

BY AUTHORITY

ORDINANCE NO. _____
SERIES OF 2019

COUNCIL BILL NO. CB _____
COMMITTEE OF REFERENCE:

A BILL

For an ordinance amending Articles II and IV of Chapter 28 of the Revised Municipal Code concerning, respectively, the Agency for Human Rights and Community Partnerships and the Prohibition of Discrimination in Employment, Housing and Commercial Space, Public Accommodations, Educational Institutions, and Health and Welfare Services.

BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:

Section 1. That section 28-91(b), D.R.M.C., is amended by deleting the language stricken and adding the language underlined, and that section 28-91 is further amended by the addition of a new subsection (d), to read as follows:

Sec. 28-91. - Intent of council.

(b) It is the intent of the council in enacting this article to eliminate ~~within~~ discrimination in the city ~~discrimination~~ by reason of race, color, religion, national origin, ethnicity, citizenship, immigration status, gender, age, sexual orientation, ~~gender variance,~~ gender identity, gender expression, marital status, source of income, military status, or ~~physical or mental~~ disability. Discriminatory practices as defined in this article may be subject to investigation, conciliation, administrative hearings and orders or other enforcement procedures.

(d) Any-provision of this article that prohibits discrimination based on citizenship or immigration status, does not apply when any federal, state, or city law imposes citizenship or lawful immigration status as a requirement or condition for receiving any employment, contract, benefit, or service.

Section 2. That Section 28-92, D.R.M.C., is amended by deleting the language stricken and adding the language underlined, to read as follows:

Sec. 28-92. - Definitions.

The following words and terms when used in this article shall have the following meanings:

(a) *Age:* A chronological age of at least forty (40) years.

(b) *Agency:* The agency for human rights and community ~~relations~~ partnerships.

1 (c) *Director*: The agency's duly appointed executive director of the agency for
2 human rights and community relations.

3 (d) *Disability*: Has the same meaning as set forth in the federal "Americans with
4 Disabilities Act of 1990", 42 U.S.C. sec. 1201 et seq., and its related amendments and
5 implementing regulations.

6 (e) *Educational institution*: Any private educational institution, including an academy,
7 college, elementary or secondary school, extension course, kindergarten, nursery, school system
8 or university and a business, nursing, professional, secretarial, technical or vocational school and
9 includes an agent of an educational institution.

10 (f) *Employee*: Any individual employed by or applying for employment with an
11 employer.

12 (g) *Employer*: Any person, excluding governmental entities and political subdivisions
13 but including any agent of such entity or subdivision where the agency relationship is created by
14 a written contract, engaged in an industry affecting commerce who has ~~twenty (20)~~ ten (10) or
15 more employees for each working day in each of ~~twenty (20)~~ ten (10) or more calendar weeks in
16 the current or preceding calendar year; the term shall also mean any agent of such a person.

17 (h) *Employment agency*: Any person regularly undertaking or attempting with or without
18 compensation to procure employees for an employer or to procure for employees opportunities to
19 work for an employer and includes an agent of such a person.

20 (i) *Gender*: The attitudes, feelings, and behaviors that a given culture associates with a
21 person's sex assigned at birth. One's gender may be man, woman, genderqueer, androgynous,
22 or other. Behavior that is compatible with cultural expectations is referred to as gender-normative;
23 behavior that is viewed as incompatible with cultural expectations is gender non-conformity.

24 (j) *Gender expression*: A person's expression of gender identity through appearance
25 and behavior including how an individual believes that the individual is perceived by others.

26 (k) ~~*Gender identity*: A person's various individual attributes, actual or perceived, that~~
27 ~~may be in accord with, or sometimes opposed to, one's physical anatomy, chromosomal sex,~~
28 ~~genitalia, or sex assigned at birth. A person's sense of oneself as a man, woman, or something~~
29 ~~else. When a person's gender identity or gender expression and sex assigned at birth are not~~
30 ~~congruent, the individual may identify along the transgender spectrum.~~

31 ~~*Gender variance*: A persistent sense that a person's gender identity is incongruent with the~~
32 ~~person's biological sex, excluding the element of persistence for persons under age twenty-one~~
33 ~~(21) and including, without limitation, transitioned transsexuals.~~

1 ~~Genital reassignment surgery: Surgery to alter a person's genitals, in order to complete a~~
2 ~~program of sex reassignment treatment.~~

3 (l) *Labor organization:* Any organization, agency, employee representation committee,
4 group, association or plan in which employees participate directly or indirectly and which exists for
5 the purpose, in whole or in part, of dealing with employers or any agent thereof concerning
6 grievances, labor disputes, wages, rates of pay, hours or other terms, conditions or privileges of
7 employment and any conference, general committee, joint or system board or joint council which
8 is subordinate to a national or international labor organization.

9 (m) *Marital status:* The state of being married, single, divorced, separated or widowed
10 and the usual conditions associated therewith, including parenthood.

11 (n) *Military status:* Being or having been in the service of the military.

12 ~~*Physical or mental disability:* A physical or mental impairment of an individual which~~
13 ~~substantially limits one (1) or more major life activities and includes a record of such impairment~~
14 ~~or being regarded as having such impairment; however, such term does not include any~~
15 ~~individual who is an alcoholic whose current use of alcohol prevents such individual from~~
16 ~~performing the duties of a job or whose current alcohol abuse would constitute a direct threat to~~
17 ~~property or the safety of others; and in the areas of public accommodations or real estate~~
18 ~~transactions, such term does not include any individual who is an alcoholic and whose~~
19 ~~unreasonable conduct as a result of use of alcohol is the basis on which a covered entity acts;~~
20 ~~and such term does not include an individual who is currently engaged in the illegal use of drugs~~
21 ~~when a covered entity acts on the basis of such use.~~

22 (o) *Place of public accommodation:*

23 (1) ~~As defined by section 59-2 of this Code:~~ As specified in the Denver Zoning Code:
24 All hostels; hotels; motels; rental rooms; lodging accommodations including without limitation
25 bed and breakfast lodging, extended stay hotels, hotels, hostels, motels, single room
26 occupancy (SRO) hotels, rooming and/or or boarding houses; short-term rentals including
27 without limitation vacation rentals and other short-term rental places or establishments; eating
28 places; eating and drinking establishments; shops, and stores, and other kinds of business
29 establishments dealing with goods or services of any kind; hospitals; and group living facilities
30 including assisted living facilities, nursing homes, hospices, and residences for older adults;
31 shelters; recreational facilities, public parks; theaters of all kinds, and any establishments
32 licensed under chapter 7 (Amusements) of this Code.

1 (2) Any establishment licensed under the Colorado Liquor Code or the Colorado
2 Beer Code; all banks, credit information services and all other financial institutions; insurance
3 companies and establishments of insurance brokers; clinics, dental or medical; clubs and
4 lodges; bathhouses and swimming pools; commercial or public garages, public transportation
5 as well as the stations or terminals thereof; any establishment offering travel or tour services;
6 ~~and public areas and public elevators of buildings and structures-,~~ any place of business,
7 services, or other kinds of establishments providing health and welfare services in accordance
8 with Section 28-97; and any place of business, services, or other kinds of establishments
9 engaged in or offering sales, services, facilities, privileges, advantages, or accommodations to
10 the public that receives or is otherwise supported by money raised by taxation or public
11 borrowing.

12 (p) *Real estate broker or salesperson:* Any person licensed as such in accordance with
13 the provisions of the Colorado Real Estate Commission.

14 (q) *Religious entity:* A church, synagogue, mosque, temple, congregation, or other place
15 that is principally used for religious purposes.

16 ~~Religious organizations or associations: Any organization affiliated with a church,~~
17 ~~synagogue, congregation, parish, brotherhood, religious corporation or any religious society~~
18 ~~engaging in the works of education, benevolence, charity or missions.~~

19 (r) *Religious organization:* A religious corporation, religious institution, religious society,
20 or other organization or association that is: not organized for private profit, not supported in whole
21 or in part by money raised by taxation or public borrowing, controlled by or operated in
22 connection with a religious entity, and engages in the study or advancement of religion or
23 engages in the works of education, benevolence, charity, or missions.

24 ~~*Sex:* Biological sex, the sum of a person's physical characteristics.~~

25 ~~*Sex reassignment treatment:* Treatment to change a person's sex, based on medically~~
26 ~~recognized treatment protocols such as that published by the Harry Benjamin International~~
27 ~~Gender Dysphoria Association.~~

28 (s) *Sexual orientation:* A component of a person's identity that includes sexual and
29 emotional attraction to another person and the behavior or social affiliation that may result from this
30 attraction. A person may be attracted to men, women, both, neither, or to people who are
31 genderqueer, androgynous, or have other gender identities. Individuals may identify as lesbian,
32 gay, heterosexual, bisexual, queer, pansexual, or asexual, among others.

1 (t) *Source of income:* Any lawful, verifiable source of income or housing assistance paid
2 to or on behalf of a renter or buyer including, but not limited, to monies from any occupation or
3 activity, from any contract, agreement, loan or settlement, from any court-ordered payments such as
4 child support, from payments received as gifts, bequests, annuities or life insurance policies, or from
5 federal, state or local payments, including disability benefits and housing choice vouchers or any
6 other rent subsidy or rent assistance program and related program requirements.

7 (u) *Transaction in real property:* Exhibiting, listing, advertising, negotiating, agreeing to
8 transfer or transferring, whether by sale, lease, sublease, rent, assignment or other agreement,
9 any interest in real property or improvements thereon.

10 ~~*Transitioning transsexual:* A person experiencing gender variance who is undergoing sex
11 reassignment treatment.~~

12 ~~*Transitioned transsexual:* A person who has completed genital reassignment surgery.~~

13
14 **Section 3.** That Section 28-93, D.R.M.C., is amended by deleting the language stricken and
15 adding the language underlined, to read as follows:

16 **Sec. 28-93. - Discriminatory practices in employment.**

17 (a) *Generally.* It shall be is a discriminatory practice to do any of the following acts
18 based upon the race, color, religion, national origin, ethnicity, citizenship, immigration status,
19 gender, age, sexual orientation, ~~gender variance,~~ gender expression, gender identity, marital
20 status, military status, or ~~physical or mental~~ disability of any individual who is otherwise
21 qualified:

22 (1) *By an employer:* To fail or refuse to hire an applicant or to discharge any
23 individual or otherwise to discriminate against any individual with respect to compensation,
24 terms, conditions or privileges of employment, including promotion; or to limit, segregate or
25 classify employees in any way ~~which~~ that would deprive or tend to deprive any individual of
26 employment opportunities or otherwise adversely affect status as an employee; ~~but~~ With
27 regard to a disability, it is not a discriminatory or an unfair employment practice for an
28 employer to act as provided in this paragraph (a) if there is no reasonable accommodation that
29 ~~the employer can make with regard to the disability~~ can be made, the disability actually
30 disqualifies the person from the job, ~~and~~ or the disability has a significant impact on the job;

31 (2) *By an employment agency:* To fail or refuse to refer ~~for employment or to~~ or
32 classify ~~or refer~~ for employment any individual or to otherwise ~~to~~ discriminate against any
33 individual; ~~But~~ With regard to a disability, it is not a discriminatory or an unfair employment

1 practice for an employment agency to refuse to list and properly classify for employment or to
2 refuse to refer an individual for employment in a known available job for which such individual
3 is otherwise qualified if there is no reasonable accommodation that ~~the employer can make~~can
4 be made with regard to the disability, the disability ~~actually~~ disqualifies the applicant from the
5 job, and the disability has a significant impact on the job;

6 (3) *By a labor organization:* To exclude or ~~to expel~~ remove from its membership, or
7 otherwise ~~to discriminate against any individual or to limit, segregate, or classify its~~
8 membership, or fail or refuse to refer ~~any individual to employment or to classify for~~
9 employment any individual, or to otherwise discriminate against any individual in any way that
10 ~~which~~ would deprive, limit, or adversely affect such individual of employment opportunities or
11 ~~would limit such employment opportunities or otherwise adversely affect the individual's status~~
12 ~~as an employee or as an applicant for employment;~~ or

13 (4) *By an employer, employment agency, apprenticeship program, labor organization*
14 *or joint labor/management council:*

15 a. To discriminate against any individual in admission to or employment in any
16 program established to provide apprenticeship, ~~or other training,~~ or retraining, including ~~an~~ on-
17 the-job training programs, ~~but~~ With regard to a disability, it is not a discriminatory or an unfair
18 employment practice to deny or withhold ~~the right to be admitted to or participate~~ admission or
19 participation in any such program if ~~there is~~ no reasonable accommodation ~~that~~ can be made
20 with regard to the disability, the disability ~~actually~~ disqualifies the applicant from the program,
21 and the disability has a significant impact on participation in the program; and

22 b. To communicate, print or publish or cause to be communicated, printed or
23 published any notice or advertisement or use any publication form relating to employment by
24 such employer or to membership in or any classification or referral for employment by such a
25 labor organization or to any classification or referral for employment by such an employment
26 agency indicating any preference, limitation, specification or distinction based on the race,
27 color, religion, national origin, ethnicity, citizenship, immigration status, gender, age, sexual
28 orientation, ~~gender variance,~~ gender expression, gender identity, marital status, military status
29 or ~~physical or mental~~ disability of any individual.

30 (b) ~~Women affected by pregnancy.~~ Prohibition of discrimination – pregnancy,
31 childbirth, and related conditions.

32 (1) Discrimination on the basis of gender ~~shall include but not be~~ includes but is not
33 limited to discrimination on the basis of pregnancy, childbirth or related medical conditions.

1 (2) ~~Women affected by pregnancy, childbirth or related medical conditions shall be~~
2 ~~treated the same for all employment-related purposes, including receipt of benefits under~~
3 ~~fringe benefit programs, as other persons not so affected but similar in their ability or inability~~
4 ~~to work; and this requirement shall include but not be limited to a requirement that an employer~~
5 ~~must treat an employee temporarily unable to perform the functions of her job because of~~
6 ~~pregnancy-related condition in the same manner as it treats other temporarily disabled~~
7 ~~employees. An employer, employment agency, apprenticeship program, labor organization, or~~
8 ~~a joint labor/management council may not:~~

9 a. Treat disabilities caused or contributed to by pregnancy, miscarriage, childbirth or
10 recovery therefrom, differently than other temporary disabilities under any health or temporary
11 disability insurance, or sick leave plan available in connection with employment. An employer,
12 employment agency, apprenticeship program, labor organization, or a joint labor/management
13 council must afford pay, tenure, benefits, seniority, and re-instatement for medically necessary
14 pregnancy-related absences in the same manner as they are for other medically necessary
15 absences;

16 b. Refuse to reasonably accommodate an existing or prospective employee's
17 condition related to pregnancy, childbirth, or a related medical condition, including, but not
18 limited to, the need to express breast milk for a nursing child; unless the employer can
19 demonstrate that the accommodation presents an undue hardship on a program, enterprise, or
20 business;

21 c. Require an employee to take leave if another reasonable accommodation can be
22 provided for the employee's condition related to pregnancy, childbirth, or a related medical
23 condition; or

24 d. Deny employment opportunities to an existing or prospective employee, if such
25 denial is based on the employer's refusal to reasonably accommodate a current or prospective
26 employee's condition related to pregnancy, childbirth, or a related medical condition.

27 (3) For the purposes of this section 28-93(b):

28 a. The term "reasonably accommodate" means providing reasonable
29 accommodations, including, but not limited to: additional or longer breaks, time off to recover
30 from childbirth, acquisition or modification of equipment, seating, temporary transfer to a less
31 strenuous or hazardous position, job restructuring, light duty, private non-bathroom space for
32 expressing breast milk, assistance with manual labor, or modified work schedules, provided
33 that:

- 1 i No employer, employment agency, apprenticeship program, labor organization,
2 or joint labor/management council is required by this subsection to create additional
3 employment that would not have been created otherwise, unless the entity or program creates
4 or would have created additional employment for other classes of employees who need
5 accommodation, such as those individuals who are injured on-the-job or those with disabilities
6 and;
- 7 ii. The employer, employment agency, apprenticeship program, labor organization,
8 or joint labor/management council is not required to discharge or transfer any employee with
9 more seniority, or promote any employee who is unqualified to perform the job, unless the
10 employer does so or would do so to accommodate other classes of employees in need, such
11 as those who are injured on-the-job or those with disabilities.
- 12 b. Nothing in this section requires individuals with needs related to pregnancy,
13 childbirth, or related medical conditions to accept any accommodation.
- 14 c. The term “related conditions” includes, but is not limited to, lactation or the need
15 to express breast milk for a nursing child.
- 16 d. The term “undue hardship” means an action requiring significant difficulty or
17 expense, when considered in light of the factors set forth in section 28-93(b)(3)a.
- 18 e. The employer, employment agency, apprenticeship program, labor organization,
19 or joint labor/management council must prove undue hardship. The factors that may be
20 considered to determine undue hardship include without limitation:
- 21 i. The nature and cost of the accommodation;
- 22 ii. The overall financial resources of the employer, employment agency,
23 apprenticeship program, labor organization, or joint labor/management council; the overall size
24 of the entity or program by number of employees; and the number, type, and location of its
25 facilities; and
- 26 iii. The effect on expenses and resources or the impact otherwise of such
27 accommodation upon the operation of the employer, employment agency, apprenticeship
28 program, labor organization, or joint labor/management council.
- 29 f. The fact that the employer, employment agency, apprenticeship program, labor
30 organization, or joint labor/management council provides or is required to provide a similar
31 accommodation to other classes of employees in need, such as those who are injured on-the-
32 job or those with disabilities, creates a rebuttable presumption that the accommodation does
33 not impose an undue hardship on a program, enterprise, or business.

1 (4) Notice of rights. An employer, employment agency, apprenticeship program,
2 labor organization, or joint labor/management council must provide written notice of the right to
3 be free from discrimination based on pregnancy, childbirth, and related medical conditions
4 pursuant to Sec. 28-93 (a), (b), and (c) to new employees at the commencement of
5 employment, and to existing employees within one hundred twenty days after the effective
6 date of this ordinance. Such notice may also be posted at the entity's or program's place of
7 business in a visible area that is accessible to employees.

8 (5) Section 28-93 (a), (b), and (c) may not be construed to affect any other provision
9 of law relating to gender discrimination or pregnancy, or to preempt, limit, diminish or otherwise
10 affect any other law that provides greater protection or specific benefits related to pregnancy,
11 childbirth, or a related medical condition.

12 (c) *Exceptions.*

13 (1) *Seniority system.* It shall not be considered ~~is not~~ a discriminatory practice for an
14 employer to observe the conditions of a bona fide hiring, ~~or seniority, system or a bona fide or~~
15 employee benefit system, such as retirement, pension or insurance plans ~~which that~~ is not a
16 subterfuge to evade the purposes of this act, except that no such employee seniority system or
17 benefit plan shall excuse the failure to hire any individual because of the age of such
18 individual.

19 (2) ~~Elderly~~ Older adult or physically or mentally disabled person with a disability. It
20 shall not be discriminatory for employment to be limited to an older adult ~~the elderly~~ or to a
21 ~~physically or mentally disabled~~ person with a disability provided that such employment shall
22 not discriminate among ~~the elderly~~ persons based on age or with disabilities ~~physically or~~
23 ~~mentally disabled~~ on the basis of other discriminatory criteria set forth in subsection (a) hereof.

24 (3) *Bona fide occupational classifications.* Any bona fide occupational qualifications
25 or differentiation based on factors reasonably necessary to the ~~normal operation of the~~
26 particular employer's normal operations shall not be deemed discriminatory.

27 (4) *Religious organizations or entities.* This ~~article~~ section 28-93 shall not apply to
28 employment or hiring by a religious organization or religious entity ~~or associations.~~ Nothing in
29 this Section 28-93 prevents a religious organization or religious entity from employing or hiring
30 of individuals of a particular religion to perform work connected with the carrying on of the
31 organization's religious activities.

32 (5) *Individualized agreements.* Nothing in this section shall prohibit any employer
33 from making individualized agreements with respect to compensation or the terms, conditions,

1 or privileges of employment for persons suffering a disability if such individualized agreement
2 is part of a therapeutic or job-training program ~~of no more than~~ that is no longer than twenty (20)
3 hours per week and lasting no more than eighteen (18) months.

4 (6) ~~Age; position~~ Certain age and position. It ~~shall not be~~ is not discriminatory to
5 compel the retirement of any employee who is sixty-five (65) years of age or older who, for the
6 two-year period immediately before retirement, is employed in a bona fide executive or a high
7 policy-making position if such employee is entitled to an immediate nonforfeitable annual
8 retirement benefit from a pension, profit-sharing, savings or deferred compensation plan or any
9 combination of such plans of the employer of such employee and if such plan equals in the
10 aggregate at least forty-four thousand dollars (\$44,000.00).

11 (7) ~~Sexual orientation; marital status~~. ~~With respect to sexual orientation or marital~~
12 ~~status, it shall not be discriminatory for fringe benefits, insurance coverage or any other term,~~
13 ~~condition or privilege of employment to be denied where the employee seeks coverage for an~~
14 ~~individual on the basis that the individual is their spousal equivalent.~~

15 (8) ~~Gender variance~~: ~~Notwithstanding any other provision of this chapter, a~~
16 ~~workplace supervisor may require that a worker have reasonably consistent gender~~
17 ~~presentation in the workplace.~~

18
19 **Section 4.** That Section 28-94, D.R.M.C., is amended by deleting the language stricken and
20 adding the language underlined, to read as follows:

21 **“Sec. 28-94. - Discriminatory practices in educational institutions.**

22 (a) *Generally.* It is a discriminatory practice for an educational institution to deny or
23 restrict or to abridge or condition the use of or access to any of its facilities and services to any
24 person otherwise qualified or to discriminate based on the race, color, religion, national origin,
25 ethnicity, citizenship, immigration status, gender, age, sexual orientation, ~~gender~~
26 ~~variance,~~ gender expression, gender identity, marital status, military status or ~~physical or~~
27 ~~mental~~ disability of any individual.

28 (b) *Exceptions.* It ~~shall not be~~ is not a discriminatory practice for admissions to be
29 limited to persons with ~~physical or mental~~ disabilities, or of specific religions or ~~sex~~ genders;
30 except that when ~~any of the above exempted colleges~~ an educational institution offers a
31 course nowhere else available in the city, opportunity for admission to that course must be
32 open to students of ~~both sexes~~ all genders who otherwise meet the lawful requirements for
33 admission.”

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Section 5. That Section 28-95, D.R.M.C., is amended by deleting the language stricken and adding the language underlined, to read as follows:

Sec. 28-95. - Discriminatory practices in real estate transactions.

(a) *Generally.* It ~~shall be~~ is a discriminatory practice to do any of the following acts based upon the race, color, religion, national origin, ethnicity, citizenship, immigration status, gender, age, sexual orientation, ~~gender variance,~~ gender expression, gender identity, marital status, source of income, military status or ~~physical or mental~~ disability of any individual:

(1) To interrupt or terminate or refuse to initiate or conduct any transaction in real property or to require different terms for such transaction or to represent falsely that an interest in real property is not available for transaction;

(2) To include in the terms or conditions of a transaction in real property any clause, condition or restriction prohibited by this article;

(3) To refuse to lend money, guarantee a loan, accept a deed of trust or mortgage or otherwise refuse to make funds available for the purchase, acquisition, construction, alteration, rehabilitation, repair or maintenance of real property or impose different conditions on such financing or refuse to provide title or other insurance, relating to the ownership or use of any interest in real property;

(4) To refuse or restrict facilities, service, repairs or improvements for a tenant or lessee;

(5) To communicate, make, print or publish or cause to be communicated, made, printed or published any notice, statement or advertisement with respect to a transaction or proposed transaction in real property or financing related thereto, which notice, statement or advertisement indicates or attempts to indicate any preference, limitation or discrimination based on race, color, religion, national origin, ethnicity, citizenship, immigration status, gender, age, sexual orientation, ~~gender variance,~~ gender expression, gender identity, marital status, source of income, military status, family status or ~~physical or mental~~ disability of any individual;

(6) To discriminate in any financial transaction involving real property on account of the location of residence or business, i.e., to red-line;

(7) To restrict or attempt to restrict housing choices or to engage in any conduct relating to the sale or rental of a dwelling that otherwise denies the rental or sale or makes it unavailable; or

1 (8) To refuse to consider any source of income in the same manner as ordinary
2 wage income in connection with an application for rental housing.

3 (b) *Exceptions.*

4 (1) It ~~shall not be~~ is not a discriminatory practice for a person to act in conformity
5 with chapter 59 (Zoning) of this Code or any successor zoning code, and nothing in this
6 chapter of the Code shall supersede any provisions of chapter 59 (Zoning) of this Code or any
7 successor zoning code.

8 (2) This section ~~shall~~ does not apply to multiple-unit dwellings of not more than two
9 (2) dwelling units where at least one (1) of the units is owner-occupied.

10 (3) Nothing in this section ~~shall prohibit~~ prohibits group homes, self-care elderly
11 homes for older adults, special-care homes, or other facilities whose use is restricted to the
12 ~~elderly~~ older adults or to ~~individuals~~ persons with ~~physical or mental~~ disabilities.

13 (4) ~~This article shall not apply to religious organizations or associations. Nothing~~
14 contained in Section 28-95 prohibits a religious organization or religious entity from limiting the
15 sale, rental, or occupancy of dwellings which it owns or operates for other than a commercial
16 purpose to persons of the same religion, or from giving preference to such persons, unless
17 membership in such religion is restricted on account of race, color, or national origin.

18 (5) The prohibition on discrimination on the basis of source of income set forth in
19 this section shall become effective on January 1, 2019, and shall not apply where a person
20 owns and makes available for renting, subrenting, leasing, or subleasing only a single unit or
21 where the use of a particular type of assistance is prohibited by any applicable federal, state or
22 city law or regulation or pre-existing program requirement.

23

24 **Section 6.** That Section 28-96, D.R.M.C., is amended by deleting the language stricken and
25 adding the language underlined, to read as follows:

26 **Sec. 28-96. - Discriminatory practices in places of public accommodation.**

27 (a) *Generally.* It ~~shall be~~ is a discriminatory practice to do any of the following acts
28 based upon the race, color, religion, national origin, ethnicity, citizenship, immigration status,
29 gender, age, sexual orientation, ~~gender variance,~~ gender expression, gender identity, marital
30 status, military status or ~~physical or mental~~ disability of any individual:

31 (1) To directly or indirectly deny, ~~directly or indirectly,~~ any person the full and equal
32 enjoyment of the goods, services, facilities, privileges, advantages and accommodations of
33 any place of public accommodation.

1 (2) To communicate, print, circulate, post or mail or otherwise cause, directly or
2 indirectly, to be published a statement, advertisement or sign which indicates that the full and
3 equal enjoyment of the goods, services, facilities, privileges, advantages and accommodation
4 will be refused, withheld from or denied an individual or that an individual's patronage or
5 presence at a place of public accommodation is objectionable, unwelcome, unacceptable or
6 undesirable.

7 (b) Breastfeeding. A person may breast-feed in any place that a person has a right to
8 be.

9 (c) *Exceptions.*

10 (1) It ~~shall not be~~ is not a discriminatory practice for a person to act in conformity
11 with chapter 59 (Zoning) of this Code, and nothing in this chapter of the Code shall supersede
12 any provisions of chapter 59 (Zoning) of this Code.

13 (2) This section ~~shall~~ does not apply to multiple-unit dwellings of not more than two
14 (2) dwelling units where at least one (1) of the units is owner-occupied.

15 (3) Nothing in this section ~~shall prohibit~~ prohibits group homes, self-care ~~elderly~~
16 homes for older adults, special-care homes, or other facilities whose use is restricted to ~~the~~
17 elderly older adults or to ~~individuals~~ persons with ~~physical or mental~~ disabilities.

18 (4) ~~This article shall not apply to religious organizations or associations.~~ Section 28-
19 96 does not apply to religious entities.

20 (5) ~~This article shall~~ Section 28-96 does not apply to insurance risk classification.

21 ~~(c) — Transitioned transsexuals. Notwithstanding any other provision of this chapter,~~
22 ~~transitioned transsexuals may use the locker rooms and shower facilities of their new sex and~~
23 ~~shall be protected by this section from discrimination in their use of such locker rooms and~~
24 ~~shower rooms.~~

25 ~~(d) — Transitioning transsexuals. Notwithstanding any other provision of this chapter,~~
26 ~~transitioning transsexuals shall be granted reasonable accommodation in access to locker~~
27 ~~rooms and shower facilities.~~

28

29 **Section 7.** That Section 28-97, D.R.M.C., is amended by deleting the language stricken and
30 adding the language underlined, to read as follows:

31 **Sec. 28-97. - Discriminatory practices in health and welfare services.**

32 (a) *Generally.* It ~~shall be~~ is a discriminatory practice to do any of the following acts
33 based upon the race, color, religion, national origin, ethnicity, citizenship, immigration status,

1 gender, age, sexual orientation, ~~gender variance,~~ gender expression, gender identity, marital
2 status, military status or ~~physical or mental~~ disability, of any individual:

3 (1) To communicate, publish, advertise or represent or cause to be communicated,
4 published, advertised or represented by any health and welfare agency or owner, supervisor,
5 staff person, director, manager or officer thereof, excluding governmental entities and political
6 subdivisions, that any of the services, programs, benefits, facilities or privileges of any health
7 or welfare agency are withheld from or denied to any person;

8 (2) For any health and welfare agency or worker, supervisor, staff person, director,
9 manager or officer thereof, excluding governmental entities and political subdivisions, to deny
10 or refuse to provide access to any of the services, programs, benefits, facilities, or privileges of
11 any health or welfare agency.

12 (b) *Exceptions.*

13 (1) Section 28-97 shall does not apply to ~~religious organizations or associations~~
14 religious entities.

15 (2) ~~This article shall~~ Section 28-97 does not apply to insurance risk classification.
16

17 **Section 8.** That Section 28-97.5, D.R.M.C., is repealed as follows:

18 **Sec. 28-97.5. - Gender variance exemptions.**

19 ~~Competitive sports and sports-related records and sex-segregated housing for persons~~
20 ~~under age twenty-five shall be exempt from the gender variance discrimination provisions of this~~
21 ~~chapter.~~

22 **Sec. 28-97.5. – Reserved.**

23
24 **Section 9.** That Section 28-17(7), D.R.M.C., is amended by adding the language
25 underlined, to read as follows:

26 (7) To exercise powers provided to the agency under article IV and article IX of this chapter.
27

28 COMMITTEE APPROVAL DATE:

29 MAYOR-COUNCIL DATE:

30 PASSED BY THE COUNCIL: _____, 2019

31 _____ - PRESIDENT

32 APPROVED: _____ - MAYOR _____, 2019

33 ATTEST: _____ - CLERK AND RECORDER,

EX-OFFICIO CLERK OF THE
CITY AND COUNTY OF DENVER

NOTICE PUBLISHED IN THE DAILY JOURNAL: _____, 2019; _____, 2019

PREPARED BY: Victoria Ortega, Assistant City Attorney DATE:

Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to §3.2.6 of the Charter.

Kristin M. Bronson, Denver City Attorney

BY: _____, Assistant City Attorney DATE: _____, 2019