

1 Introduced by Council Member Gulliford:  
2  
3

4 **ORDINANCE 2016-1**

5 AN ORDINANCE CONCERNING EQUAL RIGHTS LAWS;  
6 AMENDING THE CHARTER OF THE CITY OF  
7 JACKSONVILLE TO ADD A NEW ARTICLE 26 "EQUAL  
8 RIGHTS LAWS" TO EXPAND THE CITY'S EQUAL RIGHTS  
9 LAWS TO PROHIBIT DISCRIMINATION BASED UPON  
10 SEXUAL ORIENTATION, GENDER IDENTITY OR GENDER  
11 EXPRESSION, IN ADDITION TO RACE, COLOR,  
12 RELIGION, GENDER, NATIONAL ORIGIN, DISABILITY,  
13 AGE, MARITAL STATUS, FAMILIAL STATUS OR ANY  
14 CIRCUMSTANCES OTHER THAN MERIT AND  
15 QUALIFICATION WITHIN EMPLOYMENT, FAIR HOUSING  
16 AND PUBLIC ACCOMMODATIONS; PROVIDING FOR  
17 REFERENDUM APPROVAL OF THE CHARTER AMENDMENT;  
18 PROVIDING FOR A FINANCIAL IMPACT STATEMENT TO  
19 BE DEVELOPED AND PLACED ON THE BALLOT;  
20 DIRECTING THE SUPERVISOR OF ELECTIONS TO PLACE  
21 THE REFERENDUM QUESTION ON THE AUGUST 30,  
22 2016, CONSOLIDATED GOVERNMENT ELECTION BALLOT;  
23 PROVIDING FOR SEVERABILITY; CONDITIONED UPON  
24 VOTER APPROVAL OF THE CHARTER ARTICLE 26,  
25 AMENDING CHAPTERS 60 (HUMAN RIGHTS  
26 COMMISSION), 400 (EQUAL OPPORTUNITY/EQUAL  
27 ACCESS), 402 (EQUAL EMPLOYMENT OPPORTUNITY),  
28 406 (PUBLIC ACCOMMODATIONS) AND 408 (FAIR  
29 HOUSING), IN ACCORDANCE WITH AFFIRMATIVE  
30 CERTIFIED REFERENDUM RESULTS; AMENDING SECTION  
31 60.105 (FUNCTIONS, POWERS AND DUTIES),

1           *ORDINANCE CODE*; AMENDING SECTION 400.101  
2           (STATEMENT OF POLICY), *ORDINANCE CODE*;  
3           AMENDING CHAPTER 402 (EQUAL EMPLOYMENT  
4           OPPORTUNITY), *ORDINANCE CODE*; AMENDING CHAPTER  
5           406 (PUBLIC ACCOMMODATIONS), *ORDINANCE CODE*;  
6           AMENDING CHAPTER 408 (FAIR HOUSING), *ORDINANCE*  
7           *CODE*; PROVIDING AN EFFECTIVE DATE.

8  
9           **BE IT ORDAINED** by the Council of the City of Jacksonville:

10           **Section 1. Creating a new Article 26 of the Jacksonville**  
11 **Charter (Equal Rights Laws) to read as follows:**

12                           **ARTICLE 26. EQUAL RIGHTS LAWS.**

13           **Section 26.01** The City finds and declares that the right of  
14 equal opportunity and access to employment and the right of non-  
15 discriminatory treatment in employment, housing and public  
16 accommodations are basic rights that should be extended to all  
17 citizens without discrimination on the basis of race, color,  
18 religion, sex, sexual orientation, gender identity or expression,  
19 national origin, disability, age, marital status, familial status,  
20 or any circumstances other than merit and qualification.

21           **Section 26.02.** Discrimination on the basis of race, color,  
22 religion, sex, sexual orientation, gender identity or expression,  
23 national origin, disability, age, marital status, familial status,  
24 or any circumstances other than merit and qualification is hereby  
25 prohibited. This prohibition shall apply to employment, public  
26 accommodations and housing.

27           **Section 2. Referendum.**

28           (a) A referendum of the qualified electors residing in Duval  
29 County, Florida is hereby called to be held as part of the August  
30 30, 2016, Consolidated Government Election, to determine whether  
31 the changes to the Charter set forth in Section 1 shall become

1 effective.

2 (b) The referendum shall be held and conducted in the manner  
3 prescribed by law for holding elections under a referendum  
4 provision.

5 (c) All qualified electors in Duval County shall be entitled  
6 and permitted to vote in the referendum. The places and times of  
7 voting shall be those polling places and times established for  
8 voting by law. The inspectors and clerks for the referendum shall  
9 be designated by the Supervisor of Elections in accordance with  
10 applicable State law.

11 (d) The Supervisor of Elections is authorized and directed,  
12 when printing the ballots and absentee ballots for use in the  
13 voting machines for the referendum election called hereinabove, to  
14 print the referendum question set forth herein below on said  
15 ballots and absentee ballots at the appropriate place therefore.  
16 **Immediately after said question shall be provided a space for the**  
17 **voter to indicate whether the** vote is "yes" or "no" on the question.

18 **Section 3. Notice of Referendum.** The Supervisor of  
19 Elections is directed to ensure at least thirty (30) days notice of  
20 the referendum by publishing the notice at least twice in a daily  
21 newspaper of general circulation in Duval County, once in the fifth  
22 week and once in the third week prior to the week in which the  
23 referendum is to be held, in the manner provided in Section 18.05  
24 of the City Charter and as otherwise required by law.

25 **Section 4. Ballot Title.** The Council hereby directs that  
26 the ballot title for the referendum question be in substantially  
27 the following form:

28  
29 "REFERENDUM ADDING A JACKSONVILLE CHARTER  
30 ARTICLE PROHIBITING SPECIFIED CATEGORIES OF  
31 DISCRIMINATION"

1  
2           **Section 5.           Official Ballot.**    The Council hereby directs  
3 that the following referendum question, in substantially the form  
4 set forth below, be placed on the ballot for the August 30, 2015,  
5 Consolidated Government Election:

6  
7           "Shall Ordinance 2016-1-E, which amends the  
8 Jacksonville Charter to add a new Article 26  
9 entitled "Equal Rights Laws" and which  
10 prohibits discrimination based upon sexual  
11 orientation, gender identity or gender  
12 expression in addition to race, color,  
13 religion, sex, national origin, disability,  
14 age, marital status or familial status, in the  
15 areas of employment, housing, and public  
16 accommodation, become effective?"

17           (\_\_\_\_\_) YES.

18           (\_\_\_\_\_) NO.

19  
20           **Section 6.           Referendum Results.**    The Supervisor of  
21 Elections for Duval County, Florida shall certify the results of  
22 the referendum to the Florida Department of State in accordance  
23 with law. If a majority of the votes cast in the referendum shall  
24 be for the amendment, the amendment shall be approved, and shall  
25 take effect as provided in this Ordinance. If less than a majority  
26 of the votes cast in the referendum shall be for the amendment, the  
27 amendment shall be defeated, and shall not take effect.

28           **Section 7.           Exercise of County Powers.**    This ordinance is  
29 enacted by the Council exercising all its lawful and authorized  
30 power, including, but not limited to, its power as the governing  
31 body of Duval County, Florida, under Section 3.01, of the Charter

1 of the City of Jacksonville.

2 **Section 8. Financial Impact Statement.**

3 Upon approval of this ordinance, the Supervisor of Elections  
4 shall, pursuant to Section 18.05(k) of the Charter, notify the  
5 Mayor, City Council President, General Counsel and Council Auditor,  
6 of their duty under Section 18.05(k) to prepare, within thirty (30)  
7 days of such notice, an up to seventy-five (75) word financial  
8 impact statement of the increase or decrease of any revenues or  
9 costs to the City of Jacksonville resulting from the implementation  
10 of the proposed charter amendment.

11 **Section 9. Severability.** If any section, clause,

12 sentence, or provision of this act or ordinance or the application  
13 of such section, clause, sentence, or provision to any person or  
14 bodies or under any circumstances shall be held to be inoperative,  
15 invalid, or unconstitutional, the invalidity of such section,  
16 clause, sentence, or provision shall not be deemed, held, or taken  
17 to affect the validity or constitutionality of any of the remaining  
18 parts of this act or ordinance, or the application of any of the  
19 provisions of this act or ordinance to persons, bodies, or in  
20 circumstances other than those as to which it or any part thereof  
21 shall have been deemed inoperative, invalid, or unconstitutional,  
22 and it is intended that this act and/or ordinance shall be  
23 construed and applied as if any section, clause, sentence, or  
24 provision held inoperative, invalid, or unconstitutional had not  
25 been included in this act or ordinance.

26 **Section 10. Contingent upon Affirmative Certified**  
27 **Referendum Results.** Contingent on the results and certification of  
28 the referendum noted herein and certified approval of same,  
29 Chapters 60 (Human Rights Commission), 400 (Equal Opportunity/Equal  
30 Access), 402 (Equal Employment Opportunity), 406 (Public  
31 Accommodations) and 408 (Fair Housing) of the Ordinance Code of the

1 City of Jacksonville, in addition to the Charter change in Section  
2 1 herein, shall be amended according to Sections 11-15.

3 **Section 11. Amending Section 60.105 (Functions, powers and**  
4 **duties), Ordinance Code.** Section 60.105 (Functions, powers and  
5 duties), *Ordinance Code*, is hereby amended to read as follows:

6 **CHAPTER 60. HUMAN RIGHTS COMMISSION.**

7 **PART 1. IN GENERAL.**

8 \* \* \*

9 **Sec. 60.105. Functions, powers and duties.**

10 The Commission shall promote and encourage ~~fair~~ non-  
11 discriminatory treatment and equal opportunity for all persons  
12 regardless of race, color, religion, sex, sexual orientation,  
13 gender identity or expression, national origin, age, disability,  
14 marital or familial status; and shall promote mutual understanding  
15 and respect among all economic, social, racial, religious and  
16 ethnic groups and shall endeavor to eliminate discrimination  
17 against, and antagonism between religious, racial, ~~and~~ ethnic and  
18 other groups listed within this ordinance and their members. In  
19 performing its functions, the Commission shall have the following  
20 powers and duties:

21 \* \* \*

22 **Section 12. Amending Section 400.101 (Statement of policy),**  
23 **Ordinance Code.** Section 400.101 (Statement of policy), *Ordinance*  
24 *Code*, is hereby amended to read as follows:

25 **CHAPTER 400. EQUAL OPPORTUNITY/EQUAL ACCESS.**

26 **PART 1. STATEMENT OF POLICY AND GENERAL PROVISIONS.**

27 **Sec. 400.101. Statement of policy.**

28 (a) *Employment.* The Council hereby declares it to be the  
29 policy of the City that personnel shall be employed, compensated,  
30 promoted, transferred, or disciplined without regard to race,  
31 color, religion, political affiliation, sex, sexual orientation,

1 gender identity or expression, national origin, disability, age,  
2 marital status, or any circumstances other than merit and  
3 qualification.

4 \* \* \*

5 **Section 13. Amending Chapter 402 (Equal Employment**  
6 **Opportunity), Ordinance Code.** Chapter 402 (Equal Employment  
7 Opportunity), *Ordinance Code*, is hereby amended to read as follows:

8 **CHAPTER 402. EQUAL EMPLOYMENT OPPORTUNITY.**

9 **PART 1. GENERAL PROVISIONS.**

10 **Sec. 402.102. Legislative findings.**

11 The City finds and declares that:

12 (a) The right of equal opportunity of access to employment  
13 and the right of fair treatment by empl

14 ~~(b)~~ oyers are basic rights that should be extended to all  
15 citizens without discrimination on the basis of  
16 race, color, religion, national origin, sex, sexual  
17 orientation, gender identity or expression, marital  
18 status, age and disability ~~are civil rights~~  
19 ~~guaranteed by the United States Constitution and~~  
20 ~~implemented and enforced by federal law and by the~~  
21 ~~laws of the state.~~

22 \* \* \*

23 **Sec. 402.107. Definitions.**

24 In this Chapter, unless the context otherwise requires:

25 (g) *Discriminate, discrimination and discriminatory* include:

26 (1) A difference in treatment because of race, religion,  
27 national origin, sex, sexual orientation, gender  
28 identity or expression, or marital status where the  
29 difference is not justified by business necessity or  
30 is not a bona fide occupational qualification, or is  
31 not based on a seniority merit system.

1 (2) Any of the unlawful employment practices hereinafter  
2 enumerated.

3 (3) An unlawful separation, segregation or distinction  
4 directly or indirectly against a person because of  
5 race, color, religion, national origin, sex, sexual  
6 orientation, gender identity or expression, or  
7 disability.

8 \* \* \*

9 (n) Gender identity or expression means a gender-related  
10 identity, appearance, expression or behavior of an individual,  
11 regardless of the individual's assigned sex at birth.

12 (o)~~(n)~~ Labor organization includes:

13 \* \* \*

14 (p)~~(o)~~ Reasonable accommodation may include:

15 \* \* \*

16 (q)~~(p)~~ Qualified individual with a disability:

17 \* \* \*

18 (r) Sexual orientation means a person's actual or perceived  
19 heterosexuality, homosexuality, or bisexuality

20 (s)~~(q)~~ Substantially limits: The term *substantially limits*  
21 means:

22 \* \* \*

23 (t)~~(R)~~ *Training program* means any plan containing terms and  
24 conditions for qualification, recruitment, selection, employment,  
25 training of employees to:

26 \* \* \*

27 (u)~~(s)~~ Undue hardship:

28 \* \* \*

29 **PART 2. DISCRIMINATION IN EMPLOYMENT.**

30 **Sec. 402.201. Employment.**



1 Except as provided in Section 402.208, it is an unlawful  
2 employment practice for an employer:

3 (a) To fail or refuse to hire, to discharge or otherwise to  
4 discriminate against an individual with respect to compensation or  
5 the terms, conditions or privileges of employment because of race,  
6 color, religion, sex, sexual orientation, gender identity or  
7 expression, marital status, national origin, age or disability.

8 (b) To limit, segregate or classify employees or applicants  
9 in a way which would deprive or tend to deprive an individual of  
10 employment opportunities or otherwise adversely affect the status  
11 of an employee or applicant because of race, color, religion, sex,  
12 sexual orientation, gender identity or expression, marital status,  
13 national origin, age or disability.

14 **Sec. 402.202. Employment agencies.**

15 Except as provided in Section 402.208, it is an unlawful  
16 employment practice for an employment agency:

17 (a) To fail or refuse to refer for employment or otherwise to  
18 discriminate against an individual because of race, color,  
19 religion, sex, sexual orientation, gender identity or expression,  
20 marital status, national origin, age or disability.

21 (b) To classify or refer for employment an individual on the  
22 basis of race, color, religion, sex, sexual orientation, gender  
23 identity or expression, marital status, national origin, age or  
24 disability

25 **Sec. 402.203. Labor organizations.**

26 Except as provided in Section 402.208, it is an unlawful  
27 employment practice for a labor organization:

28 \* \* \*

29 (b) To limit, segregate or classify its membership or  
30 applicants for membership or to classify or fail or refuse to refer

1 for employment an individual otherwise qualified for membership in  
2 a way which would:

3 (1) Deprive an individual of employment opportunities;  
4 or

5 (2) Limit the employment opportunities or otherwise  
6 adversely affect the status of an employee or of an  
7 applicant for employment;

8 Because of race, color, religion, national origin, sex, sexual  
9 orientation, gender identity or expression, marital status, age or  
10 disability.

11 **Sec. 402.204. Training programs.**

12 Except as provided in Section 402.208, it is an unlawful  
13 employment practice for an employer, labor organization or joint  
14 labor-management committee controlling apprenticeship or other  
15 training or retraining, including on-the-job training, programs to  
16 discriminate against an individual because of race, color,  
17 religion, sex, sexual orientation, gender identity or expression,  
18 marital status, national origin, age or disability in admission to  
19 or employment in a program established to provide apprenticeship or  
20 other training.

21 \* \* \*

22 **Sec. 402.206. Other discriminatory practices.**

23 It is an unlawful employment practice for an employer, labor  
24 organization, employment agency or joint labor-management committee  
25 controlling apprenticeship or other training or retraining,  
26 including on-the-job training, programs to print or publish or  
27 cause to be printed or published a notice or advertisement:

28 \* \* \*

29 (c) Relating to admission to or employment in a program  
30 established to provide apprenticeship or other training by the  
31 joint labor-management committee; Indicating in any of these areas

1 a preference, limitation, specification or discrimination based on  
2 race, color, religion, sex, sexual orientation, gender identity or  
3 expression, national origin, age, or disability; provided, that a  
4 notice or advertisement may indicate a preference, limitation,  
5 specification or discrimination based on religion, sex, marital  
6 status or national origin when the factor or qualification is  
7 justified by business necessity, a *bona fide* occupational  
8 qualification for employment or based on a seniority merit system.

9 \* \* \*

10 **Sec. 402.209 Exemptions.**

11 This Part 2 does not apply to: A religious corporation,  
12 association or society with respect to the employment of  
13 individuals of a particular religion, sexual orientation, or gender  
14 identity or expression to perform work connected with the carrying  
15 on by the corporation, association or society of its religious  
16 activities.

17 **Sec. 402.210. Exceptions.**

18 It is not an unlawful employment practice:

19 (a) For an employer to hire and employ an employee, for an  
20 employment agency to classify or refer for employment an  
21 individual, for a labor organization to classify its membership or  
22 to classify or to refer for employment an individual or for an  
23 employer, labor organization or joint labor-management committee  
24 controlling apprenticeship or other training or retraining programs  
25 to admit or employ an individual in the program on the basis of  
26 religion, sex, sexual orientation, gender identity or expression,  
27 marital status, national origin, age or disability where religion,  
28 sex, sexual orientation, gender identity or expression, marital  
29 status, national origin, age or disability is justified by  
30 business necessity, a *bona fide* occupational qualification

1 reasonably necessary to the normal operation of that particular  
2 business enterprise, or based on a seniority merit system.

3 \* \* \*

4 **Sec. 402.211. Seniority or merit systems.**

5 Notwithstanding any other provisions of this Part, it is not  
6 an unlawful employment practice for an employer:

7 (a) To apply different standards of compensation or different  
8 terms, conditions or privileges of employment pursuant to a *bona*  
9 *fide* seniority or merit system or a system which measures earning  
10 by quantity or quality or production or to employees who work in  
11 different locations, if the differences are not the result of an  
12 intention to discriminate because of race, color, religion, sex,  
13 sexual orientation, gender identity or expression, marital status,  
14 national origin, age or disability.

15 (b) To give and act upon the results of a professionally  
16 developed ability test if the test, its administration or action  
17 upon the results is not designed, intended or used to discriminate  
18 because of race, color, religion, sex, sexual orientation, gender  
19 identity or expression, marital status, national origin, age or  
20 disability.

21 \* \* \*

22 **Section 14. Amending Chapter 406 (Public Accommodations),**  
23 **Ordinance Code.** Chapter 406 (*Public Accommodations*), *Ordinance*  
24 *Code*, is hereby amended to read as follows:

25 **CHAPTER 406. PUBLIC ACCOMMODATIONS.**

26 **PART 1. GENERAL PROVISIONS.**

27 **Sec. 406.102. Declaration of policy.**

28 The City declares it to be the policy of the City to provide  
29 ~~within the limits of the Constitution of the United States,~~ access  
30 to public accommodations for all people within the City. The  
31 availability of access to public accommodations without

1 discrimination on the basis of race, color, religion, ancestry, to  
2 national origin, age, sex, sexual orientation, gender identity or  
3 expression, pregnancy, disability, marital status, or familial  
4 status is a matter of concern to the people of Jacksonville and  
5 more particularly of concern to the City in providing for the  
6 health, welfare, safety and morals of the people of Jacksonville.

7 \* \* \*

8 **Sec. 406.104. Definitions.**

9 In this Chapter, unless the context otherwise requires:

10 \* \* \*

11 (g) *Discriminate, discrimination, and discriminatory* include:

12 (1) A difference in treatment because of race, color,  
13 religion, ancestry, national origin, age, sex,  
14 sexual orientation, gender identity or expression,  
15 pregnancy, disability, marital status, or familial  
16 status, where the difference is not justified by  
17 business necessity or is not a bona fide  
18 qualification.

19 (2) Any of the discriminatory practices hereinafter  
20 enumerated.

21 (3) An unlawful separation, segregation or distinction  
22 directly or indirectly against a person because of  
23 race, color, religion, ancestry, national origin,  
24 age, sex, sexual orientation, gender identity or  
25 expression, pregnancy, disability, marital status,  
26 or familial status.

27 (h) Gender identity or expression means a gender-related  
28 identity, appearance, expression or behavior of an individual,  
29 regardless of the individual's assigned sex at birth.

30 (i)-(h) *Mediation* means the attempted resolution of issues  
31 raised by a complaint or by the investigation of the complaint

1 through informal negotiations involving the complainant,  
2 respondent, and the Commission.

3 (j)~~(i)~~ *Probable Cause Panel* is defined as a three- to five-  
4 person panel composed of the members from the Public Accommodations  
5 Subcommittee of the Commission appointed to make findings related  
6 to probable cause upon the completion of the investigation of a  
7 duly filed complaint.

8 (k)~~(j)~~ *Respondent* means any entity whom has been charged with  
9 a violation of this chapter and who meets the requirements under  
10 this chapter as one who provides public accommodation.

11 (l)~~(k)~~ *Settlement agreement* means a written agreement setting  
12 forth the resolution of the issues in mediation.

13 (m) *Sexual orientation* means a person's actual or perceived  
14 heterosexuality, homosexuality, or bisexuality.

15 \* \* \*

16 **PART 2. UNLAWFUL PUBLIC ACCOMMODATIONS PRACTICES.**

17 **Sec. 406.201. Unlawful practice.**

18 It shall be unlawful to engage in any of the following acts  
19 because of an individual's race, color, religion, ancestry,  
20 national origin, age, sex, sexual orientation, gender identity or  
21 expression, pregnancy, disability, marital status, or familial  
22 status.

23 **Section 15. Amending Chapter 408 (Fair Housing), Ordinance**  
24 **Code.** Chapter 408 (Fair Housing), *Ordinance Code*, is hereby amended  
25 to read as follows:

26 **CHAPTER 408. FAIR HOUSING.**

27 **PART 1. GENERAL PROVISIONS.**

28 \* \* \*

29 **Sec. 408.102. Declaration of policy.**

30 The City declares it to be the policy of the City to provide,  
31 ~~within the limits of the Constitution of the United States,~~ fair

1 housing for all people within the City. The availability of  
2 adequate housing without discrimination on the basis of race,  
3 color, religion, national origin, sex, sexual orientation, gender  
4 identity or expression, handicap, familial status or marital status  
5 is a matter of concern to the people of Jacksonville and more  
6 particularly of concern to the City in providing for the health,  
7 welfare, safety and morals of the people of Jacksonville

8 \* \* \*

9 **Sec. 408.105. Definitions.**

10 In this Chapter, unless the context otherwise requires:

11 \* \* \*

12 (l) Gender identity or expression means a gender-related  
13 identity, appearance, expression or behavior of an individual,  
14 regardless of the individual's assigned sex at birth.

15 (m)-(l) *General counsel* means the General Counsel of the City  
16 of Jacksonville.

17 (n)-(m) *Handicap* means a mental or physical impairment that  
18 substantially limits at least one major life activity, a record of  
19 such impairment, or being regarded as having such an impairment.  
20 The term does not include current, illegal use of or addiction to a  
21 controlled substance (as defined in Section 102 of the Controlled  
22 Substances Act (21 U.S.C. 802)). In this Part, a reference to "an  
23 individual with a handicap" or to "handicap" does not apply to an  
24 individual because that individual is a transvestite.

25 (o)-(n)—*Housing facility* means and includes any building,  
26 structure or portion thereof which is occupied as, or designed or  
27 intended for occupancy as the home, living quarters or residence of  
28 one or more families, and any vacant land which is offered for sale  
29 or lease for the construction or location thereof of any such  
30 building, structure or portion thereof.

(p)~~(e)~~ *Person* includes one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in cases under 11 U.S.C. 101 et seq. (Bankruptcy Code), receivers and fiduciaries.

(q)~~(p)~~ *Real estate broker* includes any person duly licensed as a real estate broker under the laws of the state.

(r)~~(q)~~ *Real estate salesperson* includes:

(s)~~(r)~~ *To rent* includes to lease, to sublease, to let and otherwise to grant for a consideration the right to occupy premises not owned by the occupant.

(t)~~(s)~~ *Respondent* means:

\* \* \*

(u) *Sexual orientation* means a person's actual or perceived heterosexuality, homosexuality, or bisexuality.

\* \* \*

**PART 2. FAIR HOUSING**

\* \* \*

**Sec. 408.204. Appraisal exemption.**

This Part does not prohibit a person engaged in the business of furnishing appraisals of real property from taking into consideration factors other than race, color, religion, sex, sexual orientation, gender identity or expression, handicap, familial status, or national origin

\* \* \*

**PART 4. DISCRIMINATION PROHIBITED.**

**Sec. 408.401. Sale or rental.**

(a) A person may not refuse to sell or to rent after the making of a bona fide offer, refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny a dwelling to any person because of race, color, handicap, religion, sex, sexual



1 orientation, gender identity or expression, familial status, or  
2 national origin.

3 (b) A person may not discriminate against any person in the  
4 terms, conditions, or privileges of sale or rental of a dwelling,  
5 or in providing services or facilities in connection with the sale  
6 or rental, because of race, color, handicap, religion, sex, sexual  
7 orientation, gender identity or expression, familial status, or  
8 national origin.

9 **Sec. 408.402. Publication.**

10 A person may not make, print, or publish or cause to be made,  
11 printed, or published any notice, statement, or advertisement with  
12 respect to the sale or rental of a dwelling that indicates any  
13 preference, limitation, or discrimination based on race, color,  
14 religion, sex, sexual orientation, gender identity or expression,  
15 handicap, familial status, national origin, or an intention to make  
16 such a preference, limitation, or discrimination.

17 **Sec. 408.403. Falsely representing availability.**

18 A person may not represent to any person because of race,  
19 color, religion, sex, sexual orientation, gender identity or  
20 expression, handicap, familial status, or national origin that a  
21 dwelling is not available for inspection, sale or rental when the  
22 dwelling is available for inspection, sale or rent.

23 **Sec. 408.404. Entry into neighborhood.**

24 A person may not, for profit, induce or attempt to induce a  
25 person to sell or rent a dwelling by representations regarding the  
26 entry or prospective entry into a neighborhood of a person of a  
27 particular race, color, religion, sex, sexual orientation, gender  
28 identity or expression, handicap, familial status, or national  
29 origin.

30 \* \* \*

31 **Sec. 408.406. Residential real estate related transaction.**

1 (a) A person whose business includes engaging in residential  
2 real estate related transactions may not discriminate against a  
3 person in making a real estate related transaction available or in  
4 the terms or conditions of a real estate related transaction  
5 because of race, color, religion, sex, sexual orientation, gender  
6 identity or expression, handicap, familial status, or national  
7 origin.

8 \* \* \*

9 **Sec. 408.407. Brokerage services.**

10 A person may not deny any person access to, or membership or  
11 participation in, a multiple-listing service, real estate brokers'  
12 organization or other service, organization, or facility relating  
13 to the business of selling or renting dwellings, or discriminate  
14 against a person in the terms or conditions of access, membership,  
15 or participation, on the basis of race, color, religion, national  
16 origin, sex, sexual orientation, gender identity or expression,  
17 familial status, or handicap.

18 **Section 16. Effective Date.** Except as herein provided,  
19 this ordinance shall become effective upon signature by the Mayor  
20 or upon becoming effective without the Mayor's signature. If the  
21 electors voting in the scheduled referendum approve the charter  
22 amendment set forth herein, then, upon certification of the results  
23 of the referendum's election vote, the terms of Sections 1 and 11  
24 through 15 of this ordinance shall become effective. The City  
25 Council is authorized to amend, enact, reenact, or recodify all  
26 existing ordinances and new ordinances to further the  
27 implementation of the provisions of Section 1.

28  
29 Form Approved:

30  
31 /s/ Margaret M. Sidman

1 Office of General Counsel

2 Legislation Prepared by: Margaret M. Sidman

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