



A RESOLUTION AFFIRMING THE DIGNITY OF ALL PEOPLE, INCLUDING THOSE WHO ARE LESBIAN, GAY, BISEXUAL, AND TRANSGENDER; AND CALLING FOR THE REPEAL OF SESSION LAW 2016-3/HOUSE BILL 2

WHEREAS, Hillsborough prides itself on being a welcoming community for individuals and families of all orientations and identities; Hillsborough specifies “celebrating our community’s diversity” as one of our town values; and Hillsborough recognizes that public policy promoting diversity, inclusion, and non-discrimination contributes to economic vitality while exclusionary practices put economic investment in our state and our local communities at risk; and

WHEREAS, Hillsborough is one of several municipalities and counties to oppose the General Assembly’s discriminatory and arguably unconstitutional Senate Bill 2 (Session Law 2015-75); and

WHEREAS, on February 22, 2016, the Charlotte City Council approved a local ordinance that added marital status, familial status, sexual orientation, gender identity, and gender expression to its list of categories protected from discrimination in city contracting and public accommodations; and in response to that ordinance, the North Carolina General Assembly in a special session ratified — and Governor McCrory signed — House Bill 2 (Session Law 2016-3), the Public Facilities Privacy and Security Act; and

WHEREAS, House Bill 2 nullifies the Charlotte ordinance and all other local government non-discrimination ordinances, including ordinances previously approved by the Orange County Board of Commissioners, by establishing new statewide standards for what constitutes discriminatory practice in employment and public accommodations, and by establishing ill-advised statewide requirements for use of bathrooms and changing facilities in all public agencies, including schools; and

WHEREAS, the omission of sexual orientation, gender identity, gender expression, and veteran status from the statewide list of categories protected from discrimination means that not only do protections on these bases appear to be unavailable under state law, but further that local governments are prohibited from offering these protections to their residents; and

WHEREAS, the legislation also appears to eliminate the right of any person to bring civil action in a North Carolina court for a claim of discrimination in employment or public accommodations on account of race, religion, color, national origin, age, veteran status, or biological sex (as well as handicap for employment only); and

WHEREAS, by enacting House Bill 2, our state’s political leaders have taken extreme measures to diminish the legislative authority of local governments and have once again used the State of North Carolina to codify discrimination and division rather than to advance the rights and dignity of North Carolinians; and

WHEREAS, the legislation, its brief legislative history from introduction to passage, its lack of sufficient public vetting, and public statements by lawmakers clearly demonstrate a discriminatory intent; a lack of knowledge and understanding of the experiences of transgender people; and a lack of respect for

the dignity of lesbian, gay, bisexual, and transgender (LGBT) people on the part of the General Assembly and Governor McCrory; and

WHEREAS, the legislation prima facie appears inconsistent with the Equal Protection Clause of the United States Constitution, which provides that no state shall deny to any person within its jurisdiction “the equal protection of the laws” (U.S. Constitution Amendment XIV, § 1);

NOW, THEREFORE, BE IT RESOLVED:

SECTION 1: The Hillsborough Board of Commissioners reaffirms its support for protecting and advancing the constitutional rights and equitable treatment of all residents and its opposition to discrimination and prejudice of all kinds.

SECTION 2: The Hillsborough Board of Commissioners applauds the people of Charlotte and the members of the Charlotte City Council for their courageous leadership in supporting dignity and equality in North Carolina’s largest city.

SECTION 3: The Hillsborough Board of Commissioners extends gratitude to the Orange County Board of Commissioners, which approved a resolution in support of the Charlotte nondiscrimination ordinance on March 22, 2016.

SECTION 4: The Hillsborough Board of Commissioners extends gratitude to the Town of Carrboro for providing a timely example of leadership on this matter for all other municipalities in Orange County and the State of North Carolina with the resolution the town passed on March 26, 2016.

SECTION 5: The Hillsborough Board of Commissioners extends gratitude to the Town of Chapel Hill for providing a timely example of leadership on this matter for all other municipalities in Orange County and the State of North Carolina with the resolution the town passed on March 28, 2016.

SECTION 6: The Hillsborough Board of Commissioners urges the North Carolina General Assembly to repeal House Bill 2 with all deliberate speed.

SECTION 7: The Hillsborough Board of Commissioners encourages all businesses providing public accommodations in Hillsborough to demonstrate their support for dignity of all people, including openly welcoming LGBT people to their places of business.

This is the 11<sup>th</sup> day of April, 2016.

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Tom Stevens, Mayor