

ENROLLMENT(S)

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COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 12-242

"Human Rights Amendment Act of 1998"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 "the Act", the Council of the District of Columbia adopted Bill 12-690 on first and second readings, November 10, 1998 and December 1, 1998, respectively. Following the signature of the Mayor on December 23, 1998, pursuant to Section 404(e) of "the Act", the bill became Act 12-575 and it was published in the February 5, 1999 edition of the D.C. Register (Vol. 46, page 952). The Act was transmitted to Congress on February 10, 1999 for a 30-day review, in accordance with Section 602(c)(1) of the Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has expired, and the Act is now D.C. Law 12-242, effective April 20, 1999.



LINDA W. CROPP
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

Feb. 10,11,12,22,23,24,25

Mar. 1,2,3,4,5,8,9,10,11,15,16,17,18,19,22,23,24,25

Apr. 12,13,14,15,19

AN ACT

D.C. ACT 12-575

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 23, 1998

*Codification
District of
Columbia
Code
1999 Supp.*

To amend the Human Rights Act of 1977 to add familial status as a class to protect from unlawful housing discrimination, to make the business necessity exemption inapplicable to complaints alleging unlawful discrimination in residential real estate transactions, to allow certain entities to restrict the noncommercial sale or lease of residential real estate to their members, to make the failure to purchase a loan, or to accept residential real property as security for a loan for discriminatory reasons an unlawful discriminatory practice, to clarify that the act does not limit the applicability of federal or other District occupancy laws or laws regarding housing for older persons, to define housing for older person, to make discrimination on the basis of disability unlawful, to require housing providers to reasonably accommodate persons with disabilities and to provide exemptions from the reasonable accommodation requirement, to make limiting access to certain real estate services for discriminatory reasons unlawful, to exempt certain residential real estate transactions involving single-family homes from the unlawful discrimination in residential real estate transactions provisions, to allow parties a 30 day period to mediate complaints alleging unlawful discrimination in residential real estate transactions, to require the Office of Human Rights to conclude investigations of unlawful discrimination in real estate transactions within 100 days, to authorize the Office of Human Rights to enjoin a person not named in the original housing discrimination complaint as an additional or substitute respondent upon written notice, to provide for an election of remedies for complaints alleging unlawful discrimination in residential real estate transactions, and to allow the Office of Human Rights to make public conciliation agreements involving unlawful discrimination in residential real estate transactions in certain cases.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Human Rights Amendment Act of 1998".

Sec. 2. The Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Code § 1-2501 *et seq.*), is amended as follows:

ENROLLED ORIGINAL

"(a) Section 101 (D.C. Code § 1-2501) is amended by adding the phrase "familial status," after the phrase "sexual orientation,". Section 1-2501

(b) Section 102 (D.C. Code § 1-2502) is amended by adding a new subsection (1-1) to read as follows: Section 1-2502

"(1-1) "Familial status" means 1 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."

(c) Section 103 (D.C. Code § 1-2503) is amended as follows:

Section 1-2503

(1) Subsection (a) is amended by adding a new sentence to the end to read as follows:

"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")."

(2) Subsection (b) is amended to read as follows:

"(b) Nothing in this act 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."

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

"(c) Nothing in this act 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 act 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."

(d) Section 221 (D.C. Code § 1-2515) is amended as follows:

Section 1-2515

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

(A) The lead-in language is amended by inserting the phrase "familial status," after the phrase "sexual orientation,".

ENROLLED ORIGINAL

(B) Paragraph (3) is amended by striking the phrase "To refuse to lend money, guarantee a loan," and inserting the phrase "To appraise a property, refuse to lend money, guarantee a loan, purchase a loan, accept residential real property as security for a loan," in its place.

(C) Paragraph (5) is amended by inserting the phrase "familial status" after the phrase "sexual orientation".

(D) A new paragraph (7) is added to read as follows:

"(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."

(2) Subsection (b) is amended by inserting the phrase "familial status" after the phrase "sexual orientation".

(3) Subsection (c) is amended as follows:

(A) Paragraph (3) is amended to read as follows:

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

(B) A new paragraph (4) is added to read as follows:

"(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; or

"(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 1 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."

(3) New subsections (d) and (e) are added to read as follows:

"(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

ENROLLED ORIGINAL

"(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 section, "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 the effective date of the Human Rights Amendment Act of 1998, 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.

ENROLLED ORIGINAL

"(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."

(e) Section 224 (D.C. Code § 1-2518) is amended as follows:

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

(A) Paragraph (1) is amended to read as follows:

"(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".

(B) Paragraph (2) is amended by striking the phrase "two (2) families" and inserting the phrase "Two families" in its place.

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

"(c) Nothing in this act 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 salesperson; and

(B) Without the publication, posting or mailing, after notice, of any advertisement in violation of section 221(a)(5)."

(f) Section 231(b) (D.C. Code § 1-2519(b)) is amended by adding the phrase "familial status," after the phrase "sexual orientation,".

(g) Section 241 (D.C. Code § 1-2520) is amended by adding the phrase "familial status," after the phrase "sexual orientation,".

(h) Section 304 (D.C. Code § 1-2544) is amended by adding a new subsection (d) to read as follows:

"(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

Section
1-2518

Section
1-2519

Section
1-2520

Section
1-2544

ENROLLED ORIGINAL

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 act 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."

(i) Section 305 (D.C. Code § 1-2545) is amended as follows:

Section
1-2545

(1) Subsection (a) is amended by striking the phrase "After the filing of any complaint," and the inserting the phrase "With the exception of complaints alleging unlawful discrimination in residential real estate transactions brought pursuant to this act or the FHA," in its place.

(2) New subsections (d), (e), (f) and (g) are added to read as follows:

"(d) The Office shall complete investigations of complaints alleging unlawful discrimination in residential real estate transactions brought pursuant to this act 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 act 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 section 316(b) if the court finds that a discriminatory housing practice has occurred or is occurring."

(j) Section 306 (D.C. Code § 1-2546) is amended by adding a new subsection (d) to read as follows:

Section
1-2546

ENROLLED ORIGINAL

"(d) 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 act, conciliation agreements alleging unlawful discrimination in residential real estate transactions or violations of the FHA."

(k) Section 316 (D.C. Code § 1-2556) is amended as follows:

Section
1-2556

(1) Subsection (a) is amended by striking the last two sentences and adding two new sentences in their place to read as follows:

"A private cause of action pursuant to this act shall be filed in a court of competent jurisdiction within 1 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 act or the FHA. The timely filing of a complaint with the Office shall toll the running of the statute of limitations while the complaint is pending before the Office."

(2) Subsection (b) is amended to read as follows:

"(b) The court may grant any relief it deems appropriate, including, the relief provided in sections 307 and 313(a)."

Sec. 3. Fiscal impact statement.

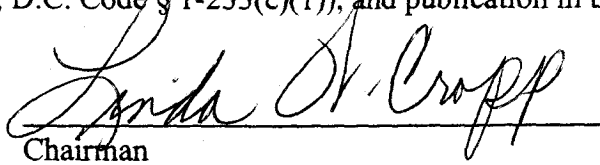
The Council adopts the fiscal impact statement in the Committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Code § 1-233 (c)(3)).

Sec. 4. Effective date.

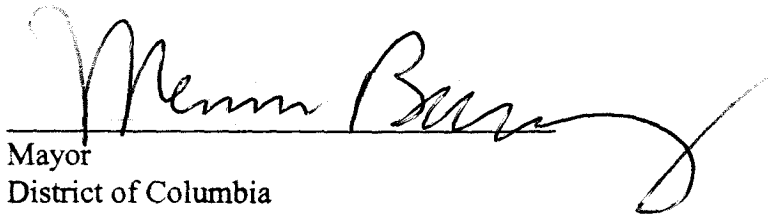
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), approval by the Financial Responsibility and Management Assistance Authority as provided in section 203(a) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, approved April 17, 1995 (109 Stat. 116; D.C. Code § 47-392.3(a)), a 30-day period of Congressional review as provided

ENROLLED ORIGINAL

in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Code § 1-233(c)(1)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED: December 23, 1998



COUNCIL OF THE DISTRICT OF COLUMBIA

COUNCIL PERIOD TWELVE

RECORD OF OFFICIAL COUNCIL VOTE

B12-690

Docket No. _____

ITEM ON CONSENT CALENDAR

ACTION & DATE

ADOPTED FIRST READING, 11-10-98

VOICE VOTE
 RECORDED VOTE ON REQUEST

APPROVED

ABSENT _____

ALL PRESENT

ROLL CALL VOTE - Result _____

| Councilmember | Aye | Nay | NV | AB | Councilmember | Aye | Nay | NV | AB | Councilmember | Aye | Nay | NV | AB |
|---------------|-----|-----|----|----|---------------|-----|-----|----|----|---------------|-----|-----|----|----|
| Chmn. Cropp | | | | | Chavous | | | | | Schwartz | | | | |
| Allen | | | | | Evans | | | | | Smith, Jr. | | | | |
| Ambrose | | | | | Jarvis | | | | | Thomas, Sr. | | | | |
| Brazil | | | | | Mason | | | | | | | | | |
| Catania | | | | | Patterson | | | | | | | | | |

X - Indicates Vote

AB - Absent

NV - Present not Voting

CERTIFICATION RECORD

Angela Jones
Secretary to the Council

December 17, 1998
Date

ITEM ON CONSENT CALENDAR

ACTION & DATE

ADOPTED FINAL READING, 12-01-98

VOICE VOTE
 RECORDED VOTE ON REQUEST

APPROVED

ABSENT _____

ALL PRESENT

ROLL CALL VOTE - Result _____

| Councilmember | Aye | Nay | NV | AB | Councilmember | Aye | Nay | NV | AB | Councilmember | Aye | Nay | NV | AB |
|---------------|-----|-----|----|----|---------------|-----|-----|----|----|---------------|-----|-----|----|----|
| Chmn. Cropp | | | | | Chavous | | | | | Schwartz | | | | |
| Allen | | | | | Evans | | | | | Smith, Jr. | | | | |
| Ambrose | | | | | Jarvis | | | | | Thomas, Sr. | | | | |
| Brazil | | | | | Mason | | | | | | | | | |
| Catania | | | | | Patterson | | | | | | | | | |

X - Indicates Vote

AB - Absent

NV - Present not voting

CERTIFICATION RECORD

Angela Jones
Secretary to the Council

December 17, 1998
Date

ITEM ON CONSENT CALENDAR

ACTION & DATE

VOICE VOTE
 RECORDED VOTE ON REQUEST

ABSENT _____

ROLL CALL VOTE - Result _____

| Councilmember | Aye | Nay | NV | AB | Councilmember | Aye | Nay | NV | AB | Councilmember | Aye | Nay | NV | AB |
|---------------|-----|-----|----|----|---------------|-----|-----|----|----|---------------|-----|-----|----|----|
| Chmn. Cropp | | | | | Chavous | | | | | Schwartz | | | | |
| Allen | | | | | Evans | | | | | Smith, Jr. | | | | |
| Ambrose | | | | | Jarvis | | | | | Thomas, Sr. | | | | |
| Brazil | | | | | Mason | | | | | | | | | |
| Catania | | | | | Patterson | | | | | | | | | |

X - Indicates Vote

AB - Absent

NV - Present not Voting

CERTIFICATION RECORD

Secretary to the Council

Date

area, property, or group of properties carried out by qualified professionals or by professionally supervised or trained volunteers.

Day-Night Average Sound Level (Ldn) - the annual average aircraft noise level, in decibels, that occurs during a twenty-four (24) hour period, from midnight to midnight, after the addition of ten (10) decibels to sound levels in the night from midnight to 7:00 a.m. and from 10:00 p.m. to midnight. (D.C. Law 8-129)

District - the District of Columbia.

District Element - a title of the Plan adopted by the District Comprehensive Plan Act of 1984.

Downtown - the original commercial area between the Capital and the White House bounded generally by North Capitol Street on the east, Pennsylvania Avenue, N.W. on the south, 15th Street, N.W. on the west and Massachusetts Avenue, N.W. on the north, as defined in §900 of this title.

Focal Point - a locale or center of activity or structure on which attention is concentrated by arrangements of other features, patterns, or sightliness.

Fort Circle Parks - the park system of scenic hills, historic Civil War forts, and their interconnections in the District.

Historic Design Features - special streets, places, views, and vistas which contribute to the historic urban design framework of the National Capital.

Historic District - an area, place, site, neighborhood, network, or historic landscape designated pursuant to the criteria for designating historic landmarks and historic districts contained in the Preservation and Historic Features Element of the Comprehensive Plan for the National Capital.

Historic Features - specific physical properties (such as districts, sites, buildings, structures, and objects) and the general physical framework (including scenic views and vistas, as well as special streets and places) by which the history and prehistory of the National Capital remain evident in forms primarily made or influenced by people.

Historic Landmark - a building, building interior, structure, site, place, monument, work of art, or other similar object designated pursuant to the criteria for designating historic landmarks and historic districts contained in the Preservation and Historic Features Element of the Comprehensive Plan for the National Capital.

Historic Landscape - land where events of a particular style or kind of development render its preservation significant, educational, and informative, including gardens and yards associated with individual historic buildings; or, within historic districts, the collective setting of structures, fences, and street furniture, as well as paving patterns and public streets and squares; or natural areas that have been set aside for recreation and inspiration.

COUNCIL OF THE DISTRICT OF COLUMBIA
OFFICE OF THE GENERAL COUNSEL
WASHINGTON, D.C. 20004

RECEIVED
98 DEC 16 P5:03
LEGISLATIVE SERVICE

I. TRANSMITTAL OF ENROLLED LEGISLATION

Short Title: Human Rights Amendment Act of 1998

Bill #12-690

Act #

Date Transmitted to LSD:

cc: Councilmember Patterson

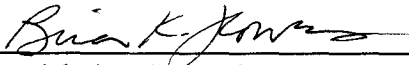
(with attachment)

cc: Codification Counsel

(with attachment)

Please notify me of any error/comment within 24 hours.

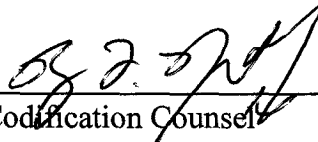
II. CLEARANCE OF ENROLLED LEGISLATION



Legislative Counsel

12-11-98

Date



Codification Counsel

12-11-98

Date



Office of the Secretary

12-17-98

Date

III. CLEARANCE OF CORRESPONDENCE BY LSD

Letter(s) to the Mayor

Date

Letter(s) to Congress

Date



COUNCIL OF THE DISTRICT OF COLUMBIA
WASHINGTON, D.C. 20004

DEC 18 1998

The Honorable Marion Barry, Jr.
Mayor of the District of Columbia
441 Fourth Street, N.W., 11th Floor
Washington, D.C. 20001

Re: Transmittal of D.C. BILL 12-690, "Human Rights Amendment Act of 1998".

Date of Council Action: 12-01-98

Dear Mayor Barry:

The above named enacted bill is hereby transmitted in accordance with section 404(e) of the District of Columbia Self-Government and Governmental Reorganization Act, P.L. 93-198.

Attached to this bill, for your information, is the report of the Council's standing committee with jurisdiction over this matter.

Sincerely,

A handwritten signature in cursive script that reads "Linda W. Cropp".

Linda W. Cropp
Chairman of the Council

Enclosure

AN ACT

*Codification
District of
Columbia
Code
1999 Supp.*

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend the Human Rights Act of 1977 to add familial status as a class to protect from unlawful housing discrimination, to make the business necessity exemption inapplicable to complaints alleging unlawful discrimination in residential real estate transactions, to allow certain entities to restrict the noncommercial sale or lease of residential real estate to their members, to make the failure to purchase a loan, or to accept residential real property as security for a loan for discriminatory reasons an unlawful discriminatory practice, to clarify that the act does not limit the applicability of federal or other District occupancy laws or laws regarding housing for older persons, to define housing for older person, to make discrimination on the basis of disability unlawful, to require housing providers to reasonably accommodate persons with disabilities and to provide exemptions from the reasonable accommodation requirement, to make limiting access to certain real estate services for discriminatory reasons unlawful, to exempt certain residential real estate transactions involving single-family homes from the unlawful discrimination in residential real estate transactions provisions, to allow parties a 30 day period to mediate complaints alleging unlawful discrimination in residential real estate transactions, to require the Office of Human Rights to conclude investigations of unlawful discrimination in real estate transactions within 100 days, to authorize the Office of Human Rights to enjoin a person not named in the original housing discrimination complaint as an additional or substitute respondent upon written notice, to provide for an election of remedies for complaints alleging unlawful discrimination in residential real estate transactions, and to allow the Office of Human Rights to make public conciliation agreements involving unlawful discrimination in residential real estate transactions in certain cases.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Human Rights Amendment Act of 1998".

Sec. 2. The Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Code § 1-2501 *et seq.*), is amended as follows:

ENROLLED ORIGINAL

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Section
1-2501

(b) Section 102 (D.C. Code § 1-2502) is amended by adding a new subsection (1-1) to read as follows:

Section
1-2502

"(1-1) "Familial status" means 1 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."

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(2) Subsection (b) is amended to read as follows:

"(b) Nothing in this act 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."

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

"(c) Nothing in this act 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 act 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."

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ENROLLED ORIGINAL

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(C) Paragraph (5) is amended by inserting the phrase "familial status" after the phrase "sexual orientation".

(D) A new paragraph (7) is added to read as follows:

"(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."

(2) Subsection (b) is amended by inserting the phrase "familial status" after the phrase "sexual orientation".

(3) Subsection (c) is amended as follows:

(A) Paragraph (3) is amended to read as follows:

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

(B) A new paragraph (4) is added to read as follows:

"(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; or

"(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 1 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."

(3) New subsections (d) and (e) are added to read as follows:

"(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

ENROLLED ORIGINAL

"(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 section, "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 the effective date of the Human Rights Amendment Act of 1998, 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.

ENROLLED ORIGINAL

"(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."

(e) Section 224 (D.C. Code § 1-2518) is amended as follows:

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

(A) Paragraph (1) is amended to read as follows:

"(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"

(B) Paragraph (2) is amended by striking the phrase "two (2) families" and inserting the phrase "Two families" in its place.

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

"(c) Nothing in this act 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 salesperson; and

(B) Without the publication, posting or mailing, after notice, of any advertisement in violation of section 221(a)(5)."

(f) Section 231(b) (D.C. Code § 1-2519(b)) is amended by adding the phrase "familial status," after the phrase "sexual orientation,".

(g) Section 241 (D.C. Code § 1-2520) is amended by adding the phrase "familial status," after the phrase "sexual orientation,".

(h) Section 304 (D.C. Code § 1-2544) is amended by adding a new subsection (d) to read as follows:

"(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

Section
1-2518

Section
1-2519

Section
1-2520
Section
1-2544

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 act 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."

(i) Section 305 (D.C. Code § 1-2545) is amended as follows:

Section
1-2545

(1) Subsection (a) is amended by striking the phrase "After the filing of any complaint," and the inserting the phrase "With the exception of complaints alleging unlawful discrimination in residential real estate transactions brought pursuant to this act or the FHA," in its place.

(2) New subsections (d), (e), (f) and (g) are added to read as follows:

"(d) The Office shall complete investigations of complaints alleging unlawful discrimination in residential real estate transactions brought pursuant to this act 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 act 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 section 316(b) if the court finds that a discriminatory housing practice has occurred or is occurring."

(j) Section 306 (D.C. Code § 1-2546) is amended by adding a new subsection (d) to read as follows:

Section
1-2546

ENROLLED ORIGINAL

"(d) 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 act, conciliation agreements alleging unlawful discrimination in residential real estate transactions or violations of the FHA."

(k) Section 316 (D.C. Code § 1-2556) is amended as follows:

Section
1-2556

(1) Subsection (a) is amended by striking the last two sentences and adding two new sentences in their place to read as follows:

"A private cause of action pursuant to this act shall be filed in a court of competent jurisdiction within 1 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 act or the FHA. The timely filing of a complaint with the Office shall toll the running of the statute of limitations while the complaint is pending before the Office."

(2) Subsection (b) is amended to read as follows:

"(b) The court may grant any relief it deems appropriate, including, the relief provided in sections 307 and 313(a)."

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement in the Committee 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. Code § 1-233 (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), approval by the Financial Responsibility and Management Assistance Authority as provided in section 203(a) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, approved April 17, 1995 (109 Stat. 116; D.C. Code § 47-392.3(a)), a 30-day period of Congressional review as provided



Docket No. _____

ITEM ON CONSENT CALENDAR

ACTION & DATE

ADOPTED FIRST READING, 11-10-98

VOICE VOTE
 RECORDED VOTE ON REQUEST

APPROVED

ABSENT _____

ALL PRESENT

ROLL CALL VOTE - Result _____

| Councilmember | Aye | Nay | NV | AB | Councilmember | Aye | Nay | NV | AB | Councilmember | Aye | Nay | NV | AB |
|---------------|-----|-----|----|----|---------------|-----|-----|----|----|---------------|-----|-----|----|----|
| Chmn. Cropp | | | | | Chavous | | | | | Schwartz | | | | |
| Allen | | | | | Evans | | | | | Smith, Jr. | | | | |
| Ambrose | | | | | Jarvis | | | | | Thomas, Sr. | | | | |
| Brazil | | | | | Mason | | | | | | | | | |
| Catania | | | | | Patterson | | | | | | | | | |

X - Indicates Vote

AB - Absent

NV - Present not Voting

CERTIFICATION RECORD

Angela Jones
Secretary to the Council

December 17, 1998
Date

ITEM ON CONSENT CALENDAR

ACTION & DATE

ADOPTED FINAL READING, 12-01-98

VOICE VOTE
 RECORDED VOTE ON REQUEST

APPROVED

ABSENT _____

ALL PRESENT

ROLL CALL VOTE - Result _____

| Councilmember | Aye | Nay | NV | AB | Councilmember | Aye | Nay | NV | AB | Councilmember | Aye | Nay | NV | AB |
|---------------|-----|-----|----|----|---------------|-----|-----|----|----|---------------|-----|-----|----|----|
| Chmn. Cropp | | | | | Chavous | | | | | Schwartz | | | | |
| Allen | | | | | Evans | | | | | Smith, Jr. | | | | |
| Ambrose | | | | | Jarvis | | | | | Thomas, Sr. | | | | |
| Brazil | | | | | Mason | | | | | | | | | |
| Catania | | | | | Patterson | | | | | | | | | |

X - Indicates Vote

AB - Absent

NV - Present not voting

CERTIFICATION RECORD

Angela Jones
Secretary to the Council

December 17, 1998
Date

ITEM ON CONSENT CALENDAR

ACTION & DATE

VOICE VOTE
 RECORDED VOTE ON REQUEST

ABSENT _____

ROLL CALL VOTE - Result _____

| Councilmember | Aye | Nay | NV | AB | Councilmember | Aye | Nay | NV | AB | Councilmember | Aye | Nay | NV | AB |
|---------------|-----|-----|----|----|---------------|-----|-----|----|----|---------------|-----|-----|----|----|
| Chmn. Cropp | | | | | Chavous | | | | | Schwartz | | | | |
| Allen | | | | | Evans | | | | | Smith, Jr. | | | | |
| Ambrose | | | | | Jarvis | | | | | Thomas, Sr. | | | | |
| Brazil | | | | | Mason | | | | | | | | | |
| Catania | | | | | Patterson | | | | | | | | | |

X - Indicates Vote

AB - Absent

NV - Present not Voting

CERTIFICATION RECORD

Secretary to the Council

Date