

Formerly cited as DC ST 1981 § 1-2502

## C

District of Columbia Official Code 2001 Edition [Currentness](#)

Division I. Government of District.

Title 2. Government Administration. ([Refs & Annos](#))

Chapter 14. Human Rights. ([Refs & Annos](#))

▣ Unit A. Human Rights Law.

▣ [Subchapter I. General Provisions.](#) ([Refs & Annos](#))

→ **§ 2-1401.02. Definitions.**

The following words and terms when used in this chapter have the following meanings:

- (1) “Administrative Procedure Act” means the “District of Columbia Administrative Procedure Act,” ([§ 2-501 et seq.](#)).
- (2) “Age” means 18 years of age or older.
- (3) “Chairman” means the duly appointed Chairman of the District of Columbia Commission on Human Rights.
- (4) “Commission” means the Commission on Human Rights, as established under subchapter IV of Unit A of this chapter.
- (5) “Council” means the Council of the District of Columbia as established by [§ 1-204.01\(a\)](#).
- (5A) “Disability” means a physical or mental impairment that substantially limits one or more of the major life activities of an individual having a record of such an impairment or being regarded as having such an impairment.
- (6) “Director” means the Director of the District of Columbia Office of Human Rights, or a designate.
- (7) “District” means the District of Columbia.
- (7A) “Domestic partner” shall have the same meaning as provided in [§ 32-701\(3\)](#).
- (7B) “Domestic partnership” shall have the same meaning as provided in [§ 32-701\(4\)](#).

Formerly cited as DC ST 1981 § 1-2502

(8) “Educational institution” means any public or private institution including an academy, college, elementary or secondary school, extension course, kindergarten, nursery, school system or university; and a business, nursing, professional, secretarial, technical, or vocational school; and includes an agent of an educational institution.

(9) “Employee” means any individual employed by or seeking employment from an employer.

(10) “Employer” means any person who, for compensation, employs an individual, except for the employer's parent, spouse, children or domestic servants, engaged in work in and about the employer's household; any person acting in the interest of such employer, directly or indirectly; and any professional association.

(11) “Employment agency” means any person regularly undertaking or attempting, with or without compensation, to procure employees for an employer or to procure for employees, opportunities to work for an employer, and includes an agent of such a person.

(11A) “Familial status” means one 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.

(11B) “Family member” means, with respect to an individual and genetic information, the spouse or domestic partner of the individual, dependent child (whether born to or placed for adoption with the individual), and all other individuals related by blood to the individual, spouse, domestic partner, or child.

(12) “Family responsibilities” means the state of being, or the potential to become, a contributor to the support of a person or persons in a dependent relationship, irrespective of their number, including the state of being the subject of an order of withholding or similar proceedings for the purpose of paying child support or a debt related to child support.

(12A) “Gender identity or expression” means a gender-related identity, appearance, expression, or behavior of an individual, regardless of the individual's assigned sex at birth.

(12A-i) “Genetic information” means information about the presence of any gene, chromosome, protein, or certain metabolites that indicate or confirm that an individual or an individual's family member has a mutation or other genotype that is scientifically or medically believed to cause a disease, disorder, or syndrome, if the information is obtained from a genetic test.

(12B) “Genetic test” means an analysis of human chromosomes, genes, gene products, or genetic information that is used to identify the presence or absence of inherited or congenital alterations in genetic material that

Formerly cited as DC ST 1981 § 1-2502

are associated with disease or illness. A genetic test shall not include a test for the presence of illegal drugs, routine physical measurements, or chemical, blood or urine analysis, unless conducted purposefully to obtain genetic information.

(12C) “Health benefit plan” means any accident and health insurance policy or certificate, hospital and medical services corporation contract, health maintenance organization subscriber contract, plan provided by a multiple employer welfare arrangement, or plan provided by another benefit arrangement. The term “health care benefit plan” does not mean accident only, credit or disability insurance; coverage of Medicare services or federal employee benefit plans, pursuant to contracts with the United States government; Medicare supplemental or long-term care insurance; dental only or vision only insurance; specified disease insurance; hospital confinement indemnity coverage; limited benefit health coverage; coverage issued as supplemental to liability insurance, insurance arising out of workers compensation or similar law; automobile medical payment insurance; medical expense and loss of income benefits; insurance under which benefits are payable with or without regard to fault and that is statutorily required to be contained in any liability insurance policy or equivalent self-insurance; or life insurance.

(12D) “Health insurer” means any person that provides one or more health benefits plans, or insurance in the District of Columbia, including an insurer, a hospital and medical services corporation, a fraternal benefits society, a health maintenance organization, a multiple employer welfare arrangement, or any other person providing a plan of health insurance subject to the authority of the Commissioner of the Department of Insurance, Securities, and Banking.

(13) “Hearing tribunal” means members of the Commission, or 1 or more hearing examiners, appointed by the Commission to conduct a hearing.

(14) “Housing business” means a business operated under the authority of a license issued by the Mayor, or other authorized District agent, pursuant to [§ 47-2828](#) and the regulations promulgated thereunder.

(14A) “Intrafamily offense” means an offense as defined in [§ 16-1001\(8\)](#).

(15) “Labor organization” means any organization, agency, employee representation committee, group, association, or plan in which employees participate directly or indirectly; and which exists for the purpose, in whole or in part, of dealing with employers, or any agent thereof, concerning grievances, labor disputes, wages, rates of pay, hours, or other terms, conditions, or privileges of employment; and any conference, general committee, joint or system board, or joint council, which is subordinate to a national or international organization.

(16) “Make public” means disclosure to the public or to the news media of any personal or business data obtained during the course of an investigation of a complaint filed under the provisions of this chapter, but not to include the publication of EEO-1, EEO-2, or EEO-3 reports as required by the Equal Employment Opportunity Commission, or any other data in the course of any administrative or judicial proceeding under this

Formerly cited as DC ST 1981 § 1-2502

chapter; or any judicial proceeding under Title VII of the Civil Rights Act of 1964 involving such information; nor shall it include access to such data by staff or the Office of Human Rights, members of the Commission on Human Rights, or parties to a proceeding, nor shall it include publication of aggregated data from individual reports.

(17) “Marital status” means the state of being married, in a domestic partnership, single, divorced, separated, or widowed and the usual conditions associated therewith, including pregnancy or parenthood.

(18) “Matriculation” means the condition of being enrolled in a college, or university; or in a business, nursing, professional, secretarial, technical or vocational school; or in an adult education program.

(19) “Office” means the District of Columbia Office of Human Rights, established by [§ 2-1411.01](#).

(20)(A) “Owner” means 1 of the following:

(i) Any person, or any one of a number of persons in whom is vested all or any part of the legal or equitable ownership, dominion, or title to any real property;

(ii) The committee, conservator, or any other legal guardian of a person who for any reason is non sui juris, in whom is vested the legal or equitable ownership, dominion or title to any real property; or

(iii) A trustee, elected or appointed or required by law to execute a trust, other than a trustee under a deed of trust to secure the payment of money; or one who, as agent of, or fiduciary, or officer appointed by the court for the estate of the person defined in sub-subparagraph (i) of this subparagraph shall have charge, care or control of any real property.

(B) The term “owner” shall also include the lessee, the sublessee, assignee, managing agent, or other person having the right of ownership or possession of, or the right to sell, rent or lease, any real property.

(21) “Person” means any individual, firm, partnership, mutual company, joint-stock company, corporation, association, organization, unincorporated organization, labor union, government agency, incorporated society, statutory or common-law trust, estate, executor, administrator, receiver, trustee, conservator, liquidator, trustee in bankruptcy, committee, assignee, officer, employee, principal or agent, legal or personal representative, real estate broker or salesman or any agent or representative of any of the foregoing.

(22) “Personal appearance” means the outward appearance of any person, irrespective of sex, with regard to bodily condition or characteristics, manner or style of dress, and manner or style of personal grooming, including, but not limited to, hair style and beards. It shall not relate, however, to the requirement of cleanliness, uniforms, or prescribed standards, when uniformly applied for admittance to a public accommodation, or when uniformly applied to a class of employees for a reasonable business purpose; or when such bodily condi-

Formerly cited as DC ST 1981 § 1-2502

tions or characteristics, style or manner of dress or personal grooming presents a danger to the health, welfare or safety of any individual.

(23) Repealed.

(24) “Place of public accommodation” means all places included in the meaning of such terms as inns, taverns, road houses, hotels, motels, whether conducted for the entertainment of transient guests or for the accommodation of those seeking health, recreation or rest; restaurants or eating houses, or any place where food is sold for consumption on the premises; buffets, saloons, barrooms, or any store, park or enclosure where spirituous or malt liquors are sold; ice cream parlors, confectioneries, soda fountains and all stores where ice cream, ice and fruit preparation or their derivatives, or where beverages of any kind are retailed for consumption on the premises; wholesale and retail stores, and establishments dealing with goods or services of any kind, including, but not limited to, the credit facilities thereof; banks, savings and loan associations, establishments of mortgage bankers and brokers, all other financial institutions, and credit information bureaus; insurance companies and establishments of insurance policy brokers; dispensaries, clinics, hospitals, bath-houses, swimming pools, laundries and all other cleaning establishments; barber shops, beauty parlors, theaters, motion picture houses, airdromes, roof gardens, music halls, race courses, skating rinks, amusement and recreation parks, trailer camps, resort camps, fairs, bowling alleys, golf courses, gymnasiums, shooting galleries, billiards and pool parlors; garages, all public conveyances operated on land or water or in the air, as well as the stations and terminals thereof; travel or tour advisory services, agencies or bureaus; public halls and public elevators of buildings and structures, occupied by 2 or more tenants, or by the owner and 1 or more tenants. Such term shall not include any institution, club, or place of accommodation which is in its nature distinctly private except, that any such institution, club or place of accommodation shall be subject to the provisions of § 2-1402.67. A place of accommodation, institution, or club shall not be considered in its nature distinctly private if the place of accommodation, institution, or club:

(A) Has 350 or more members;

(B) Serves meals on a regular basis; and

(C) Regularly receives payment for dues, fees, use of space, facilities, services, meals, or beverages directly or indirectly from or on behalf of nonmembers for the furtherance of trade or business.

(25) “Political affiliation” means the state of belonging to or endorsing any political party.

(26) “Real estate broker (or salesperson)” means any person licensed as such in accordance with the provisions of Chapter 17 of Title 42.

(27) “Real Estate Commission” means the Real Estate Commission of the District of Columbia established by § 42-1739.

Formerly cited as DC ST 1981 § 1-2502

(28) “Sexual orientation” means male or female homosexuality, heterosexuality and bisexuality, by preference or practice.

(29) “Source of income” means the point, the cause, or the form of the origination, or transmittal of gains of property accruing to a person in a stated period of time; including, but not limited to, money and property secured from any occupation, profession or activity, from any contract, agreement or settlement, from federal payments, court-ordered payments, from payments received as gifts, bequests, annuities, life insurance policies and compensation for illness or injury, except in a case where conflict of interest may exist.

(30) “Transaction in real property” means the exhibiting, listing, advertising, negotiating, agreeing to transfer or transferring, whether by sale, lease, sublease, rent, assignment or other agreement, any interest in real property or improvements thereon, including, but not limited to, leaseholds and other real chattels.

(31) “Unlawful discriminatory practice” means those discriminatory practices which are so specified in subchapter II of Unit A of this chapter. “Unlawful discriminatory practice” shall include harassment engaged in for discriminatory reasons specified in § 2-1402.11(a).

#### CREDIT(S)

(Dec. 13, 1977, D.C. Law 2-38, title I, § 102, 24 DCR 6038; Mar. 10, 1983, D.C. Law 4-209, § 35(a)(1), 30 DCR 390; Feb. 24, 1987, D.C. Law 6-166, § 33(c), 33 DCR 6710; Dec. 10, 1987, D.C. Law 7-50, § 2, 34 DCR 6887; June 28, 1994, D.C. Law 10-129, § 2(b), 41 DCR 2583; Apr. 20, 1999, D.C. Law 12-242, § 2(b), 46 DCR 952; Apr. 12, 2000, D.C. Law 13-91, § 159(a), 47 DCR 520; June 19, 2001, D.C. Law 13-313, § 7, 48 DCR 1873; Oct. 1, 2002, D.C. Law 14-189, § 2(a), 49 DCR 6523; Dec. 7, 2004, D.C. Law 15-216, § 2(a), 51 DCR 9123; Apr. 5, 2005, D.C. Law 15-263, § 2(b), 52 DCR 237; Apr. 8, 2005, D.C. Law 15-309, § 2, 52 DCR 1718; Mar. 8, 2006, D.C. Law 16-58, § 2(b), 53 DCR 14; Mar. 2, 2007, D.C. Law 16-191, § 123, 53 DCR 6794; Mar. 14, 2007, D.C. Law 16-273, § 3(b), 54 DCR 859; Sept. 12, 2008, D.C. Law 17-231, § 7, 55 DCR 6758; Mar. 25, 2009, D.C. Law 17-368, § 4(a)(1), 56 DCR 1338.)

Current through November 19, 2009

Copyright (C) 2009 By The District of Columbia. All Rights Reserved.

END OF DOCUMENT