

RESOLUTION NO. 3246

WHEREAS, the City of Alexandria recognizes the human right to bodily autonomy and the right to exercise individual autonomy and self-determination in exercising gender-affirming and reproductive healthcare; and

WHEREAS, in *Bostock v. Clayton County Georgia*, the United States Supreme Court, in an opinion authored by Justice Gorsuch, held that discrimination against an individual for their sexual orientation or gender identity constitutes unlawful discrimination on the basis of sex; and

WHEREAS, in *Grimm v. Gloucester County School Board*, the Fourth Circuit Court of Appeals held that discrimination on the basis of gender identity constitutes unlawful and unconstitutional discrimination on the basis of sex, as well as specifically holding that transgender students must be permitted to use restrooms on the basis of their gender, even if their gender differed from their biological sex; and

WHEREAS, since *Bostock*, the United States Supreme Court has repeatedly declined to hear challenges to lower court rulings upholding LGBTQ+ protections; and

WHEREAS, the City of Alexandria recognizes the importance of diversity, equity, and inclusion when it comes to being a competitive employer, building a strong local economy, and enriching the community to be better than the sum of its parts, as well as recognizing LGBTQ+ people have long contributed to the rich history and social fabric of Alexandria and this country; and

WHEREAS, the City Council has declared its desire to ensure Alexandria is a city that is open and affirming to all, including LGBTQ+ individuals and families; and

WHEREAS, as a city that strives to respect and celebrate its diversity, the City Council affirms that being LGBTQ+ is not a disorder, disease, illness, deficiency or shortcoming and commits to finding ways to improve social outcomes for LGBTQ+ Alexandrians; and

WHEREAS, there exist global historical records dating back to antiquity recognizing the existence of LGBTQ+ individuals and identities and thus the existence of LGBTQ+ identities is not a recent invention; and

WHEREAS, gender-affirming healthcare has been proven to be evidence-based, medically necessary, and lifesaving by the American Medical Association, the American Academy of Child and Adolescent Psychiatry, the American Academy of Pediatricians, the Endocrine Society, the American Psychiatric Association, and the World Professional Association for Transgender Health, amongst other institutions; and

WHEREAS, multiple healthcare institutions across the country, have scaled back or have considered scaling back gender-affirming healthcare services in response to legal challenges, perception of legal risk, harassment, or threats of violence; and

WHEREAS, there have been more than five hundred anti-LGBTQ+ bills introduced nationwide in 2024, of which there were eleven anti-LGBTQ+ bills introduced in the Virginia General Assembly 2024 Session, and an additional twelve introduced in the 2023 Session, many of which specifically targeted members of the transgender community; and

WHEREAS Governor Youngkin vetoed HB 536 which would have expanded the definition of bullying to include bullying on the basis of sexual orientation, gender identity, and gender expression; and

WHEREAS, under Governor Youngkin, the Virginia Department of Education revealed its 2022 Model Policies on the Privacy, Dignity, and Respect for All Students and Parents in Virginia's Public Schools. This guidance specifically curtailed LGBTQ+ students' rights to express themselves and their identity, including policies explicitly prohibiting children from utilizing their pronouns or names of choice. Further, the 2022 Model Policies express a default requirement that transgender children shall use the bathroom corresponding with their biological sex, while simultaneously acknowledging this default rule is unconstitutional and holds no effect due to the *Grimm* decision.

WHEREAS, under Governor Youngkin, the Virginia Department of Health removed resources aimed at assisting LGBTQ+ minors from their website; and

WHEREAS, incidents of violence perpetrated against the LGBTQ+ community are increasing, from bullying in schools, hate crimes, and plotted or committed acts of terror at community events and spaces, such as the mass shooting at Pulse Nightclub in Orlando, Florida that killed 49 people, and the mass shooting at Club Q in Colorado Springs, Colorado that killed five; and

WHEREAS, the City Council of the City of Alexandria desires to protect the health, safety, and welfare of all people in our community, especially the physical and psychological well-being of minors, including LGBTQ+ youth; and

WHEREAS, on December 14, 2019, the City Council adopted Ordinance No. 5258, amending Chapter 4 (Human Rights) of the Code of the City of Alexandria to include specific mention of gender identity and transgender status. This ordinance explicitly empowered the Alexandria Human Rights Office to enforce Chapter 4 (Human Rights)'s nondiscrimination provisions pertaining to discrimination on the basis of gender identity and transgender status, enshrining nondiscrimination protections in the matters of housing, real estate, employment, City contracts, health and social service practices, public accommodations, credit, and education; and

WHEREAS, studies have shown access to gender-affirming healthcare improves the overall wellbeing of transgender people and that access to gender-affirming healthcare for youth is associated with better mental health outcomes and lower risks of suicide; and

WHEREAS, more than 94% of LGBTQ+ youth surveyed by the Trevor Project in late 2021 said recent politics have negatively impacted their mental health, and 93% of transgender and non-binary youth surveyed by the Trevor Project in 2022 said they have worried about

transgender people being denied access to gender affirming medical care due to state or local laws; and

WHEREAS, social acceptance and inclusion of LGBTQ+ people leads to better mental health outcomes and enables those individuals and their families to enrich the cultural and social fabric of their community they live in; and

WHEREAS; the City Council of the City of Alexandria recognizes that creating a safe haven for LGBTQ+ individuals and families would encourage LGBTQ+ residents seeking shelter from other hostile environments to find safety and put down roots in our City; and

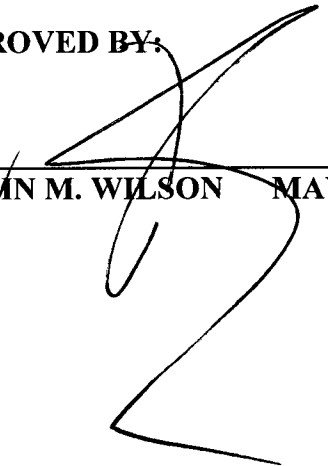
WHEREAS, the Mayor and City Council hereby desire to declare the City of Alexandria a safe haven for the LGBTQ+ community, their families, business establishments and rights to free speech and expression.

**NOW, THEREFORE BE IT RESOLVED BY
THE CITY COUNCIL OF ALEXANDRIA, VIRGINIA, THAT:**

- 1) We reaffirm our commitment to equal protection and freedom from discrimination on the basis of sex, including our commitment to ensuring LGBTQ+ individuals are free from discrimination, whether by individuals, businesses, or government actors;
- 2) We call upon the other elected leaders of Alexandria to use the legislative and administrative authority available to them to take such actions as may be necessary to protect LGBTQ+ individuals from discrimination on the basis of sex due to their sexual orientation or gender identity and to enshrine such protections into law;
- 3) We ask the City Attorney to actively seek participation, as plaintiff or amicus curiae, in ongoing or future litigation to protect the rights of LGBTQ+ individuals.
- 4) We ask the City Manager to ensure all departments of the City of Alexandria, in consultation with the City Attorney, take no action to violate the Fourteenth Amendment of the United States Constitution's Equal Protection Clause, including how equal protection pertains to LGBTQ+ individuals. In the event a local, state, or federal law might result in the reduction of an LGBTQ+ individual's rights, we ask the City Manager to ensure all departments of the City confer with the City Attorney for a determination of whether compliance with such local, state, or federal law would be consistent with the Fourteenth Amendment. If such local, state, or federal law would be inconsistent with the Fourteenth Amendment, we ask the City Attorney to take any legally appropriate action to ensure the City of Alexandria does not take any action inconsistent with the United States Constitution.
- 5) We ask that the City Manager consider budgetary proposals for the FY 2026 budget to ensure resources, information, and services are made available to LGBTQ+ Alexandria residents.

Adopted: September 24, 2024

APPROVED BY:



JUSTIN M. WILSON MAYOR

ATTEST:



Gloria A. Sitton, CMC City Clerk