



COMMISSION ON HUMAN RELATIONS
CITY OF CHICAGO

**STATEMENT IN SUPPORT OF THE EQUAL ACCESS CONSISTENT WITH A PERSON'S GENDER IDENTITY
AMENDMENT**

**MONA NORIEGA
CHAIRMAN AND COMMISSIONER
CHICAGO COMMISSION ON HUMAN RELATIONS**

JUNE 8, 2016

Good morning Chairman Dowell and members of the Human Relations Committee. Thank you for your attendance and attention to the issue before you today, a proposed amendment to the Human Rights Ordinance, named Equal Access Consistent with a Person's Gender Identity, that will affirmatively impact gender non-conforming and transgender individuals.

The Chicago Commission on Human Relations is tasked with enforcing the City of Chicago's Human Rights and Fair Housing Ordinances. Over the years the City Council has voted to ensure that discrimination is prohibited in public accommodations, housing, employment and bonding and credit, based on 16 categories all listed on the inside front panel of the CCHR's brochure. In 1989 the City Council added Sexual Orientation as a protected classification and gender identity was added in 2002. By recognizing the harm of discrimination against lesbian, gay, bisexual and transgender individuals, the Council set the City of Chicago apart from many other municipalities and states that refused, and continue to refuse, to extend equal rights to the LGBT community. In 2002, the issue of equal protection for LGBT individuals was even more contested than it is today. And so when Gender Identity was added as a protected classification it was done so with a carve out that requires a government issued ID when accessing public accommodations that are private in nature--bathrooms.

Historically we can understand the policing of bathrooms as a reflection of the socially defined norms and fears of the time. The legislated separation of the sexes in the bathrooms was intended to protect the fragility of women in the workforce. For many years, prejudice and fear caused many people to reject the idea of different races using the same bathroom. Most recently there was a fear of what gay people might do in the bathroom, and today it is transgender individuals in the bathroom who are demonized.

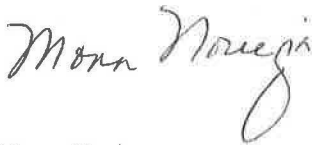
The requirement to show a government ID when accessing public accommodations that are private in nature is in conflict with the City of Chicago's own Human Rights Ordinance that offers civil rights protections to all. The City of Chicago's ID requirement reminds us of a law passed recently in North Carolina that limits the use of public accommodations that are private in nature to people who can prove that their sex assigned at birth matches the sex designation of the facility. That is not going so

well for the state of North Carolina right now, as the Department of Justice is suing the State of North Carolina, municipalities are prohibiting travel expenditures to North Carolina (including Chicago), and numerous companies have made business decision to cancel projects in North Carolina or re-locate out of North Carolina.

We are not like the misguided legislators who passed the law in North Carolina, we are a City that values the concept of Equal Access and thus this amendment is a request to correct what in 2002 was a cutting edge legislative move, but which is now not appropriate. The request is not to add anything, but to be aligned with the City of Chicago's own Chicago Public School recommendation, President Obama's guidance exemplified in the Department of Justice and the Department of Education's recommended guidelines, as well as other municipalities like New York City, San Francisco, or Washington DC, who all say that accessing a public accommodation, that is private in nature, should not require that anyone prove who they are by producing a birth certificate, or in our case a government issued ID.

Today you will hear from legal advocates, faith leaders, community, and family who are impacted by discrimination and object to the carve out in the Chicago Human Relations Ordinance. I thank you again for hosting this hearing and allowing for an opportunity for people to share their stories. And I look forward to a recommendation from this committee to the full city council to approve the proposed amendment change before you.

Sincerely,

A handwritten signature in cursive script that reads "Mona Noriega". The signature is written in black ink and is positioned to the right of the typed name.

Mona Noriega
Chair and Commissioner