



Councilmember Lori Droste
District 8

CONSENT CALENDAR
May 16, 2017

To: Honorable Mayor and Members of the City Council
From: Councilmembers Lori Droste, Kriss Worthington, and Ben Bartlett
Subject: Against HB 142: North Carolina's Inadequate Repeal of the HB2 Transgender Bathroom Bill

RECOMMENDATION

Adopt a Resolution against North Carolina's anti-LGBTQ House Bill 142, which is intended to replace House Bill 2, and send a copy of the Resolution to State Senator Nancy Skinner, Assemblymember Tony Thurmond, Governor Jerry Brown, and Governor Roy Cooper.

BACKGROUND

HB 142 repeals S.L. 2016-3, or HB 2, which required individuals to use government bathrooms that correspond to their biological sex. However, HB 142 maintains a key feature of HB 2 that strictly accords the regulation of bathrooms and changing facilities to the General Assembly. HB 142 also implements a moratorium that prevents local governments from enacting or amending ordinances regulating private employment practices or public accommodations, until December 2020.

Section 2 of HB 142, prohibits state agencies, boards, offices, departments, institutions, branches of government, including universities and local school boards, from regulating multiple occupancy restrooms, showers, or changing facilities, unless in accordance with an act of the General Assembly. As such, public institutions, universities, local school boards, and local governments, cannot issue LGBTQ-inclusive policies without the permission of the General Assembly. Additionally, HB 142 would inhibit the creation of local nondiscrimination ordinances in the private and public spheres, until December 2020. As such, HB 142 would render North Carolina's LGBTQ community extremely vulnerable, offering few protections and limited opportunities for legal redress.

ENVIRONMENTAL SUSTAINABILITY

None

FISCAL IMPLICATIONS

Minimal

CONTACT

Lori Droste, Councilmember District 8 981-7180
Leah Weaver, 981-7181

RESOLUTION NO. ##,###-N.S.

AGAINST HB 142

WHEREAS, HB 2 required local boards of education to provide single-sex multiple occupancy bathrooms and changing facilities for students that are designated and only used by students based on their biological sex, as assigned at birth; and

WHEREAS, HB 2 stated that public agencies shall require every multiple occupancy bathroom and changing facility to be designated for and only used by persons based on their biological sex; and

WHEREAS, the provisions of HB 2 supersede and preempt any ordinance, regulation, resolution, or policy adopted or imposed by a unit of local government or other political subdivision of the state that regulates or imposes any requirement upon an employer pertaining to compensation of employees; and

WHEREAS, the provisions of HB 2 supersede and preempt any ordinance, regulation, resolution, or policy adopted or imposed by a unit of local government or other political subdivision of the state that regulates or imposes any requirement upon an employer pertaining to the regulation of discriminatory practices in employment, except such regulations applicable to personnel employed by that body that are not otherwise in conflict with State law; and

WHEREAS, the provisions of HB 2 supersede and preempt any ordinance, regulation, resolution, or policy adopted or imposed by a unit of local government or other political subdivision of the state that regulates or imposes any requirement pertaining to the regulation of discriminatory practices in places of public accommodation; and

WHEREAS, HB 142 repeals the regulation of same-sex multiple occupancy bathroom as defined under HB 2; and

WHEREAS, HB 142 maintains that no local government may enact or amend an ordinance regulating private employment practices or public accommodations; and

WHEREAS, HB 142 enforces a moratorium until its expiration on December 1, 2020; and

WHEREAS, HB 142 will render the LGBTQ community of North Carolina extremely vulnerable to discrimination; and

WHEREAS, HB 142 will enshrine anti-transgender regulations in law and prevent local jurisdictions, including universities, from protecting their transgender constituents or students; and

WHEREAS; HB 142 would provide harmed persons few options of legal redress.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that it is hereby against HB 142.

BE IT FURTHER RESOLVED that copies of this Resolution be sent to State Senator Nancy Skinner, Assemblymember Tony Thurmond, Governor Jerry Brown, and Governor Roy Cooper.

