

Montgomery County's bill would require any religious school or institution to prove that it had a "bona fide occupational qualification reasonably necessary to the normal operation of that particular business or enterprise". The burden of proof is on our Christian and religious schools. Federal ENDA had an outright exemption for religious organizations and schools, DC's laws did as well. Montgomery County's does not.

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**Montgomery County's Bill 23-07 says:**

Notwithstanding any other provision of this division, it is not an unlawful employment practice: ... based on bona fide occupational qualification reasonably necessary to the normal operation of that particular business or enterprise;

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**DC Existing Law:**

§ 2-1402.41. Educational Institutions

(3) Notwithstanding any other provision of the laws of the District of Columbia, it shall not be an unlawful discriminatory practice in the District of Columbia for any educational institution that is affiliated with a religious organization or closely associated with the tenets of a religious organization to deny, restrict, abridge, or condition -

(A) The use of any fund, service, facility, or benefit; or

(B) The granting of any endorsement, approval, or recognition, to any person or persons that are organized for, or engaged in, promoting, encouraging, or condoning any homosexual act, lifestyle, orientation, or belief.

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*The Montgomery County bill applies to all employers while the DC law restricts it to religious schools only. But, unlike the Montgomery County bill, the DC law does not require a qualification. The Montgomery County law is open to interpretation according to the Montgomery County Office of Human Rights and case precedent. What is a "bona fide occupational qualification"? What is "reasonably necessary"? It's set on a case-by-case basis and may include some employees and not others, depending on what they do and the scope of their job performance. The DC law does not require this -- it is an outright exemption for religious schools.*