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## **Oppose HB 77 – A Disruptive Attempt to Write Discrimination into Virginia Law**

HB77 is a thinly veiled attempt to prohibit localities from protecting their residents from discrimination on the basis of sexual orientation and gender identity.

**This law would put localities at risk of losing federal funding.** Local governments are bound by the U.S. Constitution not to discriminate on the basis of sex. Under recent federal judicial and regulatory decisions and policies, this includes sexual orientation and gender identity. Passing this law would require local governments to act contrary to their sworn duty to uphold the Constitution and the laws of the United States. Yet, it would not protect them from incurring liability, or losing their federal funding, for violating Title VII of the Civil Rights Act or Title IX of the Education Act.

**The Virginia Human Rights Act does not define or limit a local government’s authority to act to implement the U.S. Constitution.** Local governments have inherent authority to protect the constitutional rights of their residents, employees and students. This includes protecting them from discrimination on the basis of sexual orientation and gender identity.

**This law would interfere with judicial authority.** A lawsuit filed in the Fairfax County Circuit Court in December 2015 addresses whether the Virginia Human Rights Act permits local governments to prohibit discrimination on the basis of gender identity. The General Assembly should not act on this issue prior to the court’s decision.

**HB 77 would have far-reaching unintended consequences.** By excluding federal regulations and policies enacted after Jan. 1, 2012, from the Virginia Human Rights Act, this law would prohibit localities from protecting residents against *any* gender-based discrimination proscribed by *any* future federal regulation or policy. The law’s vague terminology makes it unclear whether this includes longstanding federal protections against gender discrimination that are periodically amended or renewed.

**This law would take the Commonwealth in the wrong direction.** Protecting LGBT workers and students from discrimination because of who they are is simply good public policy. Major private employers in Virginia already have policies protecting LGBT employees from discrimination, and school systems across the country have been protecting LGBT students from sexual orientation and gender identity discrimination for years. Virginia risks losing current and future residents if such discrimination is tolerated in the Commonwealth.

**HB 77 is the wrong approach for Virginia.**