Introduction

Transgender and gender non-conforming individuals living and working in the District of Columbia often face challenges when accessing or attempting to access a bathroom or other gender specific facilities, such as locker rooms, and showers. At times, these challenges can even escalate to violence. To protect against and prevent such obstacles, District law requires two things with regard to access to public facilities: (1) single-occupancy bathrooms must be gender-neutral; and (2) facility managers and personnel must respect a person’s restroom choice based on their gender identification or expression. More broadly, gender identity and expression are protected traits under District law and this means that discrimination in employment, housing, public accommodations or educational institutions is prohibited in our city. This fact sheet provides an overview of the District of Columbia Human Rights Act and the accompanying regulations so that District agencies, offices, and contractors working within and/or on behalf of the District can better understand the legal requirements and ensure that individuals are treated fairly and in accordance with the law.

What does the DC Human Rights Act require?

Generally, the regulations implementing the District of Columbia Human Rights Act provide: “It shall be unlawful for any person or entity, including agencies of the District of Columbia government and its contractors, to discriminate against a person in employment, housing, public accommodations, or educational institutions on the basis of that person’s actual or perceived gender identity or expression.” 4 DCMR § 801.1. Specifically, it states that all single-occupancy restroom facilities must be gender neutral and use gender-neutral signage (i.e., replace “Men” or “Women” signs with “Restroom”). 4 DCMR § 802.2. Additionally, it requires that access to all facilities must be consistent with a person’s gender identity or expression, not their assigned sex at birth. 4 DCMR § 802.1. This means that individuals must be permitted to use a facility of their choice in accordance with their gender identity or expression. For instance, if an individual, who identifies or presents themselves as a woman, wishes to use the Women’s restroom, they must be permitted to do so even if the individual were to be perceived differently. Thus, under District laws, denying access to any restroom, or other gender specific facility that is consistent with a person’s gender identity or expression, is unlawful.

Where does the law apply?

All District agencies, offices, and contractors working within and/or on behalf of the District must comply with the requirements under the Human Rights Act and the accompanying regulations. This means that all government buildings must allow individuals to use gender-specific restrooms and other gender-specific facilities that are consistent with their gender identity or expression.

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When must the laws be enforced?

All District agencies, offices, and contractors working within and/or on behalf of the District shall follow the requirements of the District of Columbia Human Rights Act at all times. See D.C. Code § 2-1401.01 et seq. Additionally, agencies, offices and contractors shall clearly and explicitly post and communicate District of Columbia’s laws regarding gender identity or expression to all management, employees, and volunteers as required by the law. Such postings shall include notices setting forth the human right laws, the protections afforded to one’s gender identity and expression, and information pertinent to the filing of a complaint. See D.C. Code § 2-1402.51; 4 DCMR § 801.2.