

2022 District of Columbia Laws 24-172 (Act 24-491)

DISTRICT OF COLUMBIA 2022 SESSION LAWS

TWENTY-FOURTH COUNCIL SESSION (2021 - 2022)

Additions and deletions are not identified in this document.

Vetoed material by ~~Text~~ ;  
stricken material by ~~Text~~ .

Law 24-172

Act 24-491

HUMAN RIGHTS ENHANCEMENT AMENDMENT ACT OF 2022

AN ACT to amend the Human Rights Act of 1977 to help protect individuals experiencing homelessness from discrimination, provide training for law enforcement personnel on the impact of enforcement decisions on people experiencing homelessness and the protections against discrimination in this act, prohibit employment discrimination against independent contractors, and clarify and enhance protections against workplace harassment.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That  
this act may be cited as the “Human Rights Enhancement Amendment Act of 2022”.

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:

<< DC CODE § 2-1401.01 >>

(a) Section 101 (D.C. Official Code § 2-1401.01) is amended by striking the phrase “and status as a victim or family member of a victim of domestic violence, a sexual offense, or stalking.” and inserting the phrase “status as a victim or family member of a victim of domestic violence, a sexual offense, or stalking, and homeless status.” in its place.

<< DC CODE § 2-1401.02 >>

(b) Section 102 (D.C. Official Code § 2-1401.02) is amended as follows:

(1) Paragraph (9) is amended to read as follows:

<< DC CODE § 2-1401.02 >>

“(9)(A) “Employee” means an individual employed by or seeking employment from an employer. The term “employee” includes an unpaid intern and an individual working or seeking work as an independent contractor.”.

“(B) For the purposes of this paragraph, the term “independent contractor” does not mean a service vendor who provides a discrete service to an individual customer.”.

(2) A new paragraph (13A) is added to read as follows:

<< DC CODE § 2-1401.02 >>

“(13A) “Homeless” shall have the same meaning as provided in section 2(18) of the Homeless Services Reform Act of 2005, effective October 22, 2005 (D.C. Law 16-35; D.C. Official Code § 4-751.01(18)).”.

<< DC CODE § 2-1402.11 >>

(c) Section 211 (D.C. Official Code § 2-1402.11) is amended as follows:

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

<< DC CODE § 2-1402.11 >>

(A) The lead in language is amended by striking the phrase “or credit information” and inserting the phrase “credit information, or homeless status” in its place.

<< DC CODE § 2-1402.11 >>

(B) Subparagraph (4)(B) is amended by striking the phrase “or credit information” and inserting the phrase “credit information, or homeless status” in its place.

<< DC CODE § 2-1402.11 >>

(2) Subsection (b) is amended by striking the phrase “or credit information” and inserting the phrase “credit information, or homeless status” in its place.

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

<< DC CODE § 2-1402.11 >>

“(c-2) Harassment. —

“(1) It shall further be an unlawful discriminatory practice to engage in harassment based on one or more protected characteristics specified in subsection (a), including sexual harassment.

“(2) For purposes of this subsection:

“(A) “Harassment” means conduct, whether direct or indirect, verbal or nonverbal, that unreasonably alters an individual's terms, conditions, or privileges of employment or has the purpose or effect of creating an intimidating, hostile, or offensive work environment.

“(B) “Sexual harassment” means:

“(i) Any conduct of a sexual nature that constitutes harassment as defined in subparagraph (A) of this paragraph; and

“(ii) Sexual advances, requests for sexual favors, or other conduct of a sexual nature where submission to the conduct is made either explicitly or implicitly a term or condition of employment or where submission to or rejection of the conduct is used as the basis for an employment decision affecting the individual's employment.

“(3) In determining whether conduct constitutes unlawful harassment under this subsection, a finder of fact shall consider the totality of the circumstances and view conduct based on multiple protected characteristics in totality, rather than in isolation. Conduct need not be severe or pervasive to constitute harassment and no specific number of incidents or specific level of egregiousness is required. The finder of fact shall consider the following factors; except, that this list shall not be considered exhaustive, and the presence or absence of any single factor shall not be determinative:

“(A) The frequency of the conduct;

“(B) The duration of the conduct;

“(C) The location where the conduct occurred;

“(D) Whether the conduct involved threats, slurs, epithets, stereotypes, or humiliating or degrading conduct; and

“(E) Whether any party to the conduct held a position of formal authority over or informal power relative to another party.

“(4) The finder of fact may find that conduct constitutes unlawful harassment regardless of the following circumstances:

“(A) The conduct consisted of a single incident;

“(B) The conduct was directed toward a person other than the complainant;

“(C) The complainant submitted to or participated in the conduct;

“(D) The complainant was able to complete employment responsibilities despite the conduct;

“(E) The conduct did not cause tangible physical or psychological injury;

“(F) The conduct occurred outside the workplace; or

“(G) The conduct was not overtly directed toward a protected characteristic.”.

<< DC CODE § 2-1402.21 >>

(d) Section 221 (D.C. Official Code § 2-1402.21) is amended as follows:

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

<< DC CODE § 2-1402.21 >>

(A) The lead-in language is amended by striking the phrase “or place of residence or business” and inserting the phrase “place of residence or business, or homeless status” in its place.

<< DC CODE § 2-1402.21 >>

(B) Paragraph (5) is amended by striking the phrase “or place of residence or business, of any individual;” and inserting the phrase “place of residence or business, or homeless status of any individual;” in its place.

<< DC CODE § 2-1402.21 >>

(2) Subsection (b) is amended by striking the phrase “status as victim of an intrafamily offense, or place of residence or business,” and inserting the phrase “status as a victim of an intrafamily offense, place of residence or business, or homeless status” in its place.

<< DC CODE § 2-1402.31 >>

(e) Section 231 (D.C. Official Code § 2-1402.31) is amended as follows:

<< DC CODE § 2-1402.31 >>

(1) Subsection (a) is amended by striking the phrase “or place of residence or business” and inserting the phrase “place of residence or business, or homeless status” in its place.

<< DC CODE § 2–1402.31 >>

(2) Subsection (b) is amended by striking the phrase “or place of residence or business” and inserting the phrase “place of residence or business, or homeless status” in its place.

<< DC CODE § 2–1402.41 >>

(f) Section 241(1) (D.C. Official Code § 2–1402.41(1)) is amended by striking the phrase “or disability” and inserting the phrase “disability, or homeless status” in its place.

<< DC CODE § 2–1402.71 >>

(g) Section 271 (D.C. Official Code § 2–1402.71) is amended by striking the phrase “or location within the geographical area of the District of Columbia” and inserting the phrase “location within the geographical area of the District of Columbia, or homeless status” in its place.

<< DC CODE § 2–1402.73 >>

(h) Section 273 (D.C. Official Code § 2–1402.73) is amended by striking the phrase “or status as a victim or family member of a victim of domestic violence, a sexual offense, or stalking.” and inserting the phrase “status as a victim or family member of a victim of domestic violence, a sexual offense, or stalking, or homeless status.” in its place.

Sec. 3. The Office of Human Rights Establishment Act of 1999, effective October 20, 1999 (D.C. Law 13–38; D.C. Official Code § 2–1411.01 *et seq.*), is amended as follows:

(a) Section 202(c)(2) (D.C. Official Code § 2–1411.01(c)(2)) as amended as follows:

<< DC CODE § 2–1411.01 >>

<< DC CODE § 2–1411.01 >>

(1) Subparagraph (A) is amended by striking the phrase “and place of residence or business.” and inserting the phrase “place of residence or business, and homeless status.” in its place.

<< DC CODE § 2–1411.01 >>

(2) Subparagraph (B) is amended by striking the phrase “and “intrafamily offense”” and inserting the phrase ““intrafamily offense”, and “homeless”” in its place.

<< DC CODE § 2–1411.02 >>

(b) Section 203 (D.C. Official Code § 2–1411.02) is amended by striking the phrase “and place of residence or business, and status as a victim or family member of a victim of domestic violence, a sexual offense, or stalking.” and inserting the phrase “place of residence or business, status as a victim or family member of a victim of domestic violence, a sexual offense, or stalking, and homeless status.” in its place.

<< DC CODE § 2–1411.03 >>

(c) Section 204 (D.C. Official Code § 2–1411.03) is amended as follows:

<< DC CODE § 2-1411.03 >>

(1) Paragraph (9) is amended by striking the phrase “; and” and inserting a semicolon in its place.

<< DC CODE § 2-1411.03 >>

(2) Paragraph (10) is amended by striking the period and inserting the phrase “; and” in its place.

(3) A new paragraph (11) is added to read as follows:

<< DC CODE § 2-1411.03 >>

“(11) Educate law enforcement officers about the impact of enforcement decisions on people experiencing homelessness, the protections from discrimination based on homeless status available pursuant to this act, and how to refer allegations of discrimination to the Office for evaluation.”.

<< Note: DC CODE § 2-1401.01 >>

Sec. 4. Applicability.

This act shall apply as of October 1, 2022.

Sec. 5. Fiscal impact statement.

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

Sec. 6. 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. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

APPROVED: July 25, 2022.

EFFECTIVE: September 21, 2022.

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