

**ORDINANCE NO. 2070**

**CITY OF FORT DODGE HUMAN RIGHTS ORDINANCE NO. 1801  
AS AMENDED**

**AN AMENDMENT RELATING TO THE FORT DODGE HUMAN RIGHTS  
ORDINANCE AND DISCRIMINATION BASED UPON A PERSON'S SEXUAL  
ORIENTATION OR GENDER IDENTITY.**

**BE IT ENACTED BY THE FORT DODGE CITY COUNCIL:**

Section 1. Ordinance No. 1801 is amended by adding the following new subsections:

NEW SUBSECTION. Section 3. BB. "Gender identity" means a gender related identity of a person, regardless of the person's assigned sex at birth.

NEW SUBSECTION. Section 3. CC. "Sexual orientation" means actual or perceived heterosexuality, homosexuality, or bisexuality.

NEW SUBSECTION. Section 9. DD. A person shall not induce or attempt to induce another person to sell or rent a dwelling by representations regarding the entry or prospective entry into a neighborhood of a person of a particular race, color, creed, sex, sexual orientation, gender identity, religion, national origin, disability, or familial status.

NEW SUBSECTION. Section 9. DE. A person shall not represent to a person of a particular race, color, creed, sex, sexual orientation, gender identity, religion, national origin, disability, or familial status that a dwelling is not available for inspection, sale, or rental when the dwelling is available for inspection, sale, or rental.

NEW SUBSECTION. Section 9. DF. A person whose business includes engaging in residential real estate related transactions shall not discriminate against a person in making a residential real estate related transaction available or in terms or conditions of a residential real estate related transaction because of race, color, creed, sex, sexual orientation, gender identity, religion, national origin, disability, or familial status.

NEW SUBSECTION. Section 9. DG. A person shall not deny another person access to, or membership or participation in, a multiple listing service, real estate brokers' organization or other service, organization, or facility relating to the business of selling or renting dwellings, or discriminate against a person in terms or conditions of access, membership, or participation in such organization because of race, color, creed, sex, sexual orientation, gender identity, religion, national origin, disability, or familial status.

NEW SUBSECTION. Section 9. E7. **ADDITIONAL HOUSING EXCEPTION.** Section 9, subsections A through DG, do not prohibit a person engaged in the business of furnishing appraisals of real estate from taking into consideration factors other than race, color, creed, sex, sexual orientation, gender identity, religion, national origin, disability, or familial status in appraising real estate.

Sec. 2. Section 5, subsections H and J, are amended to read as follows:

H. To issue such publications and reports of investigations and research as in the judgment of the commission shall tend to promote goodwill among the various racial, religious, and ethnic groups of the city and which shall tend to minimize or eliminate

discrimination in public accommodations, employment, apprenticeship and on the job training programs, vocational schools, or housing because of race, creed, color, sex, sexual orientation, gender identity, national origin, religion, ancestry, or disability.

J. To make recommendations to the city council for such further legislation concerning discrimination because of race, creed, color, sex, sexual orientation, gender identity, national origin, religion, ancestry, or disability as it may deem necessary and desirable.

Sec. 3. Section 7, subsection A., paragraphs 1, 2, and 3, are amended to read as follows:

1. Person to refuse to hire, accept, register, classify, or refer for employment, to discharge any employee, or to otherwise discriminate in employment against any applicant for employment or any employee because of the age, race, creed, color, sex, sexual orientation, gender identity, national origin, religion, or disability of such applicant or employee, unless based upon the nature of the occupation. If a person with a disability is qualified to perform a particular occupation, by reason of training or experience, the nature of that occupation shall not be the basis for exception to the unfair or discriminating practices prohibited by this subsection.

2. Labor organization or the employees, agents, or members thereof to refuse to admit to membership any applicant, to expel any member, or to otherwise discriminate against any applicant for membership or any member in the privileges, rights, or benefits of such membership because of the age, race, creed, color, sex, sexual orientation, gender identity, national origin, religion, or disability of such applicant or member.

3. Employer, employment agency, labor organization, or the employees, agents, or members thereof to directly or indirectly advertise or in any other manner indicate or publicize that individuals of any particular age, race, creed, color, sex, sexual orientation, gender identity, national origin, religion, or disability are unwelcome, objectionable, not acceptable, or not solicited for employment or membership unless based on the nature of the occupation. If a person with a disability is qualified to perform a particular occupation by reason of training or experience, the nature of that occupation shall not be the basis for exception to the unfair or discriminating practices prohibited by this subsection.

An employer, employment agency, or their employees, servants, or agents may offer employment or advertise for employment to only persons with disabilities, when other applicants have available to them other employment compatible with their ability which would not be available to persons with disabilities because of their disabilities. Any such employment or offer of employment shall not discriminate among persons with disabilities on the basis of race, color, creed, sex, sexual orientation, gender identity, or national origin.

Sec. 4. Section 7, subsection G, paragraph 3, is amended to read as follows:

3. Any bona fide religious institution or its educational facility, association, corporation, or society with respect to any qualifications for employment based on religion, sexual orientation, or gender identity when such qualifications are related to a bona fide religious purpose. A religious qualification for instructional personnel or an administrative officer, serving in a supervisory capacity of a bona fide religious

educational facility or religious institution, shall be presumed to be a bona fide occupational qualification.

Sec. 5. Section 8, subsection A, paragraphs 1 and 2, are amended to read as follows:

1. To refuse or deny to any person because of race, creed, color, sex, sexual orientation, gender identity, national origin, religion, or disability the accommodations, advantages, facilities, services, or privileges thereof, or otherwise to discriminate against any person because of race, creed, color, sex, sexual orientation, gender identity, national origin, religion, or disability in the furnishing of such accommodations, advantages, facilities, services, or privileges.

2. To directly or indirectly advertise or in any other manner indicate or publicize that the patronage of persons of any particular race, creed, color, sex, sexual orientation, gender identity, national origin, religion, or disability is unwelcome, objectionable, not acceptable, or not solicited.

Sec. 6. Section 8, subsection B, paragraph 1, is amended to read as follows:

1. Any bona fide religious institution with respect to any qualifications the institution may impose based on religion, sexual orientation, or gender identity when such qualifications are related to a bona fide religious purpose.

Sec. 7. Section 9, subsections A through D, are amended to read as follows:

A. To refuse to sell, rent, lease, assign, sublease, refuse to negotiate, or to otherwise make unavailable, or deny any real property or housing accommodation or part, portion, or interest therein, to any person because of the race, color, creed, sex, sexual orientation, gender identity, religion, national origin, disability, or familial status of such person.

B. To discriminate against any person because of the person's race, color, creed, sex, sexual orientation, gender identity, religion, national origin, disability, or familial status, in the terms, conditions, or privileges of the sale, rental, lease assignment, or sublease of any real property or housing accommodation or any part, portion, or interest in the real property or housing accommodation or in the provision of services or facilities in connection with the real property or housing accommodation.

For purposes of this section, "person" means one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint stock companies, trusts, unincorporated organizations trustees, trustees in cases under Title 11 of the United States Code, receivers, and fiduciaries.

C. To directly or indirectly advertise, or in any other manner indicate or publicize that the purchase, rental, lease, assignment, or sublease of any real property or housing accommodation or any part, portion, or interest therein, by persons of any particular race, color, creed, sex, sexual orientation, gender identity, religion, national origin, disability, or familial status is unwelcome, objectionable, not acceptable, or not solicited.

D. To discriminate against the lessee or purchaser of any real property or housing accommodation or part, portion, or interest of the real property or housing accommodation, or against any prospective lessee or purchaser of the property or

accommodation, because of the race, color, creed, religion, sex, sexual orientation, gender identity, disability, age, or national origin of persons who may from time to time be present in or on the lessee's or owner's premises for lawful purposes at the invitation of the lessee or owner as friends, guests, visitors, relatives, or in any similar capacity.

Sec. 8. Section 9, subsection E is amended to read as follows:

1. Any bona fide religious institution with respect to any qualifications it may impose based on religion, sexual orientation, or gender identity, when the qualifications are related to a bona fide religious purpose unless the religious institution owns or operates property for a commercial purpose or membership in the religion is restricted on account of race, color, or national origin.

Sec. 9. Section 10, subsection A through C is amended to read as follows:

A. Creditor to refuse to enter into a consumer credit transaction or impose finance charges or other terms or conditions more onerous than those regularly extended by that creditor to consumers of similar economic backgrounds because of age, color, creed, national origin, race, religion, marital status, sex, sexual orientation, gender identity, physical disability, or familial status.

B. Person authorized or licensed to do business in this city pursuant to chapter 524, 533, 534, 536, or 536A to refuse to loan or extend credit or to impose terms or conditions more onerous than those regularly extended to persons of similar economic backgrounds because of age, color, creed, national origin, race, religion, marital status, sex, sexual orientation, gender identity, physical disability, or familial status.

C. Creditor to refuse to offer credit life or health and accident insurance because of color, creed, national origin race, religion, marital status, age, physical disability, sex, sexual orientation, gender identity, or familial status. Refusal by a creditor to offer credit life or health and accident insurance based upon the age or physical disability of the consumer shall not be an unfair or discriminatory practice if such denial is based solely upon bona fide underwriting considerations not prohibited by title XIII, subtitle 1. The provisions of this section shall not be construed by negative implication or otherwise to narrow or restrict any other provisions of this chapter.

Sec. 10. Section 12, unnumbered paragraph, is amended to read as follows:

It is an unfair or discriminatory practice for any educational institution to discriminate on the basis of race, creed, color, sex, sexual orientation, gender identity, national origin, religion, or disability in any program or activity. Such discriminatory practices shall include but not be limited to the following practices:

Sec. 11. Section 12, paragraph E, is amended to read as follows:

For the purpose of this section, "educational institution" includes any preschool, elementary, secondary, or community college, area education agency, or postsecondary college or university and their governing boards. This section does not prohibit an educational institution from maintaining separate toilet facilities, locker rooms, or living facilities for the different sexes so long as comparable facilities are provided. Nothing in this section shall be construed as prohibiting any bona fide religious institution from imposing qualifications based on religion, sexual orientation, or gender identity when

such qualifications are related to a bona fide religious purpose or any institution from admitting students of only one sex.

Sec. 12. NEW SECTION. Section 22. CONSTRUCTION OF CHAPTER.

This chapter shall not be construed to allow marriage between persons of the same sex, in accordance with chapter 595.

EFFECTIVE DATE

This Ordinance shall be in full force and effect following passage, approval and publication as by law provided.

The above Ordinance passed on first consideration by the City Council of the City of Fort Dodge, Iowa this 9<sup>th</sup> day of July, 2007.

Ayes: Payne, Inman, Wilson, Burleson, Olson, and Bemrich

Nays: Litwiller

Other: None

The above Ordinance second and third consideration were waived by the City Council of the City of Fort Dodge, Iowa and adopted this 9<sup>th</sup> day of July, 2007.

Ayes: Payne, Inman, Wilson, Burleson, Olson, Litwiller and Bemrich

Nays: None

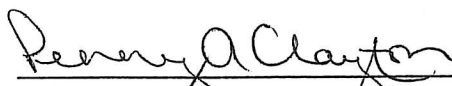
Other: None

City of Fort Dodge, Iowa



Terry J. Lutz, Mayor

Attest:

  
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Penny A. Clayton, City Clerk