

Public Discussion Draft
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Send comments by
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To:
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Overview of Possible Salt Lake City Non-Discrimination Ordinance

Purpose

Salt Lake City Code Section 10.02.010 recognizes that discriminatory practices harm not only the individuals involved, but also the general welfare of the City and the vitality of its neighborhoods. The July 2009 Discrimination Report (available at www.slcgov.com) by the Salt Lake City Human Rights Commission, based on the recent Dialogues on Diversity series and a review of research studies, provides further factual confirmation of the harms caused by discriminatory practices. The purpose of the ordinance would be to prevent the harms to both the individual and our community caused by discriminatory practices.

Discrimination Currently Prohibited by Federal and State Law

Federal and State law currently prohibit discrimination in employment and housing, for example, based on:

- Race
- Color
- Sex
- Pregnancy, childbirth or pregnancy related conditions
- Age (if 40 or older)
- Religion
- National origin
- Disability

Salt Lake City is looking to build on these protections to be more inclusive of our diverse community.

Discrimination Under Consideration to be Prohibited in New City Ordinance

Neither Federal Law nor Utah Law currently prohibits discrimination based on:

- Sexual orientation—a person's actual or perceived orientation as heterosexual, homosexual or bisexual. (See Salt Lake City Code § 10.02.020M)
- Gender identity and expression—a person's actual or perceived gender related identity, appearance, mannerisms, or other characteristics of an individual with or without regard to the person's sex at birth. (See City Code § 10.02.020G)

A City non-discrimination ordinance could address this gap.

Practices Covered by Possible New City Ordinance

Employment practices

For example:

- hiring and firing decisions, compensation and other benefits of employment (but benefits for a person's domestic partner not required)
- training programs
- referrals
- labor union membership

Public Accommodation practices

- For example, denial of accommodations or facilities

Practices Covered by Possible New City Ordinance (continued)

Housing Practices

For example:

- sale and rental decisions
- refusal to show
- terms and conditions of sale or lease
- financing
- brokerage services

Exempted Parties from Possible New City Ordinance

- Religious organizations
- United States government and its departments, agencies and other entities
- State of Utah and any of its agencies, departments, and other entities such as political subdivisions, but Salt Lake City itself will be covered

Exemptions from Practices Covered by Possible New City Ordinance

Employment Practices

- Small employers not covered
- Bona fide private membership club (other than labor organization) not covered if tax exempt under Internal Revenue Code Section 501(c)

Public Accommodation Practices

- Accommodations restricted to members and their guests not covered
- Bona fide social, fraternal, political, etc. organization not covered if any profits from accommodations are solely for benefit of members

Housing Practices

- Sale or rental of single family dwelling not covered IF owner
 - (i) doesn't own four or more single family dwellings held for lease at same time
 - (ii) has not sold two or more single family dwellings in preceding 24 months AND
 - (iii) doesn't use services of broker, agent or salesman for sale or rental of dwelling
- Rental of dwelling to be occupied by no more than four families not covered IF owner lives on the premises
- Rental of dwelling by private organization to members not covered IF dwelling owned for a purpose other than a commercial purpose AND rental is incidental to organization's primary purpose
- Rental of dwelling with rooms leased to persons of same sex not covered IF dwelling contains common kitchen, lavatory, etc. facilities for use of occupants

Enforcement of Possible New City Ordinance

- No private right of action
- No right or remedy that is the same or substantially equivalent to federal or state remedies
- Complaint filed with City, which then investigates
- Conciliation process available
- If no resolution, complaint referred to City Attorney, who, after review and/or investigation may file an action in Salt Lake City Justice Court seeking a fine of not more than \$1000 for an individual and \$5000 for a corporation or partnership, per state statute setting ceiling on City fines in general.