

D.C. OFFICE OF HUMAN RIGHTS  
AND  
COMMISSION ON HUMAN RIGHTSNOTICE OF PROPOSED RULEMAKING

The Office of Human Rights and the Commission on Human Rights, pursuant to section 301(c) of the Human Rights Act of 1977 (Act), effective December 13, 1977 (D.C. Law 2-38; D.C. Official Code § 2-1403.01(c)), hereby give notice of the intent to adopt a new Chapter 8 of Title 4 of the District of Columbia Municipal Regulations (DCMR) in not less than thirty (30) days from the date of publication of this notice in the D.C. Register. The new chapter, entitled "Compliance Rules and Regulations Regarding Gender Identity or Expression," will implement the recent amendments to the Act that prohibit discrimination based on gender identity or expression.

Title 4, DCMR is amended by adding a new Chapter 8 to read as follows:

**CHAPTER 8 COMPLIANCE RULES AND REGULATIONS  
REGARDING GENDER IDENTITY OR EXPRESSION****800 Purpose**

800.1 In order to meet the obligations to prohibit discrimination based on gender identity or expression as set forth in the Act, the Office and the Commission adopt this chapter for the following purposes:

- (a) To implement the provisions of the Act regarding discrimination based on gender identity or expression in employment, housing, public accommodations, or educational institutions, including all agencies of the District of Columbia government and its contractors;
- (b) To provide guidance with regard to the requirements of the law to all employers, housing providers, businesses, organizations, educational institutions, and District government agencies and contractors in seeking compliance with the law;
- (c) To educate the public on the behaviors, conduct, and actions that constitute unlawful discrimination based on gender identity or expression;
- (d) To ensure that transgender people are treated in a manner that is consistent with their identity or expression, rather than according to their presumed or assigned sex or gender; and
- (e) To guide the internal processing of complaints filed with the Office or cases heard by the Commission.

**801 GENERAL PROHIBITIONS OF GENDER IDENTITY OR EXPRESSION DISCRIMINATION**

801.1 It shall be unlawful to discriminate against a person in employment, housing, public accommodations, or educational institutions, including agencies of the District of Columbia government and its contractors, on the basis of that person's actual or perceived gender identity or expression. Such unlawful discriminatory practices shall include but not be limited to the following in:

- (a) **EMPLOYMENT:** failing to hire or promote; engaging in disparate treatment; engaging in unlawful termination and transfers; engaging in verbal or physical harassment; creation of a hostile environment; failing to make a reasonable accommodation when requested by the employee in accordance with § 804; and denying access to a restroom facility that is appropriate to and consistent with the employee's gender identity or expression.
- (b) **HOUSING AND COMMERCIAL SPACE:** refusing to show, rent, or sell real property that is available for lease or sale; discriminating in financial transactions related to real property; engaging in disparate treatment by adding or using different terms or conditions in a lease; refusing to make or provide services, repairs, or improvements for any tenant or lessee; creating a hostile environment; and failing to stop or prevent harassment by co-tenants, landlords, or property managers.
- (c) **PUBLIC ACCOMMODATIONS:** refusing to provide goods or services of any kind; engaging in disparate treatment in the provision of goods and services; engaging in verbal or physical harassment; creating a hostile environment; and denying access to restroom facilities that are appropriate to and consistent with a customer's or client's gender identity or expression.
- (d) **EDUCATIONAL INSTITUTIONS:** refusing or limiting educational opportunities in admission, matriculation, or access to extracurricular activities; engaging in disparate treatment of a student; engaging in or failing to prevent verbal or physical harassment; creating a hostile environment; and denying access to restroom facilities that are appropriate to and consistent with a student's gender identity or expression.
- (e) **DISTRICT OF COLUMBIA GOVERNMENT:** refusing to provide any facility, service, program, or benefit of the Government of the District of Columbia.

801.2 All entities covered under the Act shall clearly and explicitly communicate the District of Columbia's laws regarding gender identity or expression and other protected categories to all management, employees, and volunteers.

**802 RESTROOM FACILITIES**

- 802.1 All entities covered under the Act shall allow individuals the right to use gender-segregated restroom facilities that are consistent with and appropriate to their gender identity or expression.
- 802.2 All entities covered under the Act with single-occupancy restroom facilities shall use gender-neutral signage for those facilities (for example, by replacing signs that indicate "Men" and "Women" with signs that say "Restroom").

**803 ACCOMMODATIONS FOR HEALTH CARE NEEDS**

- 803.1 When requested by the employee, an employer shall make reasonable accommodations (including medical leave) for transgender-related health care needs that are consistent with such accommodations that are provided for other medical needs. Such needs include but are not limited to medical or counseling appointments, surgery, recovery from surgery, and any other transgender-related procedures.

**804 DRESS AND GROOMING STANDARDS**

- 804.1 No employer, housing provider, public accommodation, educational institution, or any agency of the District of Columbia government or its contractors shall require individuals to dress or groom themselves in a manner inconsistent with their sex or their gender identity or expression.
- 804.2 Employers, housing providers, public accommodations, educational institutions, and agencies of the District of Columbia government and its contractors may prescribe standards of dress which shall serve a reasonable business purpose, as long as such standards do not discriminate or have a discriminatory impact on the basis of an individual's sex or the individual's gender identity or expression.
- 804.3 Except as otherwise provided in this chapter, the Office and Commission adopt and incorporate by reference the provisions of § 512.

**805 GENDER-SPECIFIC FACILITIES WITH UNAVOIDABLE NUDITY**

- 805.1 All entities covered under the Act shall provide access to and the safe use of facilities that are typically segregated by gender.
- 805.2 In gender-specific facilities where nudity in the presence of other people is unavoidable, entities covered by the Act shall make reasonable accommodations to allow an individual access to and the use of the facility that is appropriate to and consistent with that individual's gender identity or expression, regardless of whether the individual has provided identification or other documentation of their gender identity or expression.

## DISTRICT OF COLUMBIA REGISTER

805.3 Requiring documentation or other proof of an individual's gender is prohibited, except in situations where all persons are asked to provide documentation or other proof of their gender for a reasonable business or medical purpose.

**806 RECORDING OF GENDER AND NAME**

806.1 An entity covered under the Act shall not require an applicant to state whether the individual is transgender.

806.2 If an application form asks for the applicant to identify as male or female, designation by the applicant of a sex that is inconsistent with the applicant's assigned or presumed gender shall not be considered, without more, to be fraudulent or to be a misrepresentation for the purpose of adverse action on the application.

806.3 An applicant's giving of a name publicly and consistently used by the applicant, even when the name given is not the applicant's legal name, shall not be grounds for action, if the name given is consistent with the applicant's gender identity or expression.

806.4 An applicant's failure to disclose a change of gender or name (unless specifically required as part of an application process for a reasonable business purpose) shall not be considered grounds for an adverse action.

**807 BACKGROUND CHECKS**

807.1 If an entity covered under the Act learns through a background check or other means that a person is transgender, the entity shall not, without more, take an adverse action against the individual on the basis of the learned information.

**808 HARASSMENT AND HOSTILE ENVIRONMENT**

808.1 All harassment and actions that create a hostile environment based on gender identity or expression shall be prohibited.

808.2 The following behaviors shall be presumptive evidence of unlawful harassment and hostile environment:

- (a) Deliberately misusing an individual's preferred name form of address or gender-related pronoun;
- (b) Asking personal questions about an individual's body, gender identity or expression, or gender transition;

- (c) Causing distress to an individual by disclosing to others that the individual is transgender; and
- (d) Posting offensive pictures, or sending offensive electronic or other communications.

**899****DEFINITIONS**

## 899.1

When used in this chapter, the following terms and phrases shall have the meanings ascribed:

“Act” - the Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Official Code § 2-1401.01 *et seq.*).

“Commission” – the Commission on Human Rights, established by section 401 of the Act (D.C. Official Code § 2-1404.01).

“Entities” - include all employers, housing providers, public accommodations, educational institutions, and government agencies that come within the jurisdictional reach of the Act.

“Gender identity or expression” - a gender-related identity, appearance, expression, or behavior of an individual, regardless of the individual’s assigned sex at birth.

“Office” – the Office of Human Rights, established by section 202 of the Fiscal Year 2000 Service Improvement and Budget Support Act of 1999, effective October 20, 1999 (D.C. Law 13-38; D.C. Official Code § 2-1411.01).

“Transgender” - an adjective that refers to any individual whose identity or behavior differs from stereotypical or traditional gender expectations, including transsexual individuals, cross-dressers, androgynous individuals, and others whose appearance or characteristic are perceived to be gender-atypical.

Copies of this proposed rulemaking may be obtained at the District of Columbia Commission on Human Rights, 441 4<sup>th</sup> Street, N.W., Suite 290, Washington, D.C. 20001.

All persons desiring to comment on the subject matter of this proposed rulemaking should file comments in writing not later than thirty (30) days after the date of publication of this notice in the D.C. Register. Comments should be filed with:

Cornelius R. Alexander, Jr., Esq.  
District of Columbia Commission on Human Rights  
441 4<sup>th</sup> Street, N.W.-Suite 290  
Washington, D.C. 20001

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA  
1333 H STREET, N.W., SUITE 200, WEST TOWER  
WASHINGTON, DC 20005

NOTICE OF PROPOSED RULEMAKING

GT06-1, IN THE MATTER OF THE APPLICATION OF WASHINGTON  
GAS LIGHT COMPANY FOR AUTHORITY TO AMEND GENERAL SERVICE  
PROVISION NO. 23

1. The Public Service Commission of the District of Columbia ("Commission") hereby gives notice, pursuant to Section 2-505 of the District of Columbia Code,<sup>1</sup> of its intent to act upon the Application of Washington Gas Light Company ("WGL" or the "Company")<sup>2</sup> in not less than 30 days from the date of publication of this Notice of Proposed Rulemaking ("NOPR") in the *D.C. Register*.

2. On May 1, 2006, WGL filed a Tariff Application requesting authority to revise **Tariff Page No. 57 for General Service Provision ("GSP") No. 23**.<sup>3</sup> Specifically, WGL seeks to recover a portion of the Company's costs for injecting hexane into its distribution system from firm delivery service customers through a modification to the balancing charge.<sup>4</sup> The Company states that it has been collecting the cost of hexane from sales service customers through its Purchased Gas Charge ("PGC").<sup>5</sup>

3. According to WGL, the re-gasified LNG from Cove Point, Maryland lacks heavy hydrocarbons and this, in turn, results in the shrinkage of rubber seals within the mechanical couplings used in the construction of 2-inch distribution mains and ¾ inch service lines.<sup>6</sup> WGL believes a significant number of leaks in the Maryland portion of its distribution system are attributable to this shrinkage problem.<sup>7</sup> In order to prevent

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<sup>1</sup> D. C. Code, 2001 Ed. § 2-505.

<sup>2</sup> *Gas Tariff 06-x, In the Matter of the Application of Washington Gas Light Company for Authority to Amend its General Services Provision No. 23 ("GT06-x")*, Letter to Dorothy Wideman, Commission Secretary, from Keith Townsend, Senior Attorney for Washington Gas Light Company, filed May 1, 2006 (hereinafter referred to as "Application").

<sup>3</sup> *GT06-1*, WGL's Application at 1.

<sup>4</sup> *Id.*

<sup>5</sup> *Id.* at 3.

<sup>6</sup> *Id.* at 2.

<sup>7</sup> *Id.*

shrinkage and further deterioration throughout the distribution system, WGL states that it is injecting hexane into the Cove Point LNG.<sup>8</sup>

4. This Application is on file with the Commission and may be reviewed at the Office of the Commission Secretary, 1333 H Street, N.W., Seventh Floor, East Tower, Washington, D.C. 20005, between the hours of 9:00 a.m. and 5:30 p.m., Monday through Friday. Copies of the tariff pages are available upon request, at a per-page reproduction cost.

5. Comments on the proposed tariff application must be made in writing to Dorothy Wideman, Commission Secretary, at the above address. All comments must be received within 30 days of the date of publication of this NOPR in the *D.C. Register*. Persons wishing to file reply comments may do so no later than 45 days of the date of publication of this NOPR in the *D.C. Register*. Once the comment and reply comment periods have expired, the Commission will take final action on WGL's Application.

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<sup>8</sup>

*Id.*

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA  
1333 H STREET, N.W., SUITE 200, WEST TOWER  
WASHINGTON, DC 20005

NOTICE OF PROPOSED RULEMAKING

GT97-3, IN THE MATTER OF THE APPLICATION OF WASHINGTON  
GAS LIGHT COMPANY FOR AUTHORITY TO AMEND ITS RATE  
SCHEDULE NO. 3A

1. The Public Service Commission of the District of Columbia ("Commission") hereby gives notice, pursuant to Section 2-505 of the District of Columbia Code,<sup>1</sup> of its intent to act upon the Application of Washington Gas Light Company ("WGL" or the "Company")<sup>2</sup> in not less than 30 days from the date of publication of this Notice of Proposed Rulemaking ("NOPR") in the *D.C. Register*.

2. On May 1, 2006, WGL filed a Tariff Application requesting authority to revise **Rate Schedule No. 3A-Interruptible Delivery Service, Revised Page 19** filed in GT97-3 on April 20, 2006.<sup>3</sup> WGL states that Revised Page 19, removes the phrase "communications and" from the description of the type of required interruptible customer meter.<sup>4</sup> According to WGL, it will no longer maintain a remote audible alarm communication capability for interruptible service customer meters.<sup>5</sup> The Company asserts that it is replacing the field hardware units attached to each interruptible customer meter over the next three years.<sup>6</sup> In its place, there will be a redesigned customer communication program which can provide notification via a combination of e-mails, telephone calls and facsimile messages to both Rate Schedule No. 3A customers and their third party suppliers.<sup>7</sup>

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<sup>1</sup> D. C. Code, 2001 Ed. § 2-505.

<sup>2</sup> *Gas Tariff 97-3, In the Matter of the Application of Washington Gas Light Company for Authority to Amend Rate Schedule No. 3A ("GT97-3")*, Letter to Dorothy Wideman, Commission Secretary, from Keith Townsend, Senior Attorney for Washington Gas Light Company, filed May 5, 2006 (hereinafter referred to as "Application"). See also, *Gas Tariff 97-3, In the Matter of the Application of Washington Gas Light Company for Authority to Amend its General Service Provisions ("GT97-3")*, Letter to Dorothy Wideman, Commission Secretary, from Keith Townsend, Senior Attorney for Washington Gas Light Company, filed April 20, 2006.

<sup>3</sup> GT97-3, WGL's Application at 1.

<sup>4</sup> *Id.* at 3.

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

3. This Application is on file with the Commission and may be reviewed at the Office of the Commission Secretary, 1333 H Street, N.W., Seventh Floor, East Tower, Washington, D.C. 20005, between the hours of 9:00 a.m. and 5:30 p.m., Monday through Friday. Copies of the tariff pages are available upon request, at a per-page reproduction cost.

4. Comments on the proposed tariff Application must be made in writing to Dorothy Wideman, Commission Secretary, at the above address. All comments must be received within 30 days of the date of publication of this NOPR in the *D.C. Register*. Persons wishing to file reply comments may do so no later than 45 days of the date of publication of this NOPR in the *D.C. Register*. Once the comment and reply comment periods have expired, the Commission will take final action on WGL's Application.