Lawsuit Alleges that North Carolina's New "Public Facilities Privacy And Security Act" Violates Law

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On Monday, the ACLU of North Carolina, Lambda Legal, and three individuals filed a suit in North Carolina federal court challenging the legality of the Public Facilities Privacy and Security Act, House Bill 2. The plaintiffs allege that H.B. 2 violates the 14th Amendment and Title IX. North Carolina's governor and attorney general are named as defendants along with the University of North Carolina, its Board of Governors and several other UNC officials.

On March 24, North Carolina lawmakers hurriedly approved H.B. 2, which strikes down LGBTQ-inclusive antidiscrimination ordinances adopted by various municipalities. H.B. 2 prevents transgender men and women from using bathrooms that reflect their gender and nullifies policies passed by cities that prohibited sexual orientation discrimination. Lawmakers made the inflammatory argument that H.B. 2 is needed to protect the public from sexual predators in vulnerable spaces.

The public response to H.B. 2 has been overwhelmingly negative, with major corporations like Apple, Google, and the NBA denouncing the bill and threatening to pull various lucrative business arrangements away from North Carolina.

In the complaint, the plaintiffs allege that "[b]y singling out LGBT people for disfavored treatment and explicitly writing discrimination against transgender people into state law, H.B. 2 violates the most basic guarantees of equal treatment and the U.S. constitution" specifically the equal protections promised under the 14th Amendment.

The lawsuit also focuses on Title IX, which prohibits sex discrimination in colleges that receive federal funding. The three individual plaintiffs are associated with UNC – two transgender employees and one transgender student. The plaintiffs claim that H.B. 2 "jeopardizes the more than $4.5 billion in federal funding that North Carolina receives for secondary and post-secondary schools under Title IX."

The plaintiffs are seeking declaratory judgment, asking the judge to determine that as a matter of law, H.B. 2 is unconstitutional and a violation of Title IX.

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