or expression are well documented, including in a national survey of nearly 28,000 transgender individuals that found that 30% had experienced homelessness, nearly one in 7 had lost a job because of being transgender, and 1/3 of those who saw a doctor in the previous year faced discrimination.

(5) There is no evidence that ensuring civil rights protections for these communities causes harm to anyone else, and, in fact, leading national experts and associations in the fields of education, health care, child health and welfare, and support for survivors of domestic and sexual violence roundly reject any such claims and support nondiscrimination protections for transgender people.

(6) All residents, workers, and visitors in the District of Columbia should be able to go about their daily lives without fear of harassment, discrimination, or violence due to their gender identity or expression.

Sec. 3. It is the sense of the Council that:

(1) We express the District of Columbia's commitment to protecting the human and civil rights of all people who are transgender, intersex, or gender non-conforming;

(2) We stand with our community members who are transgender, intersex, or gender non-conforming against efforts to deny their existence or humanity;

(3) We reject any attempt to redefine sex or otherwise reinterpret or decline to enforce laws to the detriment of transgender, intersex, or gender non-conforming individuals;

(4) We reject any argument that transgender individuals must be excluded from sex-segregated spaces that are consistent with their gender identity due to safety concerns; to the contrary, transgender individuals are often targeted for violence and in the decade that the District of Columbia has guaranteed transgender individuals rights to use the appropriate sex-segregated spaces including bathrooms and locker rooms, there has been no evidence of any increase in incidents of concern to public safety;

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(4) We are opposed to the proposal to exclude transgender, intersex, or gender non-conforming people from federal civil rights protections by redefining sex on the grounds that such an action would run counter to fundamental human and civil rights, law, and medical science, while directly harming our constituents through government-sanctioned discrimination; and

(5) We call upon the Department of Health and Human Services, Department of Justice, Department of Labor, and Department of Education to seek to support and defend the rights and dignity of transgender, intersex, and gender non-conforming individuals rather than stigmatize and discriminate against them.

Sec. 4. (a) The Council shall transmit copies of this resolution, upon its adoption, to the President and Vice President of the United States, the Secretary of Health and Human Services, the Secretary of Labor, the Secretary of Education, and the Attorney General of the United States.

(b) The Council shall submit a copy of this resolution as public comment on any rule or regulation change proposed by the Secretary of Health and Human Services, the Secretary of Labor, the Secretary of Education, or the Attorney General of the United States regarding federal civil rights law interpretation of the definitions of the terms sex or gender.

Sec. 5. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.