



# Municipality of Anchorage Initiative and Referenda Application

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Anchorage Charter: Section 3.20 ~ Anchorage Municipal Code: Chapter 2.50

Phone: 343-4311 Fax: 343-4313

Municipal Clerk: Gruenstein, Barbara E.

Anchorage Municipal Code: Chapter 2.50.020 **Application for a petition**

2.50.020.B Form and content. The application shall contain:

3)The petition proposed to be circulated. The proposed petition shall be submitted on the form provided by the municipal clerk in the application packet. The proposed petition shall:

- a.set out verbatim the ordinance or resolution sought to be enacted or repealed by the petition;
- b.have the required names, residence and mailing addresses, signatures, and dates of signatures of the initial contact persons and sponsors;
- c.meet constitutional, charter and other legal requirements or restrictions;
- d.include only a single subject; and
- e.be enforceable as a matter of law or be clearly denominated as advisory only.

(AO No. 2002-162, § 1, 12-17-02)

## Proposed Petition

**Petition Title:** Anchorage Equal Rights Initiative

**Proposed Petition:** Shall the current Municipal Code sections providing legal protections against discrimination on the basis of race, color, sex, religion, national origin, marital status, age, physical disability, and mental disability be amended to include protections on the basis of sexual orientation or transgender identity?

*(Not all portions of chapters 5.10 and 5.20 are affected and therefore not all portions are set out; language indicating no amendment is included for context only. **Bold, underlined text indicates additions.** [BRACKETED, CAPITALIZED TEXT INDICATES DELETIONS.]*)

**Section 1.** Anchorage Municipal Code 5.10.010 is hereby amended to read as follows:

### **5.10.010 Policy.**

The public policy of the municipality is declared to be equal opportunity for all persons. The assembly finds that invidious discrimination in the sale or rental of real property, financing practices, employment practices, public accommodations, educational institutions, and practices of the municipality, based upon race, color, sex, religion, national origin, marital status, age, [OR] physical or mental disability, **sexual orientation, or transgender identity** adversely affects the welfare of the community. Accordingly, such discrimination is prohibited.

**It is the express intent of this chapter to guarantee legal protections consistent with federal and state constitutional freedoms and laws, including freedom of expression, freedom of association, and the free exercise of religion. Nothing in this Title shall be construed as permitting any unlawful act.**

(AO No. 92-116(S); AO No. 93-99; AO No. 93-149, § 1, 10-15-93; Ord. No. 2002-163, § 1, 1-7-03)

**Section 2.** Anchorage Municipal Code 5.20.010, Definitions, is hereby amended to read as follows (*not all definitions in the referenced section are affected and therefore not every definition is set out; language indicating no amendment is included for context only*):

**5.20.010 Definitions.**

The following words, terms and phrases, when used in this title, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

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*Blockbusting* means any effort, for profit, to induce or attempt to induce a person to sell or rent a dwelling based on representations that a change has occurred, or will or may occur regarding the entry into a block, neighborhood or area, in which the real property is located, of a person or persons of a particular race, color, sex, religion, national origin, marital status, age, [OR] physical or mental disability, **sexual orientation, or transgender identity**, including but not limited to lower property values, an increase in criminal or antisocial behavior or decline in the quality of the schools or other facilities.

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*Discrimination* means any direct or indirect act or practice of exclusion, distinction, restriction, segregation, limitation, refusal or denial or any other act or practice of differentiation or preference in the treatment of a person because of race, color, religion, national origin, age, sex, marital status, [OR] physical or mental disability, **sexual orientation, or transgender identity**, or the aiding, abetting, inciting, coercing or compelling thereof. **The term “discrimination” applies to all differential treatment described in this chapter except where specifically exempted or declared lawful.**

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**Sexual orientation means an individual’s heterosexuality, homosexuality, or bisexuality.**

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(AO No. 92-116(S); AO No. 93-99; AO No. 93-149, § 2, 10-15-93; AO No. 96-99, § 1, 10-22-96; Ord. No. 2002-163, § 2, 1-7-03)

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**Section 3.** Anchorage Municipal Code 5.20.020 is hereby amended to read as follows (language indicating no amendment is included for context only; other language is unaffected and therefore not set out):

**5.20.020 Unlawful practices in the sale, rental or use of real property.**

A. **With the exception of the practices identified in AMC 5.25.030 as “lawful practices,” it** [IT] is unlawful for the owner, lessor, manager, agent, brokerage service, or other person having the right to sell, lease, rent, advertise, or an owner's association having the powers of governance and operation of real property to:

1. Refuse to sell, lease or rent, or to otherwise make unavailable, the real property to a person because of race, color, sex, religion, national origin, marital status, age, [OR] physical or mental disability, **sexual orientation, or transgender identity.**

2. Discriminate against a person because of race, color, sex, religion, national origin, marital status, age, [OR] physical or mental disability, **sexual orientation, or transgender identity** in a term, condition or privilege relating to the use, sale, lease or rental of real property.

3. Make a written or oral inquiry or record of the race, color, sex, religion, national origin, marital status, age, [OR] physical or mental disability, **sexual orientation, or transgender identity** of a person seeking to buy, lease or rent real property.

4. Offer, solicit, accept, use or retain a listing of real property with the understanding that a person may be discriminated against in a real estate transaction or in the furnishing of facilities or sources in connection therewith because of a person's race, color, sex, religion, national origin, marital status, age, [OR] physical or mental disability, **sexual orientation, or transgender identity.**

5. Represent to a person that real property is not available for inspection, sale, rental or lease when in fact it is available, or refuse a person the right to inspect real property, because of the race, color, sex, religion, national origin, marital status, age, [OR] physical or mental disability, **sexual orientation, or transgender identity** of that person or because of any person associated with that person.

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7. Circulate, issue or display, make, print or publish, or cause to be made or displayed, printed or published, any communication, sign, notice, statement or advertisement with respect to the use, sale, lease or rental of real property that indicates any preference, limitation, specification or discrimination based on race, color, sex, religion, national origin, marital status, age, [OR] physical or mental disability, **sexual orientation, or transgender identity.**

**Section 4.** Anchorage Municipal Code 5.20.030 is hereby amended to read as follows (*language indicating no amendment is included for context only; other language is unaffected and therefore not set out*):

**5.20.030 Unlawful financing practices.**

A. It is unlawful for an insurance company, a financial institution or other commercial institution extending secured or unsecured credit, upon receiving an application for financial assistance or credit for the acquisition, construction, rehabilitation, repair or maintenance of a housing accommodation or other property or services, or the acquisition or improvement of unimproved property, or upon receiving an application for any sort of loan of money, or upon receiving an application for insurance, to permit one of its officials or employees during the execution of his or her duties to:

1. Discriminate against the applicant because of race, color, sex, religion, national origin, marital status, age, [OR] physical or mental disability, **sexual orientation, or transgender identity** in a term, condition or privilege relating to the obtainment or use of the institution's financial assistance, insurance or credit.

2. Make or cause to be made a written or oral inquiry or record of the race, color, sex, religion, national origin, marital status, age, [OR] physical or mental disability, **sexual orientation, or transgender identity** of a person seeking the institution's financial assistance, insurance or credit unless the inquiry is for the purpose of ascertaining the applicant's creditworthiness or insurability.

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(CAC 8.38.020; AO No. 93-149, § 2, 10-15-93; AO No. 2002-163, § 3, 1-7-03)

**Section 5.** Anchorage Municipal Code 5.20.040 is hereby amended to read as follows (*language indicating no amendment is included for context only; other language is unaffected and therefore not set out*):

**5.20.040 Unlawful employment practices.**

**A.** It is unlawful for:

1. An employer to refuse employment to a person, or to bar him or her from employment, or to discriminate against him or her in compensation, or in a term, condition or privilege of employment or to discharge, expel, reduce, suspend or demote him or her because of race, color, sex, religion, national origin, marital status, age, [OR] physical or mental disability, **sexual orientation, or transgender identity** unless the reason for the discrimination is a bona fide occupational qualification.

2. A labor organization to exclude or to expel a person from its membership or to discriminate against one of its members or an employer or employee because of race, color, sex, religion, national origin, marital status, age, [OR] physical or mental disability, **sexual orientation, or transgender identity**.

3. A person, employer or employment agency to broadcast, publish, print, circulate or cause to be broadcasted, published, printed or circulated a statement or advertisement in connection with prospective employment, or to use a form of application for employment that expresses, directly or indirectly, a limitation, specification, preference or discrimination as to race, color, sex, religion, national origin, marital status, age, [OR] physical or mental disability, **sexual orientation, or transgender identity**.

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(CAC 8.40.040 ; AO No. 92-116(S); AO No. 93-99; AO No. 93-77; AO No. 93-149, § 2, 10-15-93; AO No. 2002-163, § 3, 1-7-03)

**Section 6.** Anchorage Municipal Code 5.20.050 is hereby amended to read as follows (*language indicating no amendment is included for context only; other language is unaffected and therefore not set out*):

**5.20.050 Unlawful practices in places of public accommodation.**

A. It is unlawful for a person, whether the owner, operator, agent or employee of an owner or operator of a public accommodation, to:

1. Refuse, withhold from or deny to a person any of its accommodations, advantages, facilities, benefits, privileges, services or goods of that place on account of race, color, sex, religion, national origin, marital status, age, [OR] physical or mental disability, **sexual orientation, or transgender identity**.

2. Publish, circulate, issue, display, post or mail a written or printed communication, notice or advertisement which states or implies that:

a. Any of the services, goods, facilities, benefits, accommodations, advantages or privileges of the public accommodation will be refused, withheld from or denied to a person of a certain race, color, sex, religion, national origin, marital status, age, [OR] physical or mental disability, **sexual orientation, or transgender identity**; or

b. The patronage or presence of a person belonging to a particular race, color, sex, religion, national origin, marital status, age, [OR] physical or mental disability, **sexual orientation, or transgender identity** is unwelcome, not desired, not solicited, objectionable or unacceptable.

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3. Make a written or oral inquiry concerning the race, color, sex, religion, national origin, marital status, age, [OR] physical or mental disability, **sexual orientation, or transgender identity** of an individual in connection with the solicitation, reservation, booking, sale or dispensing of its accommodations, advantages, facilities, benefits, privileges, services or goods.

(CAC 8.40.020 ; AO No. 93-149, § 2, 10-15-93; AO No. 2002-163, § 3, 1-7-03)

**Section 7.** Anchorage Municipal Code 5.20.060 is hereby amended to read as follows (*language indicating no amendment is included for context only; other language is unaffected and therefore not set out*):

**5.20.060 Unlawful practices in educational institutions.**

A. It is unlawful for a person operating or assisting in the operation of an educational institution to:

1. Refuse to admit or otherwise to discriminate against an individual with respect to the terms, conditions, accommodations, advantages, facilities, benefits, privileges or services of that institution on account of race, color, sex, religion, national origin, marital status, age, [OR] physical or mental disability, **sexual orientation, or transgender identity**.

2. Make or use a written or oral inquiry or form of application for admission that elicits information concerning the race, color, sex, religion, national origin, marital status, age, [OR] physical or mental disability, **sexual orientation, or transgender identity** of an applicant for admission.

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4. Publish, circulate or display, or cause to be published, circulated or displayed, a written, printed, oral or visual communication, advertisement or catalog or any other form of publicity relating to admission that expresses or indicates a preference, limitation, specification or discrimination on account of the race, color, sex, religion, national origin, marital status, age, [OR] physical or mental disability, **sexual orientation, or transgender identity** of an applicant for admission.

5. Establish, announce or follow a policy of denial or limitation of education opportunities for members of a group on account of race, color, sex, religion, national origin, marital status, age, [OR] physical or mental disability, **sexual orientation, or transgender identity**.

6. Use in the recruitment of potential applicants for admission, a service or agency that discriminates against individuals on account of race, color, sex, religion, national origin, marital status, age, [OR] physical or mental disability, **sexual orientation, or transgender identity**.

(CAC 8.40.030 ; AO No. 93-149, § 2, 10-15-93; AO No. 2002-163, § 4, 1-7-03)

**Section 8.** Anchorage Municipal Code 5.20.070 is hereby amended to read as follows (*language indicating no amendment is included for context only; other language is unaffected and therefore not set out*):

**5.20.070 Unlawful practices by municipality.**

- A. It is unlawful for the municipality or any public agency of the municipality to:
1. Refuse, withhold from or deny to a person any local, state or federal funds, services, goods, facilities, advantages or privileges because of race, color, sex, religion, national origin, marital status, age, [OR] physical or mental disability, **sexual orientation, or transgender identity**.
  2. Publish, circulate, issue, display, post or mail a written or printed communication, notice or advertisement which states or implies that any local, state or federal funds, services, goods, facilities, advantages or privileges of the office or agency will be refused, withheld from or denied to a person of a certain race, color, sex, religion, national origin, marital status, age, or physical or mental disability, or that the patronage of a person belonging to a particular race, color, sex, religion, national origin, marital status, age, [OR] physical or mental disability, **sexual orientation, or transgender identity** is unwelcome, not desired or not solicited.

(AO No. 91-173(S); AO No. 92-116(S); AO No. 93-99; AO No. 93-149, § 2, 10-15-93; AO No. 2002-163, § 5, 1-7-03)

**Section 9.** Anchorage Municipal Code 5.20.080 is hereby amended to read as follows (*language indicating no amendment is included for context only; other language is unaffected and therefore not set out*):

**5.20.080 Lawful practices.**

**A.** Notwithstanding any provision of this chapter, it shall not be unlawful for a person in connection with the sale or rental of real property, financing practices, employment practices, public accommodations, educational institutions, and practices of the municipality to make or keep records identifying race, color, sex, religion, national origin, marital status, age, [OR] physical or mental disability, **sexual orientation, or transgender identity**, if the purpose of the record is to comply with federal or state equal opportunity laws or regulations or in furtherance of a program designed to ensure compliance with this title.

**B. Notwithstanding any provision of this chapter, employers or operators of public accommodations may maintain and enforce gender-segregated restrooms.**

**C. Notwithstanding any provision of this chapter, employers and operators of public accommodations may impose reasonable dress codes, work rules, codes of conduct, and other rules of general application.**

(AO No. 93-149, § 2, 10-15-93; AO No. 2002-163, § 7, 1-7-03)