

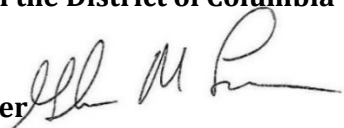
Government of the District of Columbia  
Office of the Chief Financial Officer



**Glen Lee**  
Chief Financial Officer

**MEMORANDUM**

**TO:** The Honorable Phil Mendelson  
Chairman, Council of the District of Columbia

**FROM:** Glen Lee  
Chief Financial Officer 

**DATE:** November 21, 2024

**SUBJECT:** Fiscal Impact Statement – Fairness in Human Rights Administration  
Amendment Act of 2024

**REFERENCE:** Bill 25-319, Draft Committee Print as circulated on November 20, 2024

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**Conclusion**

Funds are not sufficient in the fiscal year 2025 through fiscal year 2028 budget and financial plan to implement the bill. The bill's implementation will cost \$339,000 in fiscal year 2025 and \$1.4 million over the four-year financial plan period.

**Background**

The Office of Human Rights (OHR) and the Commission on Human Rights (Commission) are responsible for receiving, investigating, and resolving discrimination complaints filed under the Human Rights Act.<sup>1</sup>

The bill expands the definition of sexual harassment in employment to include harassment based on sex, gender, sexual orientation, gender identity, or gender expression.

The bill authorizes the Mayor to establish rules for filing and mediation of administrative complaints against the District government or its employees for human rights violations.<sup>2</sup> The bill clarifies the right of a complainant to withdraw a complaint and the actions the Office of Human Rights (OHR) take upon written request for a withdrawal. The bill authorizes a complainant to withdraw the complaint at any point up until OHR completes its investigation. However, if the complainant wishes

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<sup>1</sup> Effective December 13, 1977 (D.C. Law 2-38; D.C. Official Code § 2-1401.01).

<sup>2</sup> Currently, the Mayor is authorized to establish rules for the investigation, conciliation, hearing, and making final determinations related to administrative complaints.

The Honorable Phil Mendelson

FIS: Bill 25-319, "Fairness in Human Rights Administration Amendment Act of 2024," Draft Committee Print as circulated on November 20, 2024

to pursue a private right of action, the complaint must be withdrawn within thirty days of the close of discovery in the case before the Commission. The bill removes a requirement that OHR notice a respondent or other relevant party within fifteen days of receiving a complaint.

The bill Requires all final orders and decisions made by the Commission on Human Rights to be served upon all relevant parties and clarifies that a decision awarding attorneys' fees also includes any related costs.

The bill establishes a notice of right to file a civil action. OHR must transmit this notice to a complainant when the complainant has withdrawn the complaint prior to completion of the investigation, OHR dismisses the complaint for lack of probable cause or jurisdiction, and when a withdrawal notice is submitted after a finding of probable cause but on or before thirty days after the close of discovery before the Commission.

The bill extends the amount of time an individual has to bring a private right of action in court related to a discriminatory incident from one year to two years.<sup>3</sup> The filing of a complaint with OHR tolls the two-year window until the complainant receives the notice of right to file a civil action. An individual must file the private right of action within ninety days of receiving the notice from OHR or within the remaining time limit to file an action, whichever is longer.

### **Financial Plan Impact**

Funds are not sufficient in the fiscal year 2025 through fiscal year 2028 budget and financial plan to implement the bill. OHR requires additional staff to change regulations and procedures, train internal staff, work with the Commission, develop and process the new notice of private right of action, process more complaints under an expanded definition of sexual harassment, train District employees external to OHR, and perform public outreach on the bill's changes. OHR requires an additional attorney, investigator, and outreach specialist to perform these duties. These staff will cost \$339,000 in fiscal year 2025 and \$1.4 million over the four-year financial plan period.

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<sup>3</sup> The limit to file a private right of action is currently one year, except it is two years for real estate-related discrimination.