



**AGENDA
CITY OF CEDAR FALLS, IOWA
CITY COUNCIL WORK SESSION
MONDAY, NOVEMBER 16, 2020
5:30 PM AT CITY HALL**

The meeting will also be accessible via video conference and the public may access/observe the meeting in the following ways:

- a) By dialing the phone number +13126266799 or +19292056099 or +12532158782 or +13017158592 or +13462487799 or +16699006833 and when prompted, enter the meeting ID (access code) 962 7287 1738.
- b) iPhone one-tap: +13126266799,,96272871738# or +19292056099,,96272871738#
- c) Join via smartphone or computer using this link: <https://zoom.us/j/96272871738>.

Call to Order by the Mayor

1. Joint Work Session with Human Rights Commission to discuss future roles, responsibilities and City Council expectations for the Human Rights Commission.

Adjournment

Chapter 12 - HUMAN RELATIONS

ARTICLE I. ~~— HUMAN RIGHTS COMMISSION~~IN GENERAL

Sec. 12-1. - Purpose of chapter.

It shall be the purpose of this chapter to establish a nonjudicial human rights commission in conformance with the Iowa Civil Rights Act, to declare a public policy of nondiscrimination in the city, to cooperate in the claims process with the Iowa Civil Rights Commission ~~provide confidential investigation of complaints and conciliations, to hold necessary public hearings~~ and to provide for educational programs to prevent and eliminate discrimination in the city.

(Code 2017, § 15-1; Ord. No. 2661, § 1, 7-14-2008)

Sec. 12-2. — Definitions.

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

~~*Commission* means the city human rights commission created by this chapter.~~

~~*Commissioner* means a member of the commission.~~

~~*Court* means the district court in and for the judicial district of the state in which the alleged unfair or discriminatory practice occurred, or any judge of such court if the court is not in session at that time.~~

~~*Disability or handicap* means 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" does not preclude the application of provisions to conditions resulting from other contagious or infectious diseases.~~

~~*Discriminate or discriminatory* means and includes any difference in treatment because of race, religion, creed, color, national origin, sex, age, physical or mental disability, sexual orientation, gender identity, familial status, and shall include any or all of the unfair discriminatory practices contained in this chapter.~~

~~*Employee* means any person employed by an employer.~~

~~*Employer* means the city and any political subdivision, board, commission, department or institution thereof and the city community school district located within the city, and every other person employing employees within the city.~~

~~*Employment agency* means any person undertaking to procure employees or opportunities to work for any other person, or any persons holding themselves to be equipped to do so.~~

~~*Familial status* means one or more individuals under the age of 18 years domiciled with one of the following:~~

- ~~(1) A parent or another person having legal custody of the individual or individuals;~~
- ~~(2) 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;~~
- ~~(3) A person who is pregnant or is in the process of securing legal custody of the individual or individuals;~~
- ~~(4) 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 18 years.~~

~~*Gender identity* means a gender-related identity of a person, regardless of the person's assigned sex at birth.~~

~~*Labor organization* means 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.~~

~~*Public accommodation.*~~

~~(1) The term "public accommodation" means 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 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 that, when such distinctly private place, establishment or facility caters or offers services, facilities or goods to the nonmembers for a fee or charge or gratuitously, it shall be deemed a public accommodation during such period.~~

~~(2) The term "public accommodation" includes each state and local governmental unit or tax-supported district of whatever kind, nature or class that offers services, facilities or goods to the public, gratuitously or otherwise. This subsection shall not be construed by negative implication or otherwise to restrict any part or portion of the definition of the term "public accommodation" set out in subsection (1) of this definition.~~

~~*Real property or housing accommodation* means any building, structure or portion thereof which is occupied as, or designated or intended for occupancy as, a residence, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure or portion thereof.~~

~~*Sexual orientation* means actual or perceived heterosexuality, homosexuality, or bisexuality.~~

~~*Unfair practice or discriminatory practice* means those practices specified as unfair or discriminatory in article III of this chapter or Iowa Code ch. 216.~~

~~(Code 2017, § 15-2; Ord. No. 2661, § 1, 7-14-2008)~~

~~Sec. 12-3. Interpretation of chapter.~~

~~This chapter shall be construed broadly to effectuate its purpose.~~

~~(Code 2017, § 15-3; Ord. No. 2661, § 1, 7-14-2008)~~

~~Sec. 12-4. Penalty for violation of chapter.~~

~~(a) Any person violating any provision of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished accordingly.~~

~~(b) The above notwithstanding, in the event of an allegation of discriminatory housing practice, an aggrieved person shall have the right to institute a civil action to enforce the ordinance, and such action shall be commenced within one year from the date of occurrence or termination of the alleged practice. An aggrieved person may recover in a civil action filed under this chapter for a discriminatory housing practice, actual and punitive damages, temporary or permanent injunctions, and reasonable attorney fees. A civil action may not be filed by an aggrieved person after the commission or its designee has commenced a hearing on the record.~~

~~(Code 2017, § 15-4; Ord. No. 2661, § 1, 7-14-2008)~~

~~Secs. 12-5 – 12-26. – Reserved.~~

~~ARTICLE II. – HUMAN RIGHTS COMMISSION~~

Sec. 12-27. – ~~Human Rights Commission; m~~Membership; appointment of members; term of office; and qualifications.

- (a) The city human rights commission shall consist of ~~seven~~^{nine} members, appointed by the mayor with the advice and consent of the city council. Appointees subsequent to the initial appointees shall serve for a term of three years, and thereafter until a successor has been appointed. Vacancies shall be filled within 60 days for the remainder of an unexpired term. Appointments shall take into consideration the various racial, religious, economic, cultural, sex, sexual orientation, gender identity, age, physical disability and social groups in the city.
- (b) In so far as reasonably practicable, appointees for membership on the commission shall be residents of the city, or, if that is not reasonably practicable, shall have a place of employment in the city. Appointees who are neither residents of the city nor who have a place of employment in the city may be eligible for appointment to the commission upon a finding of the unavailability of qualified applicants, as determined by the mayor. Any person who is a member of the commission on the date of adoption of the ordinance from which this article is derived who does not meet the qualifications for membership set forth herein shall continue to be eligible to serve as a member of the commission until both the expiration of his current term and the member's nonreappointment by the mayor to an additional term.

(Code 2017, § 15-31; Ord. No. 2661, § 1, 7-14-2008; Ord. No. 2819, § 1, 6-9-2014; Ord. No. 2943, § 2, 6-3-2019)

Sec. 12-~~328~~. - Compensation of members.

The members of the commission shall serve without compensation, provided that they may receive actual and necessary expenses incurred, within the limits established by the city council.

(Code 2017, § 15-32; Ord. No. 2661, § 1, 7-14-2008)

Sec. 12-~~429~~. - Election of officers; vacancies.

The commission shall elect from its own membership, at its regular January meeting, its chairperson and at least one vice-chairman, each to serve for a term of one year. It shall, at its regular January meeting, elect a secretary, who may be, but need not be, a member of the commission. The commission shall fill vacancies among its officers for the remainder of the unexpired term.

(Code 2017, § 15-33; Ord. No. 2661, § 1, 7-14-2008)

Sec. 12-~~530~~. - Meetings; rules of procedure.

- (a) The commission shall hold at least three regular meetings per year. It shall meet at a time and place to be announced in accordance with the state Open Meetings Act. ~~Failure of a commission member to attend three consecutive meetings may be deemed a resignation unless attendance was excused.~~
- (b) The chairperson, vice-chairperson, or any three members of the commission may call a special meeting by giving at least 24 hours' 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 consist of a simple majority of the members of the commission. A majority of the members present and voting shall be necessary for the passage of any motion. The chairperson 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.

(Code 2017, § 15-34; Ord. No. 2661, § 1, 7-14-2008)

~~Sec. 12-31. Closed sessions; availability of records; restrictions on disclosure of information.~~

- ~~(a) The commission may hold closed sessions, but only as permitted by the Open Meetings Law, Iowa Code ch. 21.~~
- ~~(b) All records of the commission shall be public, except:

 - ~~(1) Charges, complaints, reports of investigations, statements and other documents or records obtained in investigation of any charges shall be closed records.~~
 - ~~(2) The minutes of any session which is closed under the provisions of subsection (a) 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 such discriminatory or unfair practice by conference, conciliation or persuasion, unless such disclosure is made in connection with the conduct of such investigation. This section does not prevent any complainant, respondent, witness or other person from publicizing the filing of a charge or complaint or the matter therein complained of.~~

~~(Code 2017, § 15-35; Ord. No. 2661, § 1, 7-14-2008)~~

~~Sec. 12-32. Appointment and duties of staff.~~

~~The commission shall appoint and prescribe the duties of its staff, subject to approval of the city council and may from time to time name a commission designee to assist the commission in its duties under this article.~~

~~(Code 2017, § 15-36; Ord. No. 2661, § 1, 7-14-2008)~~

Sec. 12-~~633~~. - Duties.

- ~~(a) It shall be the duty of the commission to:

 - ~~(1) Provide intake assistance for complaints from individuals who may be victims of discrimination and refer such complaints to the Iowa Civil Rights Commission for investigation and adjudication. Seek to conciliate complaints, hold hearings when necessary and pass upon charges or complaints alleging unfair or discriminatory practices as provided in section 42-57 et seq.~~
 - (2) Investigate and study the existence, character, causes, extent and effects of discrimination in public accommodations, employment, apprenticeship programs, on-the-job training programs, educational curricula programs and housing in this city, and to attempt to eliminate such discrimination by education, ~~conciliation and, if necessary, further steps pursuant to this article.~~
 - (3) ~~Promote equal opportunity~~ Investigate possible areas of discrimination in ~~all areas of~~ city government. The commission shall request and obtain such cooperation, assistance and data from city departments as may be reasonably necessary to carry out its work.~~

- (4) Formulate and carry out an educational program designed to prevent and eliminate discrimination.
- (5) Adopt such rules and regulations as may be necessary to govern, expedite and effectuate the provisions of this article.
- (6) Render to the city council, not less than once a year, a written report of its activities and recommendations.
- (7) Cooperate with federal, state, regional, county and city agencies, citizens, citizen organizations, the board of education and private schools in formulating and developing courses of education to accomplish the objectives of this article.

~~(8) Make recommendations to the mayor and council for such further ordinances concerning discrimination as it may deem necessary and desirable.~~

(b) ~~In carrying out its duties under this article the commission shall further the city's public policy of nondiscrimination in the city on the basis of race, age, creed, color, sex, national origin, religion, ancestry, disability, familial status, sexual orientation or gender identity. The commission may also initiate complaints, seek judicial action, and issue and seek enforcement of subpoenas in the furtherance of this article.~~

(Code 2017, § 15-37; Ord. No. 2661, § 1, 7-14-2008)

Sec. 12-~~734~~. - 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.

(Code 2017, § 15-38; Ord. No. 2661, § 1, 7-14-2008)

~~Secs. 12-35—12-56.—Reserved.~~

~~ARTICLE III.—UNFAIR OR DISCRIMINATORY PRACTICES~~

~~DIVISION 1.—GENERALLY~~

~~Sec. 12-57.—Aiding or abetting discriminatory practice; discrimination against person opposing unlawful practice.~~

~~It shall be an unfair or discriminatory practice for any person to:~~

~~(1) Intentionally aid, abet, compel or coerce another person to engage in any of the practices declared unfair or discriminatory by this article.~~

~~(2) Discriminate against another person in any of the rights protected against discrimination on the basis of age, race, creed, color, sex, sexual orientation, gender identity, national origin, religion, familial status or disability by this article because such person has lawfully opposed any practice forbidden under this article, obeys the provisions of this article, or has filed a complaint, testified or assisted in any proceeding under this article. Further, it shall be a violation of this article to engage in conduct that constitutes interference, coercion, threat or intimidation of anyone exercising, or having exercised, any substantive rights granted by this article. An employer or employment agency or their employees,~~

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~~servants or agents may offer employment or advertise for employment to only the disabled, when other applicants have available to them other employment compatible with their ability which would not be available to the disabled because of their handicap. Any such employment or offer of employment shall not discriminate among the disabled on the basis of race, religion, color, creed, sex, sexual orientation, gender identity, familial status, or national origin.~~

~~{Code 2017, § 15-56; Ord. No. 2661, § 1, 7-14-2008}~~

~~Sec. 12-58.— Exceptions for certain benefits provided by employer.~~

~~(a) —The provisions of this article relating to discrimination because of age do not apply to a retirement plan or benefits system of an employer unless the plan or system is a mere subterfuge adopted for the purpose of evading this article. However, a retirement plan or benefit system shall not require the involuntary retirement of a person under the age of 70 years because of that person's age. This subsection does not prohibit the involuntary retirement of a person who has attained the age of 65 years and has, for the two prior years, been employed in a bona fide executive position 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 \$27,000.00. This retirement benefit test may be adjusted according to the regulations prescribed by the United States Secretary of Labor pursuant to PL 95-256, section 3.~~

~~(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.~~

~~{Code 2017, § 15-57; Ord. No. 2661, § 1, 7-14-2008}~~

~~Sec. 12-59.— Promotion or transfer of disabled individual.~~

~~After a person with a disability is employed, the employer shall not be required under this article to promote or transfer the person to another job or occupation unless, prior to such transfer, the person with the disability, by training or experience, is qualified for such job or occupation. Any collective bargaining agreement between an employer and a labor organization shall contain this section as a part of such agreement.~~

~~{Code 2017, § 15-58; Ord. No. 2661, § 1, 7-14-2008}~~

~~Sec. 12-60.— Filing of complaints.~~

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(a) — Any person claiming to be aggrieved by a discriminatory or unfair practice within the city may, individually or with an attorney, make, sign and file a verified written complaint of discriminatory practice. The commission, a member of the commission, the city attorney or the state civil rights commission may, in like manner, make, sign and file such complaint. 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 article may, in like manner, make, sign and file such complaint.

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(b) — A verified copy of a complaint filed with the state civil rights commission under the provisions of Iowa Code ch. 216, as amended, shall be a sufficient charge for the purpose of this article, if it alleges either in the text thereof or in accompanying statements that the alleged discriminatory practices occurred within the city.

(c) — Charges may be filed with any member of the commission, with the director or secretary of the commission or with the city clerk.

(d) — Any complaint filed under this article shall be so filed within 300 days after the most recent act constituting the alleged discriminatory or unfair practice.

(e) — Any person claiming to be aggrieved or about to be aggrieved related to a housing discriminatory or unfair practice within the city may, individually or with an attorney, make, sign and file a verified written complaint of discriminatory practice. The commission, a member of the commission, the city attorney or the state civil rights commission may, in like manner, make, sign and file such complaint. 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 article may, in like manner, make, sign and file such complaint.

{Code 2017, § 15-59; Ord. No. 2661, § 1, 7-14-2008}

Sec. 12-61. — Notice to state civil rights commission.

The secretary of the commission shall notify the state civil rights commission in writing of the filing of a complaint under this article, and shall provide such other and further information thereon as from time to time the commission shall deem proper. The complaint may be cross-filed with the state Iowa Civil Rights Commission unless the complainant specifically instructs the commission not to cross-file with the state commission.

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{Code 2017, § 15-60; Ord. No. 2661, § 1, 7-14-2008}

Sec. 12-62. — Proceedings after filing complaint.

(a) — After the filing of a verified complaint under this article, a true copy of the complaint shall be served within ten days by certified mail on the person against whom the complaint is being filed, along with a statement advising such respondent of the procedural rights and obligations of respondents under this title; and respondent shall have ten days in which to respond to the complaint. The

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~~commission or its designee may extend these timelines when necessary to effectuate justice but, in any event, must initiate the investigation within 30 days of the filing of the complaint.~~

~~(b) Upon receipt of respondent's answer, or after the expiration of ten days, the commission may offer mediation/conciliation to the parties. Such mediation/conciliation shall be conducted by a qualified mediator.~~

~~(c) While informal mediation/conciliation may be available to the parties at any step of the complaint process, if both parties accept mediation/conciliation, a formal mediation/conciliation session shall be held within 30 days of the date on which such acceptance is received by the commission unless otherwise agreed to by the parties and the commission.~~

~~(d) In the event formal mediation/conciliation is declined by either party, or is unsuccessful in resolving the claim of discrimination, the complaint file shall be assigned for fact finding/investigation. The assignment for fact finding investigation does not prohibit mediation/conciliation from being undertaken at any stage of the case processing.~~

~~(e) The commission shall complete such fact finding/investigation within 100 days after the filing of the complaint, unless it is impracticable to do so. If the commission is unable to complete the investigation within 100 days after filing of the complaint, the commission shall notify complainant and respondent, in writing, of the reasons for not doing so. In any event, the commission shall make final administrative disposition of the complaint within one year from the date of receipt of the complaint, unless impracticable. Written notification of the reasons for failure to complete processing within one year shall be provided to the complainant and respondent.~~

~~(Code 2017, § 15-61; Ord. No. 2661, § 1, 7-14-2008)~~

~~Sec. 12-63. Proceedings related to the investigation.~~

~~(a) A fact finding team of one or more commissioners or the commission designee shall meet with the complainant and the respondent and shall make a determination as to probable cause. If the matter is resolved during the fact finding process, the commission shall issue an order setting forth the terms of the resolution. Such order shall be delivered by certified mail to the complainant and the respondent and shall become final ten days after the date of mailing.~~

~~(b) If the fact finding team finds that no probable cause exists with respect to a complaint filed under this article, the commission shall issue an order dismissing the complaint and shall promptly mail a copy to the complainant and to the respondent by certified mail. If the complainant fails to object in writing to the order finding no probable cause within ten days of mailing of such written notice, the order shall become final. The secretary of the commission shall report such fact to the state civil rights commission.~~

~~(c) If the complainant shall timely object, in writing, to such findings, the claim shall be re-evaluated by the fact finding commission(s) or designee to determine if the claim should be reopened or whether the no probable cause finding should be the final decision. If the fact finding again determines that the~~

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~~finding is no probable cause, the complainant, respondent, and the state's commission shall be notified in writing of the finding. The complaint shall then be closed.~~

~~(d) — At the end of each investigation under this section, the commission or commission's designee shall prepare a final investigative report containing the following information to the extent it was gathered in the investigation process:~~

~~(1) — The names and dates of contacts with witnesses;~~

~~(2) — A summary and the dates of correspondence and other contacts with the aggrieved person and the respondent;~~

~~(3) — A summary description of other pertinent records;~~

~~(4) — A summary of witness statements; and~~

~~(5) — Answers to interrogatories, if applicable.~~

~~(e) — At any time 60 days after the filing of the complaint, the complainant may request a right to sue letter. Upon receipt of the complainant's written request for a right to sue letter, the commission or its designee shall issue the right to sue letter. Upon the issuance of the right to sue letter, the commission shall close its file and notify the respondent and the state commission of the issuance of the right to sue letter.~~

~~(f) — The commission or its designee may elect after a preliminary investigation of a complaint to close a complaint as an administrative closure. In the event of an administrative closure, the commission shall issue a right to sue letter allowing a complainant to initiate court proceeding in the Iowa District Court within 90 days of the date of the administrative closure.~~

~~{Code 2017, § 15-62; Ord. No. 2661, § 1, 7-14-2008}~~

~~Sec. 12-64. — Proceedings after probable cause determination.~~

~~In the event of a failure to eliminate an unfair or discriminatory practice by means of conciliation within 90 days of a finding of probable cause by the commission, the commission shall hold a public hearing. The commission shall notify the state civil rights commission of the failure of the conciliation efforts and that the complaint will proceed to public hearing. The duty to hold a hearing within 90 days may be extended by agreement of the commission and the parties.~~

~~{Code 2017, § 15-65; Ord. No. 2661, § 1, 7-14-2008}~~

~~Sec. 12-65. — Public hearing.~~

~~(a) — The chairperson may designate three or more commissioners, not including any commissioner who may have been directly involved as a fact finder or conciliator, to act as hearing commissioners. One of those designated shall be named the presiding member. In the alternative, the chairperson may retain a~~

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person to act as the administrative law judge, or commission designee, or to assist the commission with the process of conducting the hearing and rendering a decision at the commission's expense.

(b) The commission or designee shall serve on the respondent a notice of the charge and the time and place of the hearing. Such notice shall be a public record. The hearing shall be held not less than ten days after the issuance of the notice and must be held in a building open to the public in the city. The hearing commissioners or designee may adjourn the hearing from time to time.

(c) Formal pleadings are not required, but the respondent may file an answer. The respondent shall also have the right to appear at the hearing in person, or to be represented by an attorney or any other person, and to examine and cross-examine witnesses and to present evidence in the respondent's own behalf. The complainant shall have the right to intervene and participate in the hearing.

(d) The commission shall have the power to reasonably and fairly amend the complaint, and the party charged shall have the power to reasonably and fairly amend the answer at any time before a final order is entered in the case.

(e) The city attorney, commission attorney or an attorney designated by the commission shall conduct the case on behalf of the commission. If the city attorney is unable to conduct the case by reason of conflict of interest or otherwise, the city council may appoint a special attorney to conduct the case on behalf of the commission.

(f) The complainant and respondent may introduce further evidence to support or defend the claims alleged in the complaint, either in person or by attorney.

(g) If the respondent shall fail to appear in person or by attorney at the hearing, the hearing commissioners or designee shall proceed to consider the testimony offered and shall base their decision thereon.

(h) The evidence shall be taken under oath. The commission or designee shall apply the rules of evidence used in administrative hearings in the State of Iowa.

(i) The public hearing shall be tape recorded by the commission or designee. Duplicate tapes shall be available to all parties at no cost. The tapes shall be kept on file in the city clerk's office for a period of five years. In the alternative, the commission or its designee may appoint a certified court reporter in lieu of tape recording at the commission's expense.

(Code 2017, § 15-66; Ord. No. 2661, § 1, 7-14-2008)

Sec. 12-66. Action by commission.

(a) If, upon taking into consideration all of the evidence at a hearing, the commission or its designee determines that the respondent has engaged in a discriminatory or unfair practice, the commission or its designee shall state its findings of fact and conclusions of law, and shall issue an order requiring the respondent to cease and desist from the discriminatory or unfair practice and to take the necessary

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remedial action as in the judgment of the commission will carry out the purposes of this article. A copy of the order shall be delivered to the respondent, to the complainant and to any other public officers and persons as the commission deems proper. Such order:

(1) — Shall consist of a short and plain statement of the facts upon which the commission has found reasonable cause to believe that a discriminatory practice has occurred or is about to occur if the basis of the claim is housing; and

(2) — Shall be based on the evidence presented at the hearing.

(b) — If the commission determines that the matter involves the legality of any state or local zoning or other land use law or ordinance, the commission shall immediately refer the matter to the attorney general for appropriate action.

(c) — For the purposes of this section and pursuant to the provisions of this article, the term "remedial action" includes, but is not limited to, the following:

(1) — Hiring, reinstatement or upgrading of employees with or without pay. Interim earned income and unemployment compensation shall operate to reduce the pay otherwise allowable.

(2) — Admission or restoration of individuals to a labor organization or admission to or participation in a guidance program, apprenticeship training program, on the job training program or other occupational training or retraining program, with the utilization of objective criteria in the admission of individuals to such programs.

(3) — Admission of individuals to a public accommodation or an educational institution.

(4) — Sale, exchange, lease, rental, assignment or sublease of real property to an individual.

(5) — Extension to all individuals of the full and equal enjoyment of the advantages, facilities, privileges and services of the respondent denied to the complainant because of the discriminatory or unfair practice.

(6) — Reporting as to the manner of compliance.

(7) — Posting notices in conspicuous places in the respondent's place of business in a form prescribed by the commission, and inclusion of notices in advertising material.

(8) — Payment to the complainant of damages for an injury caused by the discriminatory or unfair practice, which damages shall include, but are not limited to, actual damages, court costs and reasonable attorney fees.

(d) — In addition to the remedies provided in subsections (a), (b), and (c) of this section, the commission or its designee may issue an order requiring the respondent to cease and desist from the discriminatory or unfair practice and to take such affirmative action as in the judgment of the commission will carry out the purposes of this article as follows:

~~(1) — In the case of a respondent operating by virtue of a license issued by the city or a political subdivision or agency, if the commission or its designee, upon notice to the respondent with an opportunity to be heard, determines that the respondent has engaged in a discriminatory or unfair practice and that the practice was authorized, requested, commanded, performed or knowingly or recklessly tolerated by the board of directors of the respondent or by an officer or executive agent acting within the scope of his employment, the commission or its designee shall so certify to the licensing agency. Unless the commission finding of a discriminatory or unfair practice is reversed in the course of judicial review, the finding of discrimination is binding on the licensing agency. If a certification is made pursuant to this section, the licensing agency may initiate licensee disciplinary procedures.~~

~~(2) — In the case of a respondent who is found by the commission to have engaged in a discriminatory or unfair practice in the course of performing under a contract or subcontract with the city or a political subdivision or agency, if the practice was authorized, requested, commanded, performed or knowingly or recklessly tolerated by the board of directors of the respondent or by an officer or executive agent acting within the scope of his employment, the commission shall so certify to the contracting agency. Unless the commission's or its designee's finding of a discriminatory or unfair practice is reversed in the course of judicial review, the finding of discrimination is binding on the contracting agency. Upon receiving a certification made under this section, a contracting agency may take appropriate action to terminate a contract or portion thereof previously entered into with the respondent, either absolutely or on condition that the respondent carry out a program of compliance with the provisions of this article, and assist the city and all political subdivisions and agencies thereof to refrain from entering into further contracts.~~

~~(e) — The terms of a conciliation agreement reached with the respondent may require him to refrain in the future from committing discriminatory or unfair practices of the type stated in the agreement, to take remedial action as in the judgment of the commission will carry out the purposes of this article, and to consent to the entry in an appropriate district court of a consent decree embodying the terms of the conciliation agreement. Violation of such a consent decree may be punished as contempt by the court in which it is filed, upon a showing by the commission of the violation at any time within 18 months of its occurrence. In all cases where a conciliation agreement is entered into, the commission shall issue an order stating its terms and furnish a copy of the order to the complainant, the respondent and such other persons as the commission deems proper. At any time, in its discretion, the commission may investigate whether the terms of the agreement are being complied with by the respondent. Upon a finding that the terms of the conciliation agreement are not being complied with by the respondent, the commission shall take appropriate action to ensure compliance.~~

~~{Code 2017, § 15-67; Ord. No. 2661, § 1, 7-14-2008}~~

~~Sec. 12-67. — Judicial review.~~

~~Judicial review of the actions of the commission may be sought in district court as provided in Iowa Code § 216.17, as amended.~~

~~{Code 2017, § 15-68; Ord. No. 2661, § 1, 7-14-2008}~~

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~~Sec. 12-68. Temporary injunctions.~~

~~If, at any time after the filing of a complaint under this article, it shall appear to the commission that there is reason to believe that the respondent has violated this article and there is reason to believe that the respondent is about to do acts which would make impossible his compliance with an order of the commissioner to alleviate the grievance, the commission may direct its attorney to seek a temporary injunction restraining the respondent from doing these acts pending completion of the proceedings under this article.~~

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~~{Code 2017, § 15-69; Ord. No. 2661, § 1, 7-14-2008}~~

~~Sec. 12-69. Subpoenas.~~

~~(a) The commission or its designee shall have the power to subpoena witnesses and compel their attendance, to administer oaths and take the testimony of any person under oath, and to compel the parties to produce for examination any books and papers relating to any matter involved in a complaint. A subpoena may be issued upon the signature of a commission member. The commission shall issue subpoenas in the same manner and for the same purposes on behalf of the respondent upon request. Refusal to obey a subpoena issued by the commission is punishable by fine of not more than \$100.00 or imprisonment in the county jail for not more than 30 days. If a witness either fails or refuses to obey a subpoena issued by the commission, the commission may petition the district court having jurisdiction for issuance of a subpoena. Persons refusing to obey such subpoena may be subject to punishment for contempt.~~

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~~(b) The commission or its designee shall also have the power to issue subpoenas and order discovery in aid of investigations and hearings of alleged unfair or discriminatory practices as described in this article. 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.~~

~~{Code 2017, § 15-70; Ord. No. 2661, § 1, 7-14-2008}~~

~~Sec. 12-70. Provision to be included in city public works contracts.~~

~~The city and all subdivisions and agencies thereof shall include in all public works contracts negotiated a provision obligating the public works contractor and employees, agents and subcontractors not to commit any of the unfair or discriminatory employment practices set forth in this article, and the provision shall also be included by the public works contractor in contracts with all subcontractors.~~

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~~{Code 2017, § 15-71; Ord. No. 2661, § 1, 7-14-2008}~~

~~Secs. 12-71—12-98. Reserved.~~

~~DIVISION 2. CREDIT~~

~~Sec. 12-99. Prohibited credit practices.~~

~~(a) — A creditor shall not refuse to enter into a consumer credit transaction or impose finance charges or terms or conditions more onerous than those which are usually 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.~~

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~~(b) — A person authorized or licensed to do business in this state pursuant to Iowa Code ch. 524, 533, 534, 536 or 536A shall not refuse to loan or extend credit or impose terms or conditions more onerous than those regularly extended to those 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) — A creditor shall not 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 Iowa Code title XIII, subtitle 1 (Iowa Code § 505.1 et seq.).~~

~~(d) — The provisions of this section shall not be construed by negative implication or otherwise to narrow or restrict any other provisions of this division.~~

~~{Code 2017, § 15-91; Ord. No. 2661, § 1, 7-14-2008}~~

~~Secs. 12-100 — 12-126. — Reserved.~~

~~DIVISION 3. — EDUCATION~~

~~Sec. 12-127. — Prohibited education practices.~~

~~(a) — 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:~~

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~~(1) — 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;~~

~~(2) — Denial of comparable opportunity in intramural and interscholastic athletic programs;~~

~~(3) — Discrimination among persons in employment and the conditions of employment;~~

~~(4) — 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.~~

~~(b) — For the purpose of this section, the term "educational institution" includes any preschool, elementary or secondary school, 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.~~

~~{Code 2017, § 15-111; Ord. No. 2661, § 1, 7-14-2008}~~

~~Secs. 12-128 — 12-152. — Reserved.~~

~~DIVISION 4. — EMPLOYMENT~~

~~Sec. 12-153. — Prohibited employment practices.~~

~~It shall be an unfair or discriminatory practice:~~

~~(1) — For any 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 disabled person 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) — For any 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) — For any employer, employment agency or 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 disabled person 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 or employment agency or their employees, servants or agents may offer employment or advertise for employment to only the disabled, when other applicants have available to them other employment compatible with their ability which would not be available to the disabled because of their handicap.~~

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~~Any such employment or offer of employment shall not discriminate among the disabled on the basis of race, color, creed, sex, sexual orientation, gender identity, or national origin.~~

~~(4) — For any 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 or 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 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.~~

~~{Code 2017, § 15-131; Ord. No. 2661, § 1, 7-14-2008}~~

~~Sec. 12-154.— Policies relating to pregnancy or childbirth.~~

~~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 division.~~

~~(2) — Disabilities caused or contributed to by the employee's pregnancy, miscarriage or 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~~

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~~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 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.~~

~~{Code 2017, § 15-132; Ord. No. 2661, § 1, 7-14-2008}~~

~~Sec. 12-155.—Exemptions.~~

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

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

~~(c) — This section shall not apply to age discrimination in bona fide apprenticeship employment programs if the employee is over 45 years of age.~~

~~(d) — This section shall not apply to:~~

~~(1) — Any employer who regularly employs less than four individuals. For purposes of this subsection, 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 his 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.~~

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~~{Code 2017, § 15-133; Ord. No. 2661, § 1, 7-14-2008}~~

~~Secs. 12-156—12-178.—Reserved.~~

~~DIVISION 5.—HOUSING~~

~~Sec. 12-179.—Definitions.~~

~~In addition to the definitions found in section 12-2, the following definitions shall apply to sections 12-180 to 12-183:~~

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~~*Aggrieved person* includes any person who:~~

- ~~(1)—Claims to have been injured by a discriminatory housing practice; or~~
- ~~(2)—Believes that such person will be injured by a discriminatory housing practice that is about to occur.~~

~~*Covered multi-unit dwelling:*~~

- ~~(1)—Building consisting of four or more units if such buildings have one or more elevators; and~~
- ~~(2)—Ground floor units in other buildings consisting of four or more units.~~

~~*Family* includes single individuals.~~

~~*Person* means and 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 title II, receivers, and fiduciaries.~~

~~{Code 2017, § 15-151; Ord. No. 2661, § 1, 7-14-2008}~~

~~Sec. 12-180.—Prohibited housing 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:~~

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- ~~(1)—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.~~
- ~~(2)—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.~~

~~(3) — To make, print or publish, or cause to be made, printed or published, any notice, statement or advertisement, that indicates a preference or limitation for 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.~~

~~(4) — 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, familial status, 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.~~

~~(5) — A person shall not, for profit, 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.~~

~~(6) — A person shall not represent to a person because 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.~~

~~a. — 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:~~

~~1. — That buyer or renter.~~

~~2. — A person residing in or intending to reside in that dwelling after it is sold, rented, or made available.~~

~~3. — A person associated with that buyer or renter.~~

~~b. — 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:~~

~~1. — That person.~~

~~2. — A person residing in or intending to reside in that dwelling after it is sold, rented, or made available.~~

~~3. — A person associated with that person.~~

~~c. — For the purposes of this subsection only, discrimination includes any of the following circumstances:~~

- ~~1.— A refusal to permit, at the expense of the disabled person, 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.~~
- ~~2.— 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.~~
- ~~3.— In connection with the design and construction of covered multifamily dwellings for first occupancy after March 13, 1991, a failure to design and construct those dwellings in a manner that meets the following requirements:~~
- ~~(i) The public use and common use portions of the dwellings are readily accessible to and usable by disabled persons.~~
- ~~(ii) All doors designed to allow passage into and within all premises within the dwellings are sufficiently wide to allow passage by disabled persons in wheelchairs.~~
- ~~(iii) 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.~~
- ~~d.— Compliance with the appropriate requirements of the American National Standard for Buildings and Facilities Providing Accessibility and Usability for Physically Handicapped People, commonly cited as "ANSI A 117.1," satisfies the requirements of subsection (6)c.3(iii) of this section.~~
- ~~e.— Nothing in this subsection 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.~~
- ~~(7) A person, or other entity, 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.~~
- ~~a.— For the purpose of this subsection, the term "residential real estate related transaction" means any of the following:~~

~~1.— To make or purchase loans or provide other financial assistance to purchase, construct, improve, repair, or maintain a dwelling, or secured by residential real estate.~~

~~2.— To sell, broker, or appraise residential real estate.~~

~~b.— Appraisal exemption. Nothing in this division prohibits a person engaged in the business of furnishing appraisals of real property to take into consideration factors other than race, sex, sexual orientation, gender identity, color, religion, national origin, disability or familial status.~~

~~(8)— 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.~~

~~(Code 2017, § 15-152; Ord. No. 2661, § 1, 7-14-2008)~~

~~Sec. 12-181.— Exemptions.~~

~~(a)— The provisions of this division shall not apply to:~~

~~(1)— Any single-unit house sold or rented by an owner, provided that such private individual owner does not own more than three such single-unit houses at any one time; provided, further, That in the case of the sale of any such single-unit house by a private individual owner not residing in such house at the time of such sale or who was not the most recent resident of such house prior to such sale, the exemption granted by this subsection shall apply only with respect to one such sale within any 24-month period; provided, further, that such bona fide private individual owner does not own any interest in, nor is there owned or reserved on his behalf, under any express or voluntary agreement, title to or any right to all or a portion of the proceeds from the sale or rental of, more than three such single-unit house houses at any one time; provided further, that after December 31, 1969, the sale or rental of any such single-unit house shall be excepted from the application of this division only if such house is sold or rented:~~

~~a.— Without the use in any manner of the sales or rental facilities or the sales or rental services of any real estate broker, agent, or salesman, or of such facilities or services of any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, agent, salesman, or person; and~~

~~b.— Without the publication, posting or mailing, after notice, of any advertisement or written notice in violation of section 12-180; but nothing in this proviso shall prohibit the use of attorneys, escrow agents, abstractors, title companies, and other such professional assistance as necessary to perfect or transfer the title.~~

~~(2)— Dwellings containing no more than four independent dwelling units, if the owner actually maintains and occupies one of such dwelling units as his residence.~~

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~~(b) — Nothing in this division shall prohibit a religious organization, association, or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color, or national origin. Nor shall anything in this division prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members.~~

~~(c) — Nothing in this division limits the applicability of any reasonable local, state, or federal restrictions regarding the maximum number of occupants permitted to occupy a dwelling. Nor does any provision in this division regarding familial status apply with respect to housing for older persons.~~

~~(1) — As used in this section, the term "housing for older persons" means housing:~~

~~a. — Provided under any state or federal program is specifically designed and operated to assist elderly persons (as defined in the state or federal program); or~~

~~b. — Intended for, and solely occupied by, persons 62 years of age or older; or~~

~~c. — Intended and operated for occupancy by persons 55 years of age or older; and~~

~~1. — At least 80 percent of the occupied units are occupied by at least one person who is 55 years of age or older;~~

~~2. — The housing facility or community publishes and adheres to policies and procedures that demonstrate the intent required under this subsection; and~~

~~3. — The housing facility or community complies with rules issued by the secretary for verification of occupancy, which shall:~~

~~(i) — Provide for verification by reliable surveys and affidavits; and~~

~~(ii) — Include examples of the types of policies and procedures relevant to a determination of compliance with the requirement of subsection (c)(1)c.2 of this section. Such surveys and affidavits shall be admissible in administrative and judicial proceedings for the purposes of such verification.~~

~~(2) — Housing shall not fail to meet the requirements for housing for older persons by reason of:~~

~~a. — Persons residing in such housing as of the date of enactment of this Act who do not meet the age requirements as set forth above, provided that new occupants of such housing meet such age requirements; or~~

~~b. — Unoccupied units, provided that such units are reserved for occupancy by persons who meet the age requirements set forth in (c)(1) of this section.~~

~~{Code 2017, § 15-153; Ord. No. 2661, § 1, 7-14-2008}~~

~~Sec. 12-182.—Civil action for enforcement of housing complaint.~~

~~In a civil action under this division, if the court finds that a discriminatory housing practice has occurred or is about to occur, the court may grant as relief any relief which a court could grant with respect to such discriminatory housing practice in a civil action under 42 USC 3613. Any relief so granted that would accrue to an aggrieved person in a civil action commenced by the aggrieved person under 42 USC 3613 shall also accrue to that aggrieved person in a civil action under this subsection. If monetary relief is sought for the benefit of an aggrieved person who does not intervene in the civil action, the court shall not award such relief if that aggrieved person has not complied with discovery order entered by the court. The court may also award punitive damages, attorney fees, and civil penalties as defined in 12-183.~~

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~~{Code 2017, § 15-155; Ord. No. 2661, § 1, 7-14-2008}~~

~~Sec. 12-183.—Civil penalties in the administrative hearing.~~

~~In addition to any other remedies under this division, if the commission or its designee finds that a respondent has engaged in or is about to engage in a discriminatory housing practice, after the hearing on this matter it shall promptly issue an order for such relief as may be appropriate, which may include actual damages suffered by the aggrieved person and injunctive or other equitable relief. Such order may, to vindicate the public interest, assess a civil penalty against the respondent:~~

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~~(1) —In an amount not exceeding \$250.00 if the respondent has not been adjudged to have committed any prior discriminatory housing practice;~~

~~(2) —In an amount not exceeding \$500.00 if the respondent has been adjudged to have committed one other discriminatory housing practice during the five-year period ending on the date of the filing of this charge; and~~

~~(3) —In an amount not exceeding \$1,000.00 if the respondent has been adjudged to have committed two or more discriminatory housing practices during the seven-year period ending on the date of the filing of this charge; except that if the acts constituting the discriminatory housing practice that is the subject of the charges are committed by the same natural person who has been previously adjudged to have committed acts constituting a discriminatory housing practice, then the civil penalties set forth in subsections (b) and (c) of this section may be imposed without regard to the period of time within which any subsequent discriminatory housing practice occurred.~~

~~{Code 2017, § 15-156; Ord. No. 2661, § 1, 7-14-2008}~~

~~Secs. 12-184—12-204.—Reserved.~~

~~DIVISION 6.—PUBLIC ACCOMMODATIONS OR SERVICES~~

~~Sec. 12-205.—Prohibited practices.~~

~~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 to:~~

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~~(1) — 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) — 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.~~

~~{Code 2017, § 15-171; Ord. No. 2661, § 1, 7-14-2008}~~

~~Sec. 12-206.— Exemptions.~~

~~This division shall not apply to:~~

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

~~(2) — The rental or leasing to transient individuals of less than six rooms within a single housing accommodation by the occupant or owner of such housing accommodation, if the occupant or owner resides therein.~~

~~{Code 2017, § 15-172; Ord. No. 2661, § 1, 7-14-2008}~~



Cedar Falls Human Rights Commission

Mission Statement:

The Cedar Falls Human Rights Commission protects Human Rights and promotes Diversity and Equity for ALL through Advocacy, Education, and Outreach.

Outreach, Advocacy, and Education Plan

Outreach

Task	Commissioner(s)/Partner(s) Responsible	Projected Date of Completion
Calendar of Events	Full Commission	Reviewed monthly at commission meetings to plan for upcoming events and opportunities for outreach, advocacy and education
Currents Articles	Nicole and Angie (City Designer)	November commission meeting for December submission February commission meeting for March submission May commission meeting for June submission August commission meeting for September submission

Develop slogan (“Got Equity”?)	Full Commission	Review and Approve by January 2021 Commission Meeting
Channel 15—personal stories, running a banner at the bottom of the screen, short commercial or clip with our logo, slogan and contact info, etc	City Cable TV division	
Artist, Poet, Musician et al in residence (Advocacy, Outreach and Education)	Angela, Hearst Center, Carole Yates (Youth Art Team)	
PSAs	Teri	
Access City’s Social Media (Twitter, Facebook, webpage, Instagram)	Amanda (Communication Specialist)	
Banner and Garb promotional materials produced and displayed	Spencer	
<p>Develop/enhance/continue partnerships with other community groups</p> <p>Current Partnerships:</p> <ul style="list-style-type: none"> • Cedar Falls City Council • UNI Office of Diversity • Waterloo Commission • CF Schools • CF Police Dept • Pride Fest • ICRC • Iowa League of Human Rights • NAACP • CV Economic Inclusion Work Group and Summit Planning Committee 		

<p>New Partnerships:</p> <ul style="list-style-type: none"> • Resilience Team • Other city Boards and Commissions • BHC Public Health Dept 		
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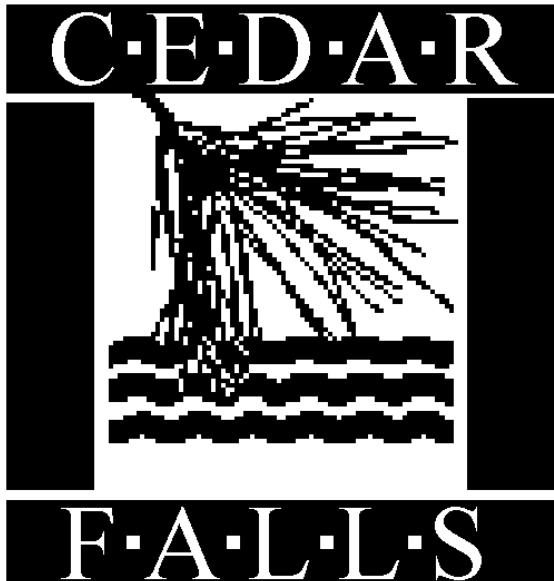
Advocacy

Task	Commissioner(s)/Partner(s) Responsible	Projected Date of Completion
Place to Play Park PSA	Teri and Amanda (CF Communication Specialist)	
Update City website to include link to ICRC and Department of Human Rights	Full Commission and City Liaison	12/2020
Partnering with claimants with navigating complaint process	Full Commission and City Liaison partnering with ICRC for training	
Access City's Social Media (Twitter, Facebook, webpage, Instagram)		
Town Hall Meeting(s)		
Partner for conference(s) on race and equity	Full Commission, City Liaison, community partners, UNI, Waterloo HR Commission, Hawkeye Community College	
Inclusion and Diversity Summit		October 2021 is next summit
Implicit Bias Training	Full Commission and members of Inclusion Summit	

Education

Task	Commissioner(s)/Partner(s) Responsible	Projected Date of Completion
Access City’s Social Media (Twitter, Facebook, webpage, Instagram)		
Develop a short video and/or podcast about educational topics related to equity and human rights	Full Commission partners with Amanda by way of City Liaison for development and appropriate distribution	
Research history of city policies and/or laws and/or practices and its impact on current culture/environment—report findings and make recommendations for action to commission	Angela	
Develop/offer/promote/attend trainings on social competency, cultural bias, implicit bias, inclusion etc		

CITY OF CEDAR FALLS, IA



HUMAN

RIGHTS

COMMISSION

ANNUAL REPORT

FY2020

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EXECUTIVE SUMMARY

July 1, 2017 through June 30, 2020 continued progress for the Cedar Falls Human Rights Commission. This section summarizes these changes.

Commission Legal Support: Attorney Kevin Rogers is the Commission’s primary legal counsel.

Local Claims Processing: Local claim processing continued, offering mediation, fact-finding, and conciliation services to individuals who file complaints during the aforementioned timeframe. Continued efforts in encouraging mediation as a tool in the claims process resulting in fewer legal costs. Commissioners continued to actively serve as fact-finders to determine probable or no probable cause in claims reaching beyond mediation.

Fact Finding: Preparations involve copying and distributing files; file review by fact-finders, fact-finding planning meetings, contact with claimant, respondent, and witnesses, and the fact-finding session itself. Duration of the sessions vary, but can take several hours, followed by discussion and the writing of a “Probable”, “No Probable”, or “Administrative Closure” Cause determination reviewed by the Commission’s attorney. Total estimated time per fact-finding depends upon the merits of each case.

Furthering CFHRC Services:

Federal and State Ordinance Revisions – Updates to Federal and State ordinance revisions are reviewed in order to maintain compliance with the Civil Rights Act and claim processing procedures.

Annual Planning Retreat – the Commission’s first annual planning retreat was held April 2002 and proved beneficial in reviewing Commission accomplishments and establishing goals for the next fiscal year. As of May 2020, the Commission facilitated its 19th planning retreat and plans to continue annually.

Committees – Committees continue to develop, and strive to complete the tasks and projects before them.

Human Rights Networking – the Commission continued local, state and regional relationships with other human rights professionals and groups. Through these groups and individuals, commissioners and staff have established relationships with local State of Iowa Legislators and Iowa Civil Rights Commission Staff. Commissioners are strongly encouraged to attend Iowa Civil Rights and Human Rights League events to continue relationships and broaden their knowledge.

MISSION STATEMENT

The Cedar Falls Human Rights Commission is responsible for enforcing the laws and educating the community regarding discrimination as provided in the Cedar Falls Code of Ordinances.

PHILOSOPHY

The Cedar Falls Human Rights Commission is committed to:

1. Enforcing the laws regarding discrimination as provided in the State Code of Iowa and City of Cedar Falls Code of Ordinances.
2. Investigating complaints of discrimination in Cedar Falls.
3. Studying and attempting to eliminate discrimination in Cedar Falls.
4. Cooperating with state and federal agencies in law enforcement activities and developing civil rights educational programs.
5. Providing a pro-active approach to the education of the community, employers and employees on human rights issues, including support for local organizations.

PRIMARY COMMITMENT

The Commission is concerned primarily with long-term goals and ways by which those goals are to be achieved. The Commission should establish objectives within its areas of responsibility and then focus on the desired results. There are two overriding questions that commission members should continually be asking themselves:

1. Are we working to achieve our mission on behalf of the community?
2. Given new information, new wisdom, and new possibilities, what should we strive to accomplish for whom and at what cost in the next year? The next five years?

PRINCIPAL RESPONSIBILITIES

The principal responsibilities of the Cedar Falls Human Rights Commission include the following:

1. To advocate for human rights and serve as a link between the Commission and the community.
2. To establish policies that provide direction for the agency, reflect the values of the commission, and comply with applicable federal, state, and local laws and regulations.
3. To establish the long-range vision required to meet local community needs.
4. To plan actively for the future of the commission.
5. To provide spending suggestions to city personnel.

COMMITTEE DESCRIPTIONS AND RESPONSIBILITIES

The Chairperson of the CFHRC serves as an ex-officio member to all of the subcommittees approved by the CFHRC.

Executive – This committee shall include the Commission Chairperson, the Vice-Chairperson, and Past-Chairperson. This committee assists in the preparation of the monthly Commission agenda, makes recommendations to the Commission regarding development of policies and procedures, and serves as primary contact with the Commission regarding legal matters and assist with the development of timely information to the Mayor, City Council, and Public at large. The Executive Committee is also responsible for production of the annual report. This committee normally meets prior to the regular Commission meeting on the third Monday of the month.

Finance and Funding – This Committee shall consist of a minimum of three (3) Commissioners. This committee will work with the City’s Commission Liaison and provide this individual with recommendations and requests to be included in the City of Cedar Falls budget process each fiscal year. The committee will also assist in researching additional funding streams for the Commission such as grants, cooperative agreements, workshops, etc. This committee meets as required.

Education/Professional Development – This combined committee shall consist of a minimum of three (3) Commissioners. The committee will incorporate the Commission efforts to develop a method to educate employers, employees, educating systems, and the public at large regarding human and civil rights issues. This committee shall also provide the entire Cedar Falls Human Rights Commission with information regarding local and regional trainings related to the area of human and civil rights. Responsibilities include the planning of the Annual Retreat. This committee meets as required.

Cedar Falls 2020 and 2025 Vision and Strategic Plan – This combined committee was formed with the intent to complete the request for the Cedar Falls Human Right’s Commission’s involvement in the Cedar Falls 2020 Vision and Strategic Plan. Responsibility of this committee was to continue the efforts of the vision. The Commission will review the 2025 Vision and Strategic Plan on an as needed basis. A committee will be created if there is a need.

FY20 ACCOMPLISHMENTS & CHALLENGES BY COMMITTEE

EXECUTIVE COMMITTEE

Executive Committee Accomplishments:

1. FY19 Annual Report
2. FY20 ICRC COOP Agreement
3. May 2020 Retreat information and FY20 Goals
4. Continued communication and cooperation with local and state officials

Executive Committee Challenges:

1. Maintain a full Commission
2. Explore the Commission's role
3. Support and attend committee meetings for continuity
4. Continue to build relationships
5. Review of Commission By-Laws
6. Review of City Ordinance No. 2661

EDUCATION/PROFESSIONAL DEVELOPMENT COMMITTEE

Education/Professional Development Committee Accomplishments:

1. Promoted the Commission through community education
2. Participated in Community Events
3. Supported Commissioner education
4. Continue to build community relations; UNI, Waterloo Commission on Human Rights, local organizations, and local and state officials

Education/Professional Development Committee Challenges:

1. Raise Awareness and Educate the community about discrimination issues
2. Attendance at local events
3. Educate Commissioners
4. Continue to build relationships with UNI, the Community, City Council, State Officials, and the Waterloo Commission on Human Rights
5. Implement Vision 2020 and 2025

FINANCE & FUNDING COMMITTEE

Currently all finance and funding decisions are made by the Commission as a whole. If there is a need for a committee in the future, one will be assigned.

CASE ACTIVITY

Fiscal Year	2019	2020
Inquiries	11	5
Referred to Services other than Human Rights	5	2
Referred to ICRC or Other Jurisdiction	6	3
No Claim Received	0	0
Cases Opened		
Cases Opened	0	0
Open Cases	4	0
Mediation	0	0
Mediation Settled	0	0
Fact Finding Completed	1	0
Conciliation	0	0
Conciliation Settled	0	0
Public Hearing	0	0
Closed Case	1	4
Case Status	1 – Fact Finding/No Probable Cause Finding 3 – Pending Admin Closure	
Area		
Area	4 – EMP	
Basis(es)		
Basis(es)	3– Color/Race 1 – Age	

KEY.....

CLAIM STATUS	
NPC	No Probable Cause
PC	Probable Cause
MED	Mediation
FF	Fact Finding
PC/CON	PC, Move to Conciliation
WD	Withdrawal
RTS	Right-To-Sue

AREAS
C = Credit
EDU = Education
EMP = Employment
PA = Public Accommodation

BASIS	
Race/Color	Religion
Creed	National Origin
Sex	Family Status
Gender Identity	Marital Status
Sexual Orientation	Age
Disability	(Pregnancy)

ANNUAL BUDGET

Source	Received	Dollars Spent	Balance
General Fund	\$ 1,500.00	\$ 648.46	\$ 851.44

TRAINING/CONFERENCES/EVENTS

1. Economic Inclusion Workgroup (FY20)
2. Economic Inclusion Summit Planning Committee (FY20)
3. Pride Fest (08/19)
4. UNI Rainbow Reception (08/19)
5. Constitution Day Address at UNI (09/19)
6. Cedar Valley Economic Inclusion Summit (10/19)
7. Public Safety Implicit Bias Training (10/19)
8. FY19 ICRC COOP Agreement approved by City Council (11/19)
9. Greater Cedar Valley Alliance & Chamber Bus Tour (12/19)
10. FY18 Annual Report received and filed by City Council (12/19)
11. Cedar Valley United Nations Association Sponsored Events (12/19)
12. Martin Luther King, Jr. Banquet (01/20)
13. Cedar Falls Human Rights Commission Annual Retreat via Zoom (05/20)
14. Waterloo Town Hall Meeting (06/20)

** Most training, conferences, and events scheduled for March 2020 and after were cancelled due to COVID-19.*

COMMISSIONERS SERVING DURING FY20

	<u>Appointed</u>	<u>Re-Appointed</u>	<u>Term Expires</u>	
Willie Barney	09-25-08	06-15-20	07-01-23	
Teri Jorgensen	05-23-11	07-01-19	07-01-22	
Susan Langan	05-13-02	06-18-18	07-01-21	
Spencer Luvert	07-26-99	06-15-20	07-01-23	
Andrew Morse	07-10-17	06-18-18	07-01-21	FY20 Vice Chair
Kei-Che Randle	07-20-15	06-18-18	07-01-21	FY20 Past Chair
Nicole Winther	04-12-04	06-15-20	07-01-23	
Jeff Zaputil	12-15-14	06-18-18	07-01-21	FY20 Chair

SUPPORT STAFF FOR FY20

Colleen Sole, Personnel Specialist & Human Rights Commission Liaison

Kevin Rogers, Cedar Falls City Attorney

CONTACT INFORMATION

MAILING ADDRESS: 220 Clay Street, Cedar Falls, Iowa 50613

LOCATION: City Hall, Administrative Services Department

HOURS: 8:00 a.m. – 5:00 p.m., Monday – Friday

TELEPHONE: (319) 273-8600 or (319) 243-2712

FAX: (319) 268-5126

REGULAR MEETINGS: Third Monday of most months at 7:00 p.m.

MEETING LOCATION: Cedar Falls Public Library