CHAPTER 8
CIVIL RIGHTS

ARTICLE I. IN GENERAL

Sec. 8-1. DEFINITIONS:

When used in this chapter, the following terms shall have the meanings respectively ascribed to them, unless the context otherwise requires:

Commission: The Bettendorf human rights commission created by this chapter.

Commissioner: A member of the commission.

Court: The district court in and for any judicial district of the state of Iowa or any judge of the court if the court is not in session at that time.

Covered multi-family dwelling: Any of the following:

(a) A building consisting of four (4) or more dwelling units if the building has one or more elevators.

(b) The ground floor units of a building consisting of four (4) or more dwelling units.

Disability: The physical or mental condition of a person which constitutes a substantial disability, and the condition of a person with a positive human immunodeficiency virus test result, a diagnosis of acquired immune deficiency syndrome, a diagnosis of acquired immune deficiency syndrome related complex, or any other condition related to acquired immune deficiency syndrome. The inclusion of a condition related to a positive human immunodeficiency virus test result in the meaning of "disability" under the provisions of this chapter does not preclude the application of the provisions of this chapter to conditions resulting from other contagious or infectious diseases.

Employee: Any person employed by an employer.

Employer: The city of Bettendorf or any political subdivision, board, commission, department, public or private educational institution, or school district wherein, and every other person or entity employing employees within the state.

Employment agency: Any person undertaking to procure employees or opportunities to work for any other person or any person holding itself to be equipped to do so.

Familial status: One or more individuals under the age of eighteen (18) domiciled with one of the following:

(a) A parent or another person having legal custody of the individual or individuals.

(b) The designee of the parent or the other person having custody of the individual or
individuals, with the written permission of the parent or other person.

(c) A person who is pregnant or is in the process of securing legal custody of the individual or individuals.

"Familial status" also means a person who is pregnant or who is in the process of securing legal custody of an individual who has not attained the age of eighteen (18) years.

**Family** : Any individual and/or partner and the lineal ascendants and descendants of either who live in the same household.

**Labor organization** : Any organization which exists for the purpose in whole or in part of collective bargaining, of dealing with employers concerning grievances, terms, or conditions of employment, or of other mutual aid or protection in connection with employment.

**Person** : One or more individuals, partnerships, associations, corporations, legal representatives, trustees, receivers, and the state of Iowa and all political subdivisions and agencies thereof.

**Person charged** : A person who is alleged to have committed an act prohibited by this chapter, against whom a charge or complaint has been filed, as provided by this chapter.

**Public accommodation** : Each and every place, establishment, or facility of whatever kind, nature, or class that caters or offers services, facilities, or goods for a fee or charge to nonmembers of any organization or association utilizing the place, establishment, or facility, provided that any place, establishment, or facility that caters or offers services, facilities, or goods to the nonmembers gratuitously shall be deemed a public accommodation if the accommodation receives governmental support or subsidy. Public accommodation shall not mean any bona fide private club or other place, establishment, or facility which is by its nature distinctly private, except when such distinctly private place, establishment, or facility caters or offers services, facilities, or goods to the nonmembers for fee or charge or gratuitously, it shall be deemed a public accommodation during such period.

"Public accommodation" includes each state and local government unit or tax supported district of whatever kind, nature, or class that offers services, facilities, benefits, grants or goods to the public, gratuitously or otherwise. This paragraph shall not be construed by negative implication or otherwise to restrict any part or portion of the preexisting definition of the term "public accommodation".

**Sexual orientation** : Actual or history of, or perceived heterosexuality, homosexuality, or bisexuality.

**Unfair practice or discriminatory practice** : Those practices specified as unfair or discriminatory in article III of this chapter. (Ord. 07-04, 1-20-2004; Ord. 34-04, 11-2-2004)

**Secs. 8-2-8-11. RESERVED:**

(Ord. 07-04, 1-20-2004)
ARTICLE II. HUMAN RIGHTS COMMISSION

Sec. 8-12. CREATED; COMPOSITION; APPOINTMENT OF MEMBERS; INITIAL, REGULAR TERMS:

There is hereby created a human rights commission, which shall consist of seven (7) members, appointed by the mayor, with the advice and consent of the council. Two (2) of the initial appointees shall serve until January 1, 2005, three (3) shall serve until January 1, 2006, and two (2) shall serve until January 1, 2007. Subsequent appointees shall serve for a term of three (3) years and thereafter or until a successor has been appointed. Vacancies shall be filled for the remainder of the unexpired term. Appointments shall take into consideration the various racial, religious, cultural and social groups in the city. (Ord. 07-04, 1-20-2004)

Sec. 8-13. COMPENSATION; EXPENSES; FUNDS FOR ENFORCEMENT OF CHAPTER; LIMITATIONS:

The members of the commission shall serve without compensation, provided that they may receive actual and necessary expenses incurred, within the limits established in the city budget. The council shall provide the commission with funds to enforce this chapter. The commission is not authorized to spend any funds in excess of the funds provided by the council. (Ord. 07-04, 1-20-2004)

Sec. 8-14. ELECTION OF OFFICERS; TERMS:

The commission shall elect from its membership at its regular January meeting, its chair and vice chair, each to serve for a term of one year. It may elect such other officers as it deems necessary or appropriate. The commission shall fill vacancies among its officers for the remainder of the unexpired term. Immediately upon its creation, the commission shall meet and elect its officers to serve until the following January meeting. (Ord. 07-04, 1-20-2004)

Sec. 8-15. POWERS AND DUTIES GENERALLY:

The commission shall have the following powers and duties:

(a) To receive, investigate, mediate and determine the merits of charges or complaints alleging unfair or discriminatory practices, as provided in this chapter.

(b) To investigate and study the existence, character, causes and extent of discrimination in public accommodations, employment, apprenticeship programs, on the job training programs, vocational schools, credit practices, and housing in this city and to attempt the elimination of such discrimination by education and conciliation.

(c) 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, national origin, religion, ancestry, or disability.
(d) To prepare and transmit to the mayor and the council from time to time, but not less often than once each year, reports describing its proceedings, investigations, hearings conducted and the outcome thereof, decisions rendered, and the other work performed by the commission.

(e) To make recommendations to the mayor and the council for such further legislation concerning discrimination as it may deem necessary and desirable.

(f) To cooperate, within the limits of any appropriations made for its operation, with other agencies or organizations, both public and private, whose purposes are consistent with those of this chapter, and in the planning and conducting of programs designed to eliminate racial, religious, cultural and intergroup tensions.

(g) To adopt, publish, amend, and rescind regulations consistent with and necessary for the enforcement of this chapter.

(h) To receive, administer, dispense and account for any funds that may be voluntarily contributed to the commission and any grants that may be awarded the commission for furthering the purposes of this chapter.

(i) To defer a complaint to any other civil rights commission having jurisdiction, or as may be agreed upon by the parties.

(j) To issue subpoenas and order discovery as provided by this section in aid of investigations and hearings of alleged discrimination. The subpoenas and discovery may be ordered to the same extent and are subject to the same limitations as subpoenas and discovery in a civil action in district court.

(k) To defer proceedings and refer a complaint to a local commission that has been recognized by the United States department of housing and urban development as having adopted ordinances providing fair housing rights and remedies that are substantially equivalent to those granted under federal law.

(l) To utilize volunteers to aid in the conduct of the commission's business including case processing functions such as intake, screening, investigation, and mediation. (Ord. 07-04, 1-20-2004)

Sec. 8-16. REGULAR AND SPECIAL MEETINGS; RULES; QUORUM:

(a) The commission shall meet at 6:30 p.m. on the first Wednesday of each month or as needed in the council chambers at city hall.

(b) The chair, the vice chair, or any three (3) members of the commission may call a special meeting by giving at least one full day’s notice to every member of the commission. The call for a special meeting shall include an agenda, and only matters included in that agenda may be discussed at the meeting.

(c) A quorum of the commission shall be four (4) members. A majority of the members present and voting shall be necessary for the passage of any motion; the chair shall vote as a member of the commission.
(d) The commission may adopt, amend, or rescind such rules as may be necessary for the conduct of its business. (Ord. 07-04, 1-20-2004)

Sec. 8-17. MEETINGS, RECORDS OPEN TO PUBLIC; EXCEPTIONS:

(a) All meetings of the commission shall be public meetings, except:

(1) The commission may when necessary to prevent irreparable and needless injury to the reputation of an individual whose employment or discharge is under consideration, hold a closed session by affirmative vote of two-thirds (2/3) of its members; the votes on such a motion are to be recorded in the minutes by yeas and nays. No action may be taken in executive session; however upon the conclusion of an executive session the commission may reenter open session and decide any matter by motion recorded in the minutes of the open session.

(2) The commission shall hold a closed session for consideration of any charge or complaint, as provided in this chapter and for deliberations in connection with a public hearing held pursuant to a complaint filed with the commission.

(b) All records of the commission shall be public, except:

(1) Charges, complaints, reports of investigations, statements and other documents or records obtained in an investigation of any charges shall be closed records unless they are used in public session or district court action as provided in this chapter.

(2) The minutes of any session which is closed under the provisions of subsection (a)(2) of this section shall be closed records.

(c) No member of the commission or of its staff shall disclose the filing of a charge, the information gathered during the investigation, or the endeavors to eliminate a discriminatory or unfair practice by conference, conciliation, or persuasion, unless the disclosure is made in connection with the conduct of the investigation or after the commission has held a public hearing upon a complaint filed in connection with the charge. This section does not prevent any complainant, witness or other person from publicizing the filing of a charge or complaint or of the matter therein complained, or the release of information to state or federal agencies investigating the same or similar complaints. (Ord. 07-04, 1-20-2004)

Sec. 8-18. AUTHORITY TO APPOINT AND PRESCRIBE DUTIES OF STAFF:

Consistent with budgeting authority granted by the city council, the commission may appoint and prescribe the duties of its director and other members of its staff. (Ord. 07-04, 1-20-2004)

Sec. 8-19. COOPERATION WITH OTHER AGENCIES:

The commission shall cooperate with the state civil rights commission, the United States civil rights commission, the federal equal employment opportunity commission and other agencies with similar purposes. (Ord. 07-04, 1-20-2004)

Secs. 8-20-8-29. RESERVED:
ARTICLE III. UNFAIR AND DISCRIMINATORY PRACTICES

DIVISION 1. GENERALLY

Sec. 8-30. AIDING, ABETTING, OR RETALIATION:

It shall be an unfair or discriminatory practice for:

(a) Any person to intentionally aid, abet, compel, or coerce another person to engage in any of the practices declared unfair or discriminatory by this article.

(b) Any person to discriminate or retaliate against another person in any of the rights protected against discrimination by this chapter because such person has lawfully opposed any practice forbidden under this chapter, obeys the provisions of this chapter, or has filed a complaint, testified, or assisted in any proceeding under this chapter. (Ord. 07-04, 1-20-2004)

Sec. 8-31. INTERFERENCE, COERCION OR INTIMIDATION:

It shall be unlawful to coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, on account of the person having exercised or enjoyed, or on account of the person having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by this chapter. (Ord. 07-04, 1-20-2004)

Secs. 8-32-8-40. RESERVED:

(Ord. 07-04, 1-20-2004)

DIVISION 2. ACCOMMODATIONS OR SERVICES

Sec. 8-41. UNFAIR PRACTICES:

(a) It shall be an unfair or discriminatory practice for any owner, lessee, sublessee, proprietor, manager, or superintendent of any public accommodation or any agent or employee thereof:

(1) To refuse or deny to any person because of race, creed, color, sex, national origin, familial status, religion, disability or sexual orientation the accommodations, advantages, facilities, services, or privileges thereof, or otherwise to discriminate against any person because of race, creed, color, sex, national origin, familial status, religion, disability or sexual orientation 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, national origin, familial status, religion, disability or sexual orientation is unwelcome, objectionable, not acceptable,
or not solicited.

(b) This section shall not apply to:

(1) Any bona fide religious institution with respect to any qualifications the institution may impose based on religion when such qualifications are related to a bona fide religious purpose.

(2) The rental or leasing to transient individuals of less than six (6) rooms within a single housing accommodation by the occupant or owner of such housing accommodation if the occupant or owner or members of that person's family reside therein. (Ord. 07-04, 1-20-2004; Ord. 34-04, 11-2-2004)

Secs. 8-42-8-52. RESERVED:

(Ord. 07-04, 1-20-2004)

DIVISION 3. EMPLOYMENT PRACTICES

Sec. 8-53. UNFAIR EMPLOYMENT PRACTICES:

(a) It shall be an unfair or discriminatory practice for any:

(1) Person to refuse to hire, accept, register, classify, upgrade 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, national origin, religion, disability or sexual orientation 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, national origin, religion, disability or sexual orientation 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, national origin, religion, disability or sexual orientation 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, national origin or sexual orientation.

(4) Person to solicit or require as a condition of employment of any employee or prospective employee a test for the presence of the antibody to the human immunodeficiency virus or to affect the terms, conditions, or privileges of employment or terminate the employment of any employee solely as a result of the employee obtaining a test for the presence of the antibody to the human immunodeficiency virus. An agreement between an employer, employment agency, labor organization, or their employees, agents, or members and an employee or prospective employee concerning employment, pay, or benefits to an employee or prospective employee in return for taking a test for the presence of the antibody to the human immunodeficiency virus, is prohibited. The prohibitions of this subsection (a)(4) do not apply if the state epidemiologist determines and the director of public health declares through the utilization of guidelines established by the center for disease control of the United States department of health and human services, that a person with a condition related to acquired immune deficiency syndrome poses a significant risk of transmission of the human immunodeficiency virus to other persons in a specific occupation.

(b) Employment policies relating to pregnancy and childbirth shall be governed by the following:

(1) A written or unwritten employment policy or practice which excludes from employment applicants or employees because of the employee's pregnancy is a prima facie violation of this chapter.

(2) Disabilities caused or contributed to by the employee's pregnancy, miscarriage, childbirth, and recovery therefrom are, for all job related purposes, temporary disabilities and shall be treated as such under any health or temporary disability insurance or sick leave plan available in connection with employment. Written and unwritten employment policies and practices involving matters such as the commencement and duration of leave, the availability of extensions, the accrual of seniority, and other benefits and privileges, reinstatement, and payment under any health or temporary disability insurance or sick leave plan, formal or informal, shall be applied to a disability due to the employee's pregnancy or giving birth, on the same terms and conditions as they are applied to other temporary disabilities.

(3) Disabilities caused or contributed to by legal abortion and recovery therefrom are, for all job related purposes, temporary disabilities and shall be treated as such under any temporary disability or sick leave plan available in connection with employment. Written and unwritten employment policies and practices involving matters such as the commencement and duration of leave, the availability of extensions, the accrual of seniority, and other benefits and privileges, reinstatement, and payment under any temporary disability insurance or sick leave plan, formal or informal, shall be applied to a disability due to legal abortion on the same terms and conditions as they are applied to other temporary disabilities. The employer may elect to exclude health insurance coverage for abortion from a plan provided by the employer, except where the life of the mother would be endangered if the fetus were carried to term or where medical complications have arisen from an abortion.
(4) An employer shall not terminate the employment of a person disabled by pregnancy because of the employee's pregnancy.

(5) Where a leave is not available or a sufficient leave is not available under any health or temporary disability insurance or sick leave plan available in connection with employment, the employer of the pregnant employee shall not refuse to grant to the employee who is disabled by the pregnancy a leave of absence if the leave of absence is for the period that the employee is disabled because of the employee's pregnancy, childbirth, or related medical conditions, or for eight (8) weeks, whichever is less. However, the employee must provide timely notice of the period of leave requested and the employer must approve any change in the period requested before the change is effective. Before granting the leave of absence, the employer may require that the employee's disability resulting from pregnancy be verified by medical certification stating that the employee is not able to reasonably perform the duties of employment.

(c) This section shall not prohibit discrimination on the basis of age if the person subject to the discrimination is under the age of eighteen (18) years, unless that person is considered by law to be an adult.

(d) Notwithstanding the provisions of this section, a state or federal program designed to benefit a specific age classification which serves a bona fide public purpose shall be permissible.

(e) This section shall not apply to age discrimination in bona fide apprenticeship employment programs if the employee is over forty-five (45) years of age.

(f) This section shall not apply to:

1. Any employer who regularly employs less than four (4) individuals. For purposes of this subsection (f)(1), individuals who are members of the employer's family shall not be counted as employees.

2. The employment of individuals for work within the home of the employer if the employer or members of the employer's family reside therein during such employment.

3. The employment of individuals to render personal service to the person of the employer or members of the employer's family.

4. Any bona fide religious institution or its educational facility, association, corporation, or society with respect to any qualifications for employment based on religion 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. (Ord. 07-04, 1-20-2004; Ord. 34-04, 11-2-2004)

Secs. 8-54-8-59. RESERVED:

(Ord. 07-04, 1-20-2004)

DIVISION 4. HOUSING
Sec. 8-60. UNFAIR OR DISCRIMINATORY PRACTICES:

It shall be an unfair or discriminatory practice for any person, owner, or person acting for an owner, of rights to housing or real property, with or without compensation, including, but not limited to, persons licensed as real estate brokers or salespersons, attorneys, auctioneers, agents or representatives by power of attorney or appointment, or any person acting under court order, deed of trust, or will:

(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, religion, national origin, disability, familial status or sexual orientation of such person.

(b) To discriminate against any person because of the person's race, color, creed, sex, religion, national origin, disability, familial status or sexual orientation, 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, religion, national origin, disability, familial status or sexual orientation 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, disability, age, national origin or sexual orientation 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. (Ord. 07-04, 1-20-2004; Ord. 34-04, 11-2-2004)

Sec. 8-61. ADDITIONAL UNFAIR OR DISCRIMINATORY PRACTICES:

(a) Inducement Prohibited: 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, religion, national origin, disability, familial status or sexual orientation.

(b) Availability Denial Prohibited: A person shall not represent to a person of a particular race, color, creed, sex, religion, national origin, disability, familial status or sexual orientation that a dwelling is not available for inspection, sale, or rental when the dwelling is available for inspection, sale, or rental.
(c) *Disability Discrimination*:

(1) A person shall not discriminate in the sale or rental or otherwise make unavailable or deny a dwelling to a buyer or renter because of a disability of any of the following persons:

a. That buyer or renter.

b. A person residing in or intending to reside in that dwelling after it is sold, rented, or made available.

c. A person associated with that buyer or renter.

(2) A person shall not discriminate against another person in the terms, conditions, or privileges of sale or rental of a dwelling or in the provision of services or facilities in connection with the dwelling because of a disability of any of the following persons:

a. That person.

b. A person residing in or intending to reside in that dwelling after it is sold, rented, or made available.

c. A person associated with that person.

(3) For the purposes of this subsection (c) only, discrimination includes any of the following circumstances:

a. A refusal to permit, at the expense of the person with a disability, reasonable modifications of existing premises occupied or to be occupied by the person if the modifications are necessary to afford the person full enjoyment of the premises.

In the case of a rental, a landlord may, where reasonable to do so, condition permission for a modification on the renter's agreement to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted.

b. A refusal to make reasonable accommodations in rules, policies, practices, or services, when the accommodations are necessary to afford the person equal opportunity to use and enjoy a dwelling.

c. In connection with the design and construction of covered multi-family dwellings for first occupancy after January 1, 1992, a failure to design and construct those dwellings in a manner that meets the following requirements:

1. The public use and common use portions of the dwellings are readily accessible to and usable by persons with disabilities.

2. All doors designed to allow passage into and within all premises within the dwellings are sufficiently wide to allow passage by persons with disabilities in wheelchairs.

3. All premises within the dwellings contain the following features of adaptive design:
A. An accessible route into and through the dwelling.

B. Light switches, electrical outlets, thermostats, and other environmental controls in accessible locations.

C. Reinforcements in bathroom walls to allow later installation of grab bars.

D. Usable kitchens and bathrooms so that a person in a wheelchair can maneuver about the space.

4. Compliance with the appropriate requirements of the American national standard for buildings and facilities providing accessibility and usability for persons with disabilities, commonly cited as "ANSI A 117.1", satisfies the requirements of subsection (c)(3)c3 of this section.

5. Nothing in this subsection (c) requires that a dwelling be made available to a person whose tenancy would constitute a direct threat to the health or safety of other persons or whose tenancy would result in substantial physical damage to the property of others.

(d) Residential Real Estate Related Transaction:

(1) 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, religion, national origin, disability, familial status or sexual orientation.

(2) For the purpose of this subsection (d), "residential real estate related transaction" means any of the following:

   a. To make or purchase loans or provide other financial assistance to purchase, construct, improve, repair, or maintain a dwelling, or to secure residential real estate.

   b. To sell, broker, or appraise residential real estate.

(e) Denial Of Membership Prohibited: 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, religion, national origin, disability, familial status or sexual orientation. (Ord. 07-04, 1-20-2004; Ord. 34-04, 11-2-2004)

Sec. 8-62. EXCEPTIONS:

The provisions of sections 8-60 and 8-61 of this division shall not apply to:

(a) Any bona fide religious institution with respect to any qualifications it may impose based on
religion, 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.

(b) The rental or leasing of a dwelling in a building which contains housing accommodations for not more than two (2) families living independently of each other, if the owner resides in one of the housing accommodations.

(c) The rental or leasing of less than four (4) rooms within a single dwelling by the occupant or owner of the dwelling, if the occupant or owner resides in the dwelling.

(d) Discrimination on the basis of familial status involving dwellings provided under any state or federal program specifically designed and operated to assist elderly persons, as defined in the state or federal program that the commission determines to be consistent with determinations made by the United States secretary of housing and urban development, and housing for older persons. As used in this subsection, "housing for older persons" means housing communities consisting of dwellings intended for either of the following:

1. For eighty (80) percent occupancy by at least one person fifty-five (55) years of age or older per unit, and providing significant facilities and services specifically designed to meet the physical or social needs of the persons and the housing facility must publish and adhere to policies and procedures which demonstrate an intent by the owner or manager to provide housing for persons fifty-five (55) years of age or older.

2. For and occupied solely by persons sixty-two (62) years of age or older.

(e) The rental or leasing of a housing accommodation in a building which contains housing accommodations for not more than four (4) families living independently of each other, if the owner resides in one of the housing accommodations for which the owner qualifies for the homestead tax credit under Iowa Code section 425.1.

(f) Discrimination on the basis of sex involving the rental, leasing, or subleasing of a dwelling within which residents of both sexes would be forced to share a living area.

The exceptions to the requirements of sections 8-60 and 8-61 of this division provided for dwellings specified in subsections (b), (c) and (e) of this section do not apply to advertising related to those dwellings. (Ord. 07-04, 1-20-2004)

Sec. 8-63. ADDITIONAL HOUSING EXCEPTION:

Sections 8-61 and 8-62 of this division 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, religion, national origin, disability, familial status or sexual orientation in appraising real estate. (Ord. 07-04, 1-20-2004; Ord. 34-04, 11-2-2004)

DIVISION 5. EDUCATION

Sec. 8-64. UNFAIR OR DISCRIMINATORY PRACTICES - EDUCATION:
It is an unfair or discriminatory practice for any educational institution to discriminate on the basis of race, creed, color, sex, national origin, religion, disability or sexual orientation in any program or activity. Such discriminatory practices shall include, but not be limited to, the following practices:

(a) Exclusion of a person or persons from participation in, denial of the benefits of, or subjection to discrimination in any academic, extracurricular, research, occupational training, or other program or activity except athletic programs;

(b) Denial of comparable opportunity in intramural and interscholastic athletic programs;

(c) Discrimination among persons in employment and the conditions of employment;

(d) On the basis of sex, the application of any rule concerning the actual or potential parental, family or marital status of a person, or the exclusion of any person from any program or activity or employment because of pregnancy or related conditions dependent upon the physician's diagnosis and certification.

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 when such qualifications are related to a bona fide religious purpose or any institution from admitting students of only one sex. (Ord. 07-04, 1-20-2004; Ord. 34-04, 11-2-2004)

Sec. 8-65. UNFAIR CREDIT PRACTICES:

It shall be an unfair or discriminatory practice for any:

(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, physical disability, familial status or sexual orientation.

(b) Person authorized or licensed to do business in this state pursuant to chapter 524, 533, 534, 536, or 536A of the state code 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, physical disability, familial status or sexual orientation.

(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, familial status or sexual orientation. 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. (Ord. 07-04, 1-20-2004; Ord. 34-04, 11-2-2004)

DIVISION 5. EDUCATION

Sec. 8-64. UNFAIR OR DISCRIMINATORY PRACTICES - EDUCATION:

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

(a) Exclusion of a person or persons from participation in, denial of the benefits of, or subjection to discrimination in any academic, extracurricular, research, occupational training, or other program or activity except athletic programs;

(b) Denial of comparable opportunity in intramural and interscholastic athletic programs;

(c) Discrimination among persons in employment and the conditions of employment;

(d) On the basis of sex, the application of any rule concerning the actual or potential parental, family or marital status of a person, or the exclusion of any person from any program or activity or employment because of pregnancy or related conditions dependent upon the physician's diagnosis and certification.

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 when such qualifications are related to a bona fide religious purpose or any institution from admitting students of only one sex. (Ord. 07-04, 1-20-2004)

Sec. 8-65. UNFAIR CREDIT PRACTICES:

It shall be an unfair or discriminatory practice for any:

(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, physical disability, or familial status.

(b) Person authorized or licensed to do business in this state pursuant to chapter 524, 533, 534, 536, or 536A of the state code 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, 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, 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. (Ord. 07-04, 1-20-2004)

Secs. 8-66-8-69. RESERVED:

(Ord. 07-04, 1-20-2004)

DIVISION 6. MISCELLANEOUS EXCEPTIONS

Sec. 8-70. EXCEPTIONS FOR RETIREMENT PLANS, ABORTION COVERAGE, LIFE, DISABILITY AND HEALTH BENEFITS:

The provisions of this chapter relating to discrimination because of age do not apply to a retirement plan or benefit system of an employer unless the plan or system is a mere subterfuge adopted for the purpose of evading this chapter.

(a) However, a retirement plan or benefit system shall not require the involuntary retirement of a person under the age of seventy (70) because of that person's age. This subsection does not prohibit the following:

(1) The involuntary retirement of a person who has attained the age of sixty-five (65) and has for the two (2) prior years been employed in a bona fide executive or high policy making position and who is entitled to an immediate, nonforfeitable annual retirement benefit from a pension, profit sharing, savings or deferred compensation plan of the employer which equals twenty-seven thousand dollars ($27,000.00). This retirement benefit test may be adjusted according to the regulations prescribed by the United States secretary of labor pursuant to public law 95-256, section 3.

(2) The involuntary retirement of a person covered by a collective bargaining agreement which was entered into by a labor organization and was in effect on September 1, 1977. This exemption does not apply after the termination of that agreement or January 1, 1980, whichever first occurs.

(b) A health insurance program provided by an employer may exclude coverage of abortion, except where the life of the mother would be endangered if the fetus were carried to term or where medical complications have arisen from an abortion.

(c) An employee welfare plan may provide life, disability or health insurance benefits which vary by age based on actuarial differences if the employer contributes equally for all the participating employees or may provide for employer contributions differing by age if the benefits for all the participating employees do not vary by age. (Ord. 07-04, 1-20-2004)

Sec. 8-71. PROMOTION OR TRANSFER:

After a person with a disability is employed, the employer shall not be required under this
chapter to promote or transfer the person to another job or occupation, unless, prior to the transfer, the person with the disability, by training or experience, is qualified for the job or occupation. Any collective bargaining agreement between an employer and labor organization shall contain this section as part of the agreement. (Ord. 07-04, 1-20-2004)

ARTICLE IV. ENFORCEMENT

Sec. 8-72. COMPLAINT; PERSONS WHO MAY MAKE COMPLAINT; FILING:

Any person claiming to be a victim or a person who observes or has knowledge of a practice which is a violation of this chapter may personally or through counsel, sign and file a complaint. The commission or a member of the commission may in like manner make, sign and file a charge on behalf of the person aggrieved. Any place of public accommodation, employer, labor organization, or other person who has any employees or members who refuse or threaten to refuse to comply with the provisions of this chapter may in like manner make, sign and file such charge. (Ord. 07-04, 1-20-2004)

Sec. 8-73. SUFFICIENCY OF COMPLAINT FILED WITH STATE COMMISSION AS COMPLAINT BEFORE CITY COMMISSION:

A complaint shall be filed on complaint forms located in the office of the city clerk. A complainant may file with the state of Iowa, and pursuant to agreement with the state, the commission shall have jurisdiction to receive, investigate, and resolve any complaint filed with the state and referred to the commission by it for processing if the subject matter of the complaint is within the jurisdiction of the commission. (Ord. 07-04, 1-20-2004)

Sec. 8-74. FILING THE COMPLAINT:

The complaint shall be filed in the office of the city clerk. (Ord. 07-04, 1-20-2004)

Sec. 8-75. TIME LIMITATION FOR FILING COMPLAINT:

Any complaint filed under this article shall be filed within one hundred eighty (180) days after the most recent act constituting the alleged discriminatory or unfair practice, or the commission shall be without jurisdiction to investigate the matter. This limitation shall affect claims under this chapter only; complainants are free to pursue other forums as appropriate. (Ord. 07-04, 1-20-2004)

Sec. 8-76. NOTICE OF COMPLAINT TO STATE COMMISSION:

All complaints filed with the commission shall be cross filed with the state for its reference, but shall be processed by the commission. (Ord. 07-04, 1-20-2004)

Sec. 8-77. INVESTIGATION OF COMPLAINT INVESTIGATION PROCEDURE:

Upon the filing of a complaint, the complaint shall be reviewed for jurisdictional sufficiency. If there exists jurisdiction, the complaint shall be investigated and a report prepared. The report shall be reviewed to determine if probable cause exists to believe a violation has occurred.
Upon such finding, the two (2) parties shall be offered mediation. If mediation is unsuccessful, or if the parties decline mediation, the matter will be brought before the commission for hearing and decision. (Ord. 07-04, 1-20-2004)

**Sec. 8-78. PROCEEDINGS WHEN NO PROBABLE CAUSE OF VIOLATION OF CHAPTER:**

Upon a determination that jurisdiction does not exist, or that there is no probable cause to proceed, the matter shall be referred to the commission with a recommendation of dismissal. The commission, at its next regularly scheduled meeting, shall consider the matter and vote on the request to dismiss. If granted, the file will be closed and the state and complainant notified of the dismissal. (Ord. 07-04, 1-20-2004)

**Sec. 8-79. MEDIATION; PROCEDURE IF AGREEMENT REACHED:**

If the parties reach agreement in mediation, the agreement shall be reduced to writing and made a part of the file. The matter shall be reported to the commission as finalized by mediation, and the file shall be closed. The commission shall retain jurisdiction and continue the process in the event the agreement is not finalized. (Ord. 07-04, 1-20-2004)

**Sec. 8-80. PROCEEDINGS BEFORE THE COMMISSION UPON FINDING PROBABLE CAUSE OF VIOLATION:**

Upon notification that probable cause exists and that mediation was not successful, the commission shall schedule a time and place to hear the complaint. The complainant may prosecute the matter through privately retained counsel if the complainant so chooses. Otherwise, the matter shall be brought before the commission. The respondent may appear personally, through counsel, or by other authorized representative. The parties shall be allowed time for presentation of all evidence deemed relevant and material by the commission. Thereafter, the commission shall deliberate and vote on whether a violation has occurred. (Ord. 07-04, 1-20-2004)

**Sec. 8-81. POWER OF COMMISSION UPON FINDING OF VIOLATION:**

The commission, upon a finding of violation of this chapter, may award the person aggrieved appropriate remedy, including, but not limited to, reinstate to work, monetary damages, and/or as appropriate punitive damages. The commission may also issue an injunction directing the violator to cease and desist from any future violations of this chapter. If necessary, the commission may seek enforcement of its orders through the courts of the state of Iowa. (Ord. 07-04, 1-20-2004)