



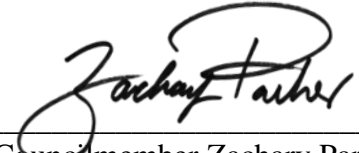
Councilmember Robert C. White, Jr.



Councilmember Brianne K. Nadeau



Councilmember Janeese Lewis George



Councilmember Zachary Parker

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

1 To amend the Human Rights Act of 1977 to allow withdrawal without prejudice of certain
2 administrative complaints of unlawful discrimination by the District government, to
3 clarify that persons who bring administrative complaints of unlawful discrimination
4 against the District government may be entitled to compensatory damages and reasonable
5 attorney’s fees, to permit withdrawal without prejudice of administrative complaints
6 against private parties at any time rather than only before the issuance of certain
7 determinations by the Office of Human Rights, to permit civil actions that are not limited
8 by proceedings before or findings of the Office of Human Rights or Commission on
9 Human Rights, and to empower the Commission on Human Rights to award punitive
10 damages.

11
12 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
13 Act may be cited as the “Fairness in Human Rights Administration Amendment Act of 2023”.

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

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

17 (1) Subsection (a) is amended to read as follows:

18 “(a) The Mayor shall establish rules of procedure for the investigation, conciliation, and
19 hearing of administrative complaints filed against District government agencies, officials, and
20 employees alleging violations of this chapter; provided that:

21 “(1) A complainant may withdraw their complaint at any time by written notice of
22 withdrawal;

23 “(2) Within 30 days of the complainant’s notice of withdrawal, the Mayor shall
24 serve on all parties and their counsel a written acknowledgment of withdrawal and a notice of the
25 complainant’s right to file a civil action pursuant to section 316 of this act; and

26 “(3) Successful complainants may recover compensatory damages and reasonable
27 attorneys fees.”.

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

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

31 (1) The section heading is amended to read as follows:

32 “Sec. 304. Filing and withdrawal of complaints; mediation.”.

33 (2) Subection (b) is amended as follows:

34 (A) Strike the phrase “prior to the completion of the Office’s investigation
35 and findings as specified in section 305 of this act”.

36 (B) Add a new sentence at the end to read as follows: “Within 30 days of
37 the complainant’s withdrawal, the Office shall serve on all parties and their counsel a written
38 acknowledgment of withdrawal and a notice of the complainant’s right to file a civil action
39 pursuant to section 316 of this act.”.

40 (c) Section 305(c) (D.C. Official Code § 2-1403.05(c)) is amended by striking the phrase
41 “an order dismissing the allegations of the complaint.” and inserting the phrase “an order
42 dismissing the allegations of the complaint and a notice of the complainant’s right to file a civil
43 action pursuant to section 316.” in its place.

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

45 (1) Subsection (a) is amended as follows:

46 (A) Paragraph (1) is amended as follows:

47 (i) Subparagraph (E-1)(iii) is amended by striking the phrase “;
48 and” and inserting a semicolon in its place.

49 (ii) A new subparagraph (E-2) is inserted to read as follows:

50 “(E-2) The payment of punitive damages; and”

51 (B) Paragraph (2) is amended by striking the phrase “civil penalties,” and
52 inserting the phrase “civil penalties, punitive damages,” in its place.

53 (2) Subsection (b) is amended by striking the phrase “an order dismissing the
54 complaint as to such respondent.” and inserting the phrase “an order dismissing the complaint as
55 to such respondent and a notice of rights to file a civil action pursuant to section 316.” in its
56 place.

57 (e) Section 316 (D.C. Official Code § 2-1403.16) is amended as follows:

58 (1) Subsection (a) is amended by striking the phrase “unless such person has filed
59 a complaint hereunder; provided, that where the Office has dismissed such complaint on the
60 grounds of administrative convenience, or where the complainant has withdrawn a complaint,
61 such person shall maintain all rights to bring suit as if no complaint had been filed.” and inserting
62 the phrase “unless such person has filed a complaint hereunder and such complaint has not been
63 withdrawn or dismissed.” in its place.

64 (2) Subsection (b) is amended by striking the period at the end and inserting the
65 phrase “; provided, that the court may consider, but shall not be limited by, any relevant prior
66 finding, decision, or other record of the Office or Commission.”

67 Sec. 3. Fiscal impact statement.

68 The Council adopts the fiscal impact statement in the committee report as the fiscal
69 impact statement required by section 4a of the General Legislative Procedures Act of 1975,
70 approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

71 Sec. 4. Effective date.

72 This act shall take effect following approval by the Mayor (or in the event of veto by the
73 Mayor, action by the Council to override the veto), a 30-day period of congressional review as
74 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
75 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
76 Columbia Register.