

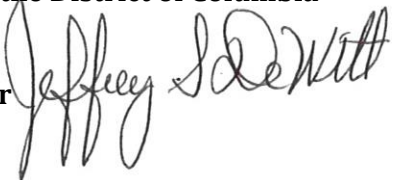
Government of the District of Columbia  
Office of the Chief Financial Officer



Jeff DeWitt  
Chief Financial Officer

**MEMORANDUM**

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

**FROM:** Jeff DeWitt  
Chief Financial Officer 

**DATE:** October 15, 2014

**SUBJECT:** Fiscal Impact Statement – Human Rights Amendment Act of 2014

**REFERENCE:** Bill 20-803, Draft Committee Print as shared with the Office of Revenue Analysis on October 10, 2014

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**Conclusion**

Funds are sufficient in the FY 2015 through FY 2018 budget and financial plan to implement the bill.

**Background**

In 1987, the D.C. Court of Appeals ruled<sup>1</sup> that a religiously affiliated educational institution could not discriminate based on sexual orientation, except when funding students or student groups. In 1989, the Congress passed a law<sup>2</sup> broadening the exemptions for religious institutions to allow for discrimination. The law allows these institutions to deny, restrict, abridge, or condition the use of any fund, service, facility, or benefit, to a person or persons organized for or engaged in promoting, encouraging, or condoning any homosexual act, lifestyle, orientation, or belief.<sup>3</sup>

The bill removes this exemption from District law, reverting to the court allowed discrimination based on sexual orientation for funding of students or student groups.

The bill also removes the statute of limitations to file a discrimination case against the District of Columbia Government, requires the Director of the Office of Human Rights (OHR) to have

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<sup>1</sup> *Gay Rights Coalition of Georgetown University Law Center, et al., v. Georgetown University, et al.*, 536 A.2d 1 (D.C. 1987).

<sup>2</sup> District of Columbia Appropriations Act, 1990, effective November 21, 1989 (Public Law 101-168; 103 Stat. 1267).

<sup>3</sup> The exemptions also cover or the granting of an endorsement, approval, or recognition to such person or persons. (D.C. Official Code § 2-1402.41).

The Honorable Phil Mendelson

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experience in human rights law,<sup>4</sup> and asks OHR's annual reports to Council include information on all concluded hearings and investigations<sup>5</sup> performed by OHR, including Director's inquiries.

### **Financial Plan Impact**

Funds are sufficient in the FY 2015 through FY 2018 budget and financial plan to implement the bill. OHR will be able to absorb any costs associated with implementation of the bill.

It is important to note that the provision removing the exemption from discrimination based on sexual preference for religiously affiliated educational institutions is controversial and could result in an immediate influx of complaints to OHR. This will need to be monitored for the pressures it could place on OHR's investigative staff.

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<sup>4</sup> Human rights law background means experience in District or federal laws related to discrimination.

<sup>5</sup> An exception is granted for any investigation or inquiry where disclosure of the investigation could undermine the integrity of the investigation or violate a work-sharing agreement with the Equal Employment Opportunity Commission or any other federal agency.