

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend the Human Rights Act of 1977 to clarify the role of the Attorney General in a civil action involving housing discrimination; authorize the Attorney General to enforce the act on behalf of the public interest; and make technical corrections.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Attorney General Civil Rights Enforcement Clarification Amendment Act of 2019”.

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:

(a) Section 102 is amended by adding a new subsection (2-A) to read as follows:

“(2-A) “Attorney General” means the Attorney General for the District of Columbia provided for by section 201(b) of the Attorney General for the District of Columbia Clarification and Elected Term Amended Act of 2010, effective May 27, 2010 (D.C. Law 18-160; D.C. Official Code § 1-204.35).”.

(b) Section 305 (D.C. Official Code 2-1403.05) is amended as follows:

(1) Subsection (g) is amended by striking the phrase “Corporation Counsel” and replacing it with “Attorney General”.

35 (2) New subsections (h), (i), and (j) are added to read as follows:

36 “(h) Notwithstanding any other provision of this chapter, at any time in a civil action
37 pursuant to subsection (g) of this section, the aggrieved party may retain his or her own counsel
38 and notify the Attorney General and the respondent(s) of the decision.

39 “(i) Notwithstanding any other provision this chapter, if the Attorney General believes
40 that the District of Columbia’s interests and the aggrieved party’s interests in a civil action
41 pursuant to subsection (g) of this section diverge, the Attorney General may seek to withdraw
42 from a civil case filed on behalf of the aggrieved party 30 days after notifying the aggrieved
43 party of the Attorney General’s intent to withdraw and to thereafter continue representing the
44 District of Columbia’s interests.

45 “(j) The Attorney General shall not in any action brought pursuant to subsection (g) of
46 this section be awarded an amount already recovered, however a private party’s settlement shall
47 not preclude the Attorney General from seeking additional available remedies under the act
48 based on the same or similar conduct.”.

49 (c) Section 307 (D.C. Official Code § 2-1403.07) is amended to read as follows:

50 “If, at any time after a complaint has been filed, the Office believes that appropriate civil
51 action to preserve the status quo or to prevent irreparable harm appears advisable, the Office
52 shall certify the matter to the Attorney General, who shall bring, in the name of the District of
53 Columbia, any action necessary to preserve such status quo or to prevent such harm, including
54 the seeking of temporary restraining orders and preliminary injunctions. The appropriate parties
55 shall be notified of such certification and the complainant may initiate independently, or in
56 cooperation with the Attorney General, appropriate civil action to seek a temporary restraining
57 order or preliminary injunction.”.

58 (d) Section 315 (D.C. Official Code § 2-1403.15) is amended as follows:

59 (1) Subsection (a) is amended by striking the phrase “Corporation Counsel” and
60 replacing it with “Attorney General”.

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

62 “(b) The Attorney General shall institute, in the name of the District, civil proceedings
63 including the seeking of such restraining orders and temporary or permanent injunctions, as are
64 necessary to obtain complete compliance with the Commission's orders. In the event that
65 successful civil proceedings do not result in securing such compliance, the Attorney General
66 shall institute criminal action.”.

67 (e) A new section 318 is added to read as follows:

68 “Sec. 318. Concurrent Authority of the Attorney General

69 “(a) Notwithstanding any provision of this chapter to the contrary, if the Attorney
70 General has any reason to believe that any person is violating the provisions of this act, including
71 general discrimination unrelated to a specific person or instance, the Attorney General, in the
72 name of the District of Columbia, may bring an action in the Superior Court of the District of
73 Columbia.

74 “(b) The court may grant any relief it deems appropriate, including the restitution of
75 money or property and the relief provided in sections 307 and 313(a). Any penalties recovered
76 shall be deposited in the Litigation Support Fund as established by section 106b of the Attorney
77 General for the District of Columbia Clarification and Elected Term Amendment Act of 2010,
78 effective October 22, 2015 (D.C. Law 21-36; D.C. Official Code § 1-301.86b).

79 “(c) In any action under this section, the Attorney General shall not be required to prove
80 damages and the injunction shall be issued without bond.

81 “(d) The Attorney General may intervene in a civil action filed pursuant to this act upon
82 timely application if the Attorney General certifies that the case is of general public importance.
83 In that action, the Attorney General shall be entitled to the same relief as if the Attorney General
84 had instituted the action.

85 “(e) Actions brought pursuant to this section are independent of any other actions,
86 remedies, or procedures that may be available to an aggrieved party pursuant to any other law.

87 “(f) In the course of an investigation to determine whether to seek relief under this
88 section, the Attorney General may subpoena witnesses, administer oaths, examine an individual
89 under oath, and compel production of records, books, papers, contracts, and other documents,
90 subject to the procedures in section 110a (d) and (e) of the Office of the Attorney General for the
91 District Columbia Clarification and Elected Term Amendment Act of 2010, effective October
92 22, 2015 (D.C. Law 21-36; D.C. Official Code § 1-301.88d (d) and (e)). Information obtained
93 under this section is not admissible in a later criminal proceeding against the person who
94 provides the evidence.

95 “(g) The Attorney General shall not in any action brought pursuant to this act be awarded
96 an amount already recovered, however a private party’s settlement of a case under the act shall
97 not preclude the Attorney General from seeking additional remedies available under the act
98 based on the same or similar conduct.”.

99 Sec. 3. Applicability; retroactivity.

100 In addition to all future conduct, this act shall apply to all conduct that occurred prior to
101 the effective date of this act, provided it was violative of the Human Rights Act of 1977,
102 effective December 13, 1977 (D.C. Law 2-38; D.C. Official Code § 2-1401.01 *et seq.*), at the
103 time it was committed.

104 Sec. 4. Fiscal Impact Statement.

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

108 Sec. 5. Effective date.

109 This act shall take effect following approval by the Mayor (or in the event of veto by the
110 Mayor, action by the Council to override the veto), a 30-day period of congressional review as
111 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
112 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
113 Columbia Register.