

TITLE 4 BUSINESS REGULATIONS AND LICENSING

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CHAPTER 4.04. HUMAN RIGHTS

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4.04.010 Declaration of Purpose.

The City Council finds that prejudice and the practice of invidious discrimination in employment, housing, public accommodations, education and financing practices against any individual or group based on race, color, religion, national origin, age, sex, marital status, physical or mental disability or membership in any protected class established by the Iowa Civil Rights Act and/or the Federal Civil Rights Act are a menace to the public peace and welfare, adverse to democracy, and harmful to the health and welfare of our citizens.

It is therefore, the policy of the City of Sioux City, in the exercise of the powers granted by the laws of the State of Iowa, authorizing the City to create a human rights commission and for the protection of the public welfare, to work toward the elimination of such prejudice and discrimination and to promote amicable relations among all racial, cultural, religious, national and social groups within the community.

The purposes of the City of Sioux City, Iowa, in enacting this chapter are:

1. To comply with Iowa law regarding establishment of a local human rights commission.
2. To establish a local Human Rights Commission dedicated to doing the following:
 - a. effective enforcement of this chapter, the anti-discrimination laws of the State of Iowa and federal antidiscrimination laws
 - b. service as a source of information to employers, business persons, employees, laborers, tenants, landlords and other citizens relative to various civil rights laws and regulations.
 - c. actively assist in the prevention and elimination of the effects of discriminatory acts and/or discriminatory practices in the community.
3. To secure for all individuals within the City of Sioux City the freedom from discrimination in connection with employment, public accommodations, housing, credit and education because of race, religion, color, creed, sex, nation origin, age, marital status, families with children, mental or physical disability, and any other protected class established by state or federal law .
4. To protect the personal dignity of all individuals, to insure their full productive capacities, to preserve the public health, safety and general welfare, and to promote the interests, rights and privileges of individual citizens within the City of Sioux City.
5. To provide a method for the execution of the policies embodied within the Iowa Civil Rights Act of 1965, as amended, and in the Federal Civil Rights Act, as amended and to promote cooperation between the state and federal agencies charged with enforcing those acts and the City of Sioux City.
6. This chapter shall be interpreted according to the fair import of its terms and shall be liberally construed to further the general purposes stated in this section, the special purposes of the particular provisions involved, and the Iowa and Federal Civil Rights Acts and their amendments.

(Ord. 2008-0235)

4.04.100 General Provisions.

The following general provisions are established.

(Ord. 2008-0235)

4.04.110 Definitions.

1. Section 216.2 entitled “Definitions” of The Code of Iowa is hereby adopted by reference as fully and completely as if set out in detail herein, except as provided in this chapter.
2. In addition to or in place of the definitions included in Iowa Code Chapter 216, the following additional words and phrases when used in this chapter shall have the meanings respectfully ascribed to them except where the context clearly indicates a different meaning:
 - a. **Bill of Particulars** means a brief listing of specific instances or incidents given in support of a complaint of discrimination.
 - b. **Bona Fide Occupational Qualification** means training, education and/or skill level necessary to the operation of a particular business.
 - c. **Commission or Human Rights Commission** means the Sioux City Human Rights Commission.
 - d. **Commissioner** means a member of the commission.
 - e. **Complainant** means a person who has filed a report of discrimination as provided for by this chapter.
 - f. **Complaint** means a report of discrimination as provided for by this chapter.
 - g. **Conciliation** means the attempt by the human rights commission staff to reach a resolution with both parties in a case in which a determination of probable cause has been made.
 - h. **Court** means the district court in and for Woodbury County in the state of Iowa.
 - i. **Deferral Agency** means the Sioux City Human Rights Commission acting pursuant to a contractual agreement with the Iowa Civil Rights Commission to receive such complaints as the Iowa Civil Rights Commission may refer, and to process them in accordance with this chapter.
 - j. **Dependent** means any person, regardless of age, who resides in a household and who derives primary care or support from that household.
 - k. **Disability** means, with respect to a person, a physical or mental impairment which substantially limits one or more of such person’s major life activities; a record of having such an impairment; or being regarded as having such an impairment. “Disability” does not include current, illegal use of or addiction to a controlled substance as defined by Chapter 124 of the Code of Iowa.

- l. **Discriminate, Discrimination or Discriminatory** means any significant and unreasonable difference in treatment because of age, race, religion, creed, color, sex, national origin, ancestry, disability, familial status or membership in any protected class as defined by the Iowa Civil Rights Act and/or the Federal Civil Rights Act and includes any and all of the illegal discriminatory practices enumerated in this chapter. This term shall also mean to separate, to segregate, or to make a distinction against any persons, because of age, race religion, creed color, sex, national origin, ancestry disability, familial status or membership in any protected class as defined by the Iowa Civil Rights Act and/or the Federal Civil Rights Act. This term shall also include any significant and unreasonable difference in treatment because of a person's association with another of a different age, race, religion, creed, color, sex, national origin, ancestry, disability, familial status or membership in any protected class as defined by the Iowa Civil Rights Act and/or the Federal Civil Rights Act.
- m. **Executive Director** means an employee of the Commission, selected by and serving at the will of the Commission as Executive Director, shall have such duties, powers, and authority as may be conferred upon him/her by the Commission, subject to the provisions of this chapter.
- n. **Housing Transaction** means the sale, exchange, rental or lease of real property or housing accommodation and the offer to sell, exchange, rent or lease real property.
- o. **Marital Status** means the state of being married, single, divorced, separated or widowed.
- p. **Person** 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 11](#), receivers, fiduciaries, the city or any board, commission, department or agency thereof, and all other governmental units conducting any activity within the City of Sioux City.
- q. **Person Charged or Respondent** means that person or persons who are alleged or found to have committed an act prohibited by this chapter.

(Ord. 2008-0235; 2001-0459; 2000-9018; 99-7659; 91/T-9425; S-32708, 1977)

4.04.120 Commission Establishment - Appointment - Composition - Terms.

1. There is established in the city government of the city a commission to be known as the Sioux City Human Rights Commission.
2. This commission shall consist of eleven members broadly representative of the community at large including groups and classes protected by this chapter.
3. Commission members shall be appointed by the city council of the City.
4. The commission shall elect, by majority vote, a chairperson and vice-chairperson from among its members. Officers shall serve in their respective offices for a term of one year, or until their successors shall be appointed and qualified.
5. Any six members of the commission shall constitute a quorum for the purposes of conducting business. The chairperson shall vote as a member of the commission.

6. All matters on which the commission is required to take action shall require a majority vote.
7. All commission members shall serve without compensation, except that the executive director shall be compensated in such amount as the commission shall fix.
8. If any member dies or resigns, or is removed, a successor shall be appointed by the city council to serve for the unexpired period of the member's term.
9. The expense of activity shall be paid out of funds appropriated for that purpose. The commission shall in addition be authorized to receive gifts and grants from any other source to carry on its work. All gifts and grants received by the commission shall be deposited with the city treasurer to be credited to the commission's account. All disbursements of commission funds shall utilize the claim and warrant procedure of the city.
10. The commission may name subcommittees which in its judgment will aid in effectuating the purposes of this chapter and may empower them to study the problems of prejudice, intolerance, bigotry and discrimination in the many fields of human relationships within the purview of this chapter.

State law provisions: See Iowa Code [Section 216.19](#).

(Ord. 2011-0080; 2008-0235: 99-7659; 98/U-6465; 91/T-9425; S-32708, 1977)

4.04.130 Powers and Duties of the Commission.

The commission shall have the following powers and duties:

1. To appoint an executive director subject to confirmation by the city council; to authorize the hiring of such additional personnel as deemed necessary, subject to budgetary limitations; and to remove such executive director for misdemeanor, incompetency, inattention to duty or failure to obey the policies of the commission.
2. To receive, investigate, mediate, and finally determine the merits of complaints alleging unfair or discriminatory practices.
3. To investigate and study the existence, character, causes, and extent of discrimination in public accommodations, employment, apprenticeship programs, on-the-job training programs, vocational schools, credit practices, and housing in this city and to attempt the elimination of such discrimination by education and conciliation.
4. To seek a temporary injunction against a respondent when it appears that a complainant may suffer irreparable injury as a result of an alleged violation of this chapter. A temporary injunction may only be issued ex parte, if the complaint filed with the commission alleges discrimination in housing. In all other cases a temporary injunction may be issued only after the respondent has been notified and afforded the opportunity to be heard.
5. To hold hearings upon any complaint made against a person, an employer, an employment agency, or a labor organization, or the employees or members thereof, to subpoena witnesses and compel their attendance at such hearings, to administer oaths and take the testimony of any person under oath, and to compel such person, employer, employment agency, or labor organization, or employees or members thereof to produce for examination any books and papers relating to any matter involved in such complaint. The commission shall issue subpoenas for witnesses in the same manner and for the same purposes on behalf of the respondent upon the respondent's request. Such hearings may be held by the commission, by any commissioner

or by any hearing examiner appointed by the commission; however, the commission shall retain the sole power to issue and seek enforceable subpoenas. 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 and the court shall in a proper case issue the subpoena. Refusal to obey such subpoena shall be subject to punishment for contempt.

6. To issue such publications and reports of investigations and research as in the judgment of the commission shall tend to promote good will among the various racial, religious, social, and ethnic groups of the city and which shall tend to minimize or eliminate discrimination in public accommodations, employment, apprenticeship and on-the-job training programs, vocational schools, or housing because of race, creed, color, sex, national origin, religion, ancestry or disability.
7. To prepare and transmit to the mayor and to the city council from time to time, but not less often than once each year, reports describing its proceedings, investigations, hearings conducted and the outcome thereof, decisions rendered, and the other work performed by the commission.
8. To make recommendations to the city council for such further legislation concerning discrimination because of any protected class of persons as it may deem necessary and desirable.
9. To co-operate, within the limits of any appropriations made for its operation, with other agencies or organizations, both public and private, whose purposes are consistent with those of this chapter, and in the planning and conducting of programs designed to eliminate racial, religious, cultural, and intergroup tensions.
10. To adopt, publish, amend, and rescind regulations consistent with and necessary for the enforcement of this chapter.
11. To receive, administer, dispense and account for any funds that may be voluntarily contributed to the commission and any grants that may be awarded the commission for furthering the purposes of this chapter.
12. To create such advisory committee as will aid in effectuating the purposes of this chapter, which may be authorized to study the problems of discrimination because of age, race, religion, creed, color, sex, national origin, membership in a protected class defined by the Iowa Civil Rights Act and/or the Federal Civil Rights Act, ancestry and disability and which may be authorized to foster through community effort or otherwise, good will, cooperation and conciliation among the groups and elements of the population of this city, and make recommendations to the commission for the development of rules and procedures, and for programs of formal and informal education which the commission may recommend to the city council. Such advisory committee shall be composed of representative citizens serving without pay. The commission may itself make the studies and perform the acts authorized by this subsection. The commission may, by voluntary conference with the parties in interest, endeavor by conciliation and persuasion to eliminate discrimination in all the stated fields and to foster good will and cooperation among all elements of the population of the city.
13. To issue subpoenas and order discovery as provided by this section in aid of investigations and hearings of alleged unfair or discriminatory housing or real property practices. 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.

14. To administer oaths and affirmations, certify its official acts, and issue subpoenas and other legal process to compel the production of testimony, books, records, papers, accounts, or documents reasonably relevant to any inquiry, investigation, hearing or proceeding brought under this Ordinance.
15. To enter into agreements as a deferral agency with the Iowa Civil Rights Commission to receive such complaints as the Iowa Commission may refer; to investigate and process them in the same manner as a complaint originally filed with the Sioux City Human Rights Commission and to report its investigative results, findings, conclusions, recommendations and orders to the Iowa Civil Rights Commission.
16. To establish and constitute committees, standing, committees, or advisory councils as the Commission deems appropriate, and appoint members thereto.
17. To utilize volunteers to aid in the conduct of the commission's business including case processing functions such as intake, screening, investigation, and mediation.

State law reference: Similar provision Iowa Code 216.5.

(Ord. 2008-0235; 2003-0051; 2000-9018; 99-7659; 92/T-10624; 91/T-9425; S-32708, 1977)

4.04.140 Executive Director Powers and Duties.

The executive director shall exercise the following powers and duties:

1. Perform such duties as the commission may direct or delegate.
2. Assist the commission in exercising its powers and performing its duties as set out in this chapter.
3. Supervise and manage the staff of the commission.
4. Report to the commission at each monthly meeting the activities and performance of duties of the executive director and commission staff. Copies of this report shall be submitted to the mayor and city manager.
5. Develop a plan and procedure to prevent any case being on file with the commission for more than 120 days without having been preliminarily screened for probable cause.
6. Design and implement an orientation and ongoing training program for all staff and commissioners with emphasis on the commission's mandate, mission, and importance of each commissioner's participation and attendance.
7. Perform any and all responsibilities set out in this chapter to be performed by the executive director.
8. Perform any and all other tasks and duties which the commission deems necessary or appropriate to effectuate the purposes of this chapter.
9. Prepare and submit for commission comment and approval the annual comprehensive report of the commission's activities and recommendations to the city council pursuant to this chapter.
10. Act as the legislative liaison for the commission for all matters within the purview of this chapter.

11. Actively seek grants and other types of funding consistent with the commission's mission for presentation to and consideration of the commission.

(Ord. 2008-0235)

4.04.150 Scheduling of Commission Meetings.

1. The commission shall have a regularly scheduled, monthly meeting.
2. The chairperson, the vice-chair person or any three members of the commission may call a special meeting by giving at least twenty-four hours notice to every other member of the commission. The call for a special meeting shall include an agenda and only matters included in the agenda may be acted on at the meeting.
3. Attendance of members shall be entered in the minutes.

(Ord. 2011-0133; 2008-0235)

4.04.160 Public Meetings, Records, and Confidentiality.

1. All meetings of the commission shall be public meetings except when Iowa law allows for a closed session. The commission may hold a closed session only by an affirmative public vote of either two-thirds of the members of the commission or all of the members present.
2. All records of the commission shall be public, except:
 - a. Complaints of discrimination, reports of investigations, statements and other documents or records obtained in investigation of any charge shall be closed records, unless a public hearing is scheduled, right to sue letter is issued or district court action is commenced as provided in this chapter. Records shall then be made available to a party or party's attorney upon receipt of a written request.
 - b. The minutes of any session which is closed under the provisions of this chapter shall be closed records.
3. No member or employee of the commission or of the city shall disclose to any person, other than the respondent, 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 investigation, scheduling of a public hearing upon a complaint, the holding of the public hearing, after the commission has held a public hearing, or after district court action is commenced as provided in this chapter. This subsection does not prevent any complainant, respondent, witness, or other person from publicizing the filing of a complaint or the matter therein complained of. Nor does it prohibit disclosure of any conciliation agreement without use of the names of parties involved. Nothing in this section shall prevent the commission from releasing such information concerning alleged or acknowledged discriminatory practices to the state civil rights commission, the United States civil rights commission, the federal equal employment opportunity commission, and other agencies or organizations whose primary purpose is the enforcement of civil rights legislation. Violation of these provisions by a member of the commission or its staff shall constitute grounds for removal.

(Ord. 2008-0235)

4.04.170 Administration and Scope of This Chapter.

1. The human rights commission shall be the administrative agency of this chapter and shall promulgate rules and procedures to govern, expedite and effectuate this chapter and its own actions under this chapter. A copy of such rules shall be filed with the city clerk after adoption by the commission.
2. This chapter shall not be construed to legalize participation in acts which are otherwise prohibited by law.
3. This chapter shall not be construed to allow marriage between persons of the same sex, in accordance with Chapter 595 of the Code of Iowa.

(Ord. 2008-0235; 99-7659; 91/T-9425; S-32708, 1977)

4.04.180 Attorney.

The city attorney or a member of his or her staff shall be the attorney for the human rights commission, except the commission may hire or retain an attorney, other than the city attorney or a member of his or her staff, on a per-diem basis to represent it when, in the opinion of the commission, there is a conflict of interest between the commission and another city department, commission or board because of representation of such department, commission or board by the city legal department. In assigning a member of his or her staff, the city attorney shall make such assignment the first priority of such attorney's duties, up to and including the assignment of such attorney on a full-time basis to the commission whenever the commission deems such assignment necessary. The city attorney shall cooperate with the commission to ensure it receives the legal representation and counsel commensurate with its mission.

(Ord. 2008-0235; 99-7659; 91/T-9425; S-32708, 1977)

4.04.200 How Complaints are Filed and Processed.

4.04.210 Complaints Filed.

1. Any person claiming to be aggrieved by an illegal discriminatory practice, as defined in this chapter, may file, personally or by an attorney, with the human rights commission or any staff member of the commission, a sworn written complaint setting forth the particulars of the alleged discrimination or discriminatory practices and including the name and address of the person alleged to have committed the illegal discriminatory practice and such other particulars as may be required by the commission. Upon the filing of the complaint, the complainant shall be informed of the confidentiality of the commission's investigation and conciliation efforts, and the complainant's cooperation in maintaining the non-adversarial environment such confidentiality fosters shall be sought by commission staff.
2. Any complaint must be filed within 300 days after the complainant knew or should have known of the most recent act constituting the alleged illegal discriminatory practice.
3. A complaint may be amended at any time before the final order is entered.

(Ord. 2008-0502; 2008-0235; 2001-0459; 2000-9018; 99-7659; 91/T-9425; S-32708, 1977)

4.04.220 Procedure for Processing Complaints.

1. Whenever a verified complaint is filed pursuant to this chapter, a true copy of the complaint shall be transmitted to the person alleged to have committed the illegal discriminatory practice, referred to as the "respondent," by certified mail within ten days. In addition to a copy of the complaint, the respondent shall receive a bill of particulars setting out the dates and facts upon which the complaint is based. Upon receipt of the complaint, the respondent shall be advised of the right to file a written response to the allegations of the complaint within ten days, of the right to counsel and the right to present evidence at any stage of the investigation and hearing and shall be informed of the confidentiality of the human rights commission's investigation and conciliation efforts and the respondent's cooperation in maintaining the non-adversarial environment such confidentiality fosters shall be sought by commission staff. Any response filed by the respondent to the complaint shall be submitted in writing, under oath and in the form prescribed by the commission. The respondent may amend the answer at any time and submission of a written answer by the respondent does not preclude or inhibit the investigation of the complaint.
2. **Pre-Investigation Settlement.** Before conducting a full investigation of the complaint, the Human Rights Commission or a committee or employee thereof may attempt to negotiate a settlement of the dispute between the parties, if such person deems that an attempt to settle is practicable.
3. The executive director of the human rights commission shall appoint a member of the commission staff who, under the supervision of the executive director, shall make a prompt and full investigation of the alleged illegal discriminatory practice and forward to the executive director a summary of the investigation. If a complainant or respondent fails or refuses to provide information requested for an investigation, the executive director may issue a subpoena for that information.
4. The executive director and staff member may determine during the investigation that the complaint has no validity or is not within the jurisdiction of the commission. The executive director shall report the findings to the commissioners assigned to the case. If the majority of commissioners assigned to the case concur with the executive director the complaint may be closed with a ministerial finding of no probable cause or no jurisdiction and the complainant shall be so notified. The finding of the assigned commissioners shall be reported to the commission. The complainant may appeal such ministerial finding to the chair and vice-chair of the commission within ten days of the notification.
5. If it is determined by the executive director that no probable cause exists for the complaint, the complainant and respondent shall be promptly notified in writing and the case shall be closed unless this finding is appealed to the chair and vice-chair of the commission within ten days of the notification.
6. For an appeal from a finding of no probable cause, the chair and vice-chair of the commission shall consider the complaint. If it is determined that no probable cause exists, the chair and vice-chair shall enter a final order of no probable cause and shall promptly notify the complainant and respondent. If the chair and vice-chair of the commission determine that probable cause exists, the staff shall be directed to proceed with conciliation and persuasion.

7. If the executive director determines that probable cause exists for crediting the allegations in the complaint, the staff shall proceed with conciliation and persuasion under the executive director's supervision.
8. An investigation shall be deferred if the same complaint has been filed with an agency with duties and powers similar to the commission which is proceeding with its own investigation of the complaint. The commission's investigation may be stayed pending the completion of the other agency's investigation if it is determined by the executive director to be in the best interests of the commission.

(Ord. 2008-0235; 2001-0459; 2000-9018; 99-7659; 91/T-9425; S-32708, 1977)

4.04.230 Additional Proceedings on Housing Discrimination.

1. The human rights commission shall investigate the alleged discriminatory housing practice and make its determination no later than 100 days after a complaint is filed unless any of the following applies:
 - a. It is impracticable to make the determination within that time period;
 - b. The commission has approved a mediation agreement relating to the complaint; or
 - c. If the commission is unable to complete the investigation within the time period, provided the commission shall notify the complainant and respondent in writing of the delay.
2. The commission, upon written notice, may amend the complaint to join a person, not named in the complaint, as an additional or substitute respondent if, in the course of the investigation, the commission determines that the person should be alleged to have committed an illegal discriminatory practice. The procedure shall be as follows:
 - a. Notice shall be served no later than ten days after the filing of an amended complaint or identification of such substitute or additional respondent.
 - b. The commission shall include in a notice to a respondent an explanation of the basis for the determination that the person is properly joined as a respondent.
 - c. The added or substitute respondent may file, not later than ten days after receipt of the notice, an answer to such complaint.
3. The commission shall, during the period beginning with the filing of a complaint and ending with the filing of a charge or a dismissal by the commission, to the extent feasible, engage in mediation with respect to the complaint in accordance with the following:
 - a. A mediation agreement is an agreement between a respondent and the complainant and is subject to commission approval.
 - b. A mediation agreement may provide for binding arbitration or other method of dispute resolution. Dispute resolution that results from a mediation agreement may authorize appropriate relief, including monetary relief.
 - c. A mediation agreement shall be made public unless the complainant and respondent agree otherwise, and the commission determines that disclosure is not necessary to further the purposes of this chapter relating to unfair or discriminatory practices in housing or real estate.
 - d. The proceedings or results of mediation shall not be made public or used as evidence in a subsequent proceeding under this chapter without the written consent of the persons who are party to the mediation.

4. When the commission has reasonable cause to believe that a respondent has breached a mediation agreement, the commission shall refer this matter to its attorney with a recommendation that a civil action be filed for the enforcement of the agreement. The attorney may commence a civil action in the appropriate district court not later than the expiration of 90 days after referral of the breach.
5. If the commission concludes, following the filing of a complaint, that prompt judicial action is necessary to carry out the purposes of this chapter relating to illegal or discriminatory housing or real estate practices, the commission may authorize a civil action for appropriate temporary or preliminary relief pending final disposition of the complaint in accordance with the following:
 - a. Upon receipt of the commission's authorization, the commission's attorney shall promptly file the action.
 - b. A temporary restraining order or other order granting temporary relief under this section is governed by the applicable Iowa rules of civil procedure.
 - c. The filing of a civil action under this section does not affect the initiation or continuation of administrative proceedings in regard to an administrative hearing.
6. The commission shall determine based on the facts whether probable cause exists to believe that a discriminatory housing or real estate practice has occurred or is about to occur in accordance with the following:
 - a. The commission shall prepare a final investigative report.
 - b. A final report under this section may be amended by the commission if additional evidence is later discovered.
7. If the commission determines that probable cause exists to believe that a discriminatory housing or real estate practice has occurred or is about to occur, the commission shall immediately issue a determination unless the commission determines that the legality of a zoning or land use law or ordinance is involved. If the commission determines that the matter involves the legality of a state statute, the commission shall not issue a determination and shall immediately refer the matter to the attorney for the commission for appropriate action.
8. A determination issued by the commission shall:
 - a. Consist of a short and plain statement of the facts on which the commission has found probable cause to believe that a discriminatory housing or real estate practice has occurred or is about to occur.
 - b. Be based on the final investigative report.
 - c. Not be limited to the facts or grounds alleged in the complaint.
9. Not later than 20 days after the commission issues a determination, unless it is impracticable to do, the commission shall send a copy of the determination with information concerning the election under section 4.04.550 – Civil Action of this chapter to the following persons:
 - a. Each respondent, together with a notice of the opportunity for a public hearing as provided under this section and section 4.04.260 – Public Hearing of this chapter.
 - b. Each aggrieved person on whose behalf the complaint was filed.

If the commission is unable to send a copy of the determination within 20 days, it shall notify the parties in writing of the delay.

10. If the commission determines that no probable cause exists to believe that a discriminatory housing or real estate practice has occurred or is about to occur, the commission shall promptly dismiss the complaint.
11. The commission shall not issue a determination under this section regarding an alleged discriminatory housing or real estate practice after the beginning of the trial of a civil action commenced by the aggrieved party under federal or state law seeking relief with respect to that discriminatory housing or real estate practice.
12. If a timely election is not made under section 4.04.550 of this chapter, the commission shall provide an opportunity for a hearing on the charges in the complaint in accordance with the following:
 - a. Except as provided by subsection 12(b) of this section, the hearing shall be conducted in accordance with this section and section 4.04.260 of this article.
 - b. A hearing under this section shall not be continued regarding an alleged discriminatory housing or real estate practice after the beginning of the trial of a civil action commenced by the aggrieved person under federal or state law seeking relief with respect to that discriminatory housing or real estate practice.
13. If the commission determines at a hearing under this section that a respondent has engaged or is about to engage in a discriminatory housing or real estate practice, the commission may order the appropriate relief, including actual damages, reasonable attorney's fees, court costs, and other injunctive or equitable relief. Such order may, to vindicate the public interest, assess a civil penalty against the respondent in an amount not to exceed the following:
 - a. Eleven thousand dollars if the respondent has not been adjudged by the order of the commission or a court to have committed a prior discriminatory housing or real estate practice.
 - b. Except as provided by paragraph 14 below, twenty-seven thousand five hundred dollars if the respondent has been adjudged by order of the commission or a court to have committed one other discriminatory housing or real estate practice during the five-year period ending on the date of the filing of the complaint.
 - c. Except as provided by paragraph 14 below, fifty-five thousand dollars if the respondent has been adjudged by order of the commission or a court to have committed two or more discriminatory housing or real estate practices during the seven-year period ending on the date of the filing of the complaint.
14. If the acts constituting the discriminatory housing or real estate practice that is the object of the complaint are committed by the same natural person who has been previously adjudged to have committed acts constituting a discriminatory housing or real estate practice, the civil penalties in paragraph 13, subparagraphs (b) and (c) may be imposed without regard to the period of time within which any other discriminatory housing or real estate practice occurred.
15. At the request of the commission, the city attorney may initiate legal proceedings to recover a civil penalty due under this section. Funds collected under this section shall be paid to the city for deposit in the general fund.

State law references: Similar provisions I.C. § 216.15A.

(Ord. 2008-0235; 2005-0771; 2001-0459; 2000-9018, 99-7659)

4.04.240 Conciliation and Persuasion.

1. Immediately after a finding of probable cause pursuant to this chapter or sooner, if the complainant and respondent consent, the staff and the executive director of the human rights commission shall endeavor to eliminate the illegal discriminatory practice by conciliation and persuasion. The commission staff shall endeavor to eliminate the discriminatory or unfair practice by conference, conciliation, and persuasion for a period of thirty days following the initial conciliation meeting between the respondent and the commission staff after a finding of probable cause. If the complaint is successfully resolved to the satisfaction of the commission, complainant and respondent through conferences, conciliation and persuasion, it shall be formalized in a binding written agreement signed by a representative of the commission, complainant and respondent, and the commission shall furnish both the complainant and respondent with a copy of terms of the conciliation. After the expiration of thirty (30) days, the executive director may order the conciliation conference and persuasion procedure provided in this section to be bypassed when the executive director determines the procedure is unworkable by reason of past patterns and practices of the respondent, or a statement by the respondent that the respondent is unwilling to continue with the conciliation. The director must have the approval of a commissioner before bypassing the conciliation, conference and persuasion procedure. Upon the bypassing of conciliation, the director shall state in writing the reasons for bypassing.
2. The human rights commission may investigate a conciliated complaint filed pursuant to this section at a later date to ensure that the respondent is complying with the terms of the conciliation. In any case where the respondent has made commitments in the conciliation and the commission finds that the commitments have not been kept, it may open all of its files, previous complaints and proceedings involving the respondent for public inspection and proceed with such further steps it finds appropriate including initiation of a proceeding in district court to effectuate the purposes of this chapter.
3. The terms of a conciliation or mediation agreement reached with the respondent may require the respondent 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 chapter, and to consent to the entry in an appropriate district court of a consent decree embodying the terms of the conciliation or mediation 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 six months of its occurrence. 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 or mediation agreement are not being complied with by the respondent, the commission shall take appropriate action to assure compliance.

(Ord. 2008-0235)

4.04.245 Mediation - Confidentiality.

1. For the purposes of this section, "mediator" shall be the person designated in writing by the commission to conduct mediation of a complaint filed under this chapter. The written designation must specifically refer to this section.

2. If mediation is conducted pursuant to this section, the confidentiality of all mediation communications and mediation documents is protected as provided in [Chapter 679C](#), The Iowa Code.

State law reference: Iowa Code Section 216.15B.

(Ord. 2008-0235; 99-7659; 91/T-9425; S-32708, 1977)

4.04.250 Confidentiality.

1. If a complaint filed pursuant to this chapter is successfully conciliated or it is found that no discrimination was practiced, the names of the parties to the complaint and all proceedings with regard to such parties and the place of alleged discrimination shall be and remain confidential unless otherwise agreed by mutual consent of the parties; provided, however, that the terms of the conciliation may be published. This section shall not prohibit disclosure made in connection with the conduct of an investigation or any disclosure to the Iowa civil rights commission or a similar government agency conducting an investigation involving illegal discriminatory practices.
2. The members of the human rights commission and its staff shall not disclose the filing of a complaint, the information gathered during the investigation, or the endeavor to eliminate such illegal discriminatory practice by mediation, conciliation or persuasion except when such disclosure is made in connection with the conduct of the investigation, including enforcement of a subpoena. The identity of individuals interviewed shall remain confidential except as the disclosure of their identity becomes necessary at the time of public hearing.
3. If a complaint is not successfully conciliated and a determination has been made to proceed to public hearing, the executive director shall promptly forward to the respondent the names and addresses of those persons who shall be called as witnesses at such public hearing.

(Ord. 2008-0235)

4.04.260 Public Hearing.

1. In the event of failure to eliminate illegal discriminatory practice by means of conciliation and persuasion, the human rights commission may hold a public hearing if the executive director determines that the circumstances warrant, in accordance with the following:
 - a. Hearings shall be conducted by the full commission or the commission may direct the chair of the commission to designate three members of the commission or a disinterested third party to act as a hearing officer to conduct the hearing.
 - b. Where the chairperson has designated a panel of commissioners to serve as hearing officers at a public hearing, the chair shall designate one member of the panel to act as presiding commissioner. All rulings and determinations shall be made on majority rule.
 - c. The hearing shall be held not less than ten days after the respondent has been served with a statement of the charges made in the complaint and a notice of the time, place, and nature of the hearing.
 - d. Such written notice shall be delivered by personal service as in civil actions or by certified mail, return receipt requested.

- e. If a party fails to appear in a public hearing after proper service of a notice, the person conducting the hearing may proceed and make a decision in the absence of the party.
 - f. The case in support of such complaint shall be presented at the hearing by one of the city's attorneys or agents or by an attorney retained pursuant to Section 4.04.180. The investigating official shall not participate in the hearing except as a witness nor participate in the deliberations of the commission in such case.
 - g. The hearing shall be conducted in accordance with the provisions of Code of Iowa Chapter 17A for contested cases. The burden of proof in such a hearing shall be on the commission.
2. The respondent shall have the right to file an answer to the statement of charges, to appear at the hearing in person, to be represented by an attorney at the respondent's own expense or by any other person, to examine and cross examine witnesses, and to present evidence.
 3. Oral proceedings shall be open to the public and shall be recorded either by mechanized means or by certified shorthand reporters. Oral proceedings or any part thereof shall be transcribed at the request of any party at his or her or its expense. The recording or stenographic notes of oral proceedings or the transcription thereof shall be filed with and maintained by the commission for at least five years from the date of decision. Notice of public hearing shall be disseminated among local news media at least five days prior to the date of the hearing.
 4. A complaint or any part thereof may be amended by the complainant or by the commission at any time before the final order is entered in the case. However, if an amendment requires proof of additional facts, the commission shall, if circumstances reasonably warrant such action, allow the respondent sufficient time to gather evidence to rebut such facts, which shall include the granting of a continuance or any other relief that may be reasonably appropriate.
 5. After a review of the transcript, the evidence, and the briefs, the hearing commissioners or the hearing officer shall issue in writing the findings of fact, conclusions of law and the order, then recommend such to the commission for its adoption, modification or rejection.
 6. When the commission presides at the reception of evidence in a public hearing, the decision of the commission is a final decision. When the commission did not preside at the reception of the evidence in a public hearing, the hearing commissioners or the hearing officer shall make a proposed decision.
 7. Upon receipt of the hearing commissioner's or hearing officer's proposed decision, the commission shall forward a copy of the proposed decision to each of the parties. The commission shall include a notice of the date, time and place of the meeting at which the commission shall review the proposed decision. The notice shall also advise the parties of their appeal rights. An appeal shall be filed within 20 days after the receipt of notice of the commission's final decision.
 8. The commission may adopt, modify or reject the hearing commissioner's or hearing officer's proposed decision or it may remand the case to the hearing commissioners or hearing officer for the taking of such additional evidence and the making of such further recommended findings of fact, conclusions of law, decision and order as the commission deems necessary. Upon completing its review of the hearing commissioner's or hearing officer's proposed decision, the commission shall cause the appropriate order to be issued.
 9. The commission shall, within 60 days of the date it receives the proposed decision, review the proposed decision at the commission meeting. The commission shall consider all timely filed appeals, exceptions and briefs at the time it reviews the proposed decision.

10. If the commission fails to issue an order within 60 days from the date the hearing commissioners or the hearing officer issues recommendations, the proposed findings shall become final.
11. If the commission concurs with the hearing commissioners or the hearing officer, it shall issue an order requiring the respondent to cease and desist from the illegal discriminatory practice and to take such affirmative action as the hearing officer or hearing commissioners found appropriate to remedy the illegal discriminatory practice. Such affirmative action may include but is not limited to the following:
 - a. Hiring, reinstatement or upgrading of employees with or without pay. Interim earned income and unemployment compensation shall operate to reduce the pay otherwise allowable.
 - b. Admission or restoration of individuals to a labor organization or admission 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.
 - c. Admission of individuals to a public accommodation or an educational institution.
 - d. Sale, exchange, lease, rental, assignment or sublease of real property to an individual.
 - e. 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.
 - f. Reporting as to the manner of compliance.
 - g. 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.
 - h. Payment to the complainant of damages for an injury caused by the discriminatory or unfair practice, which damages shall include actual damages suffered by the complainant, court costs and reasonable attorney's fees.
12. In addition to the remedies set out in the preceding provisions of this subsection, the commission may take the following additional actions:
 - a. In the case of a respondent operating by virtue of a license issued by the state or a political subdivision or agency, if the commission, 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 the officer's or agent's employment, the commission 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 subsection, the licensing agency may initiate licensee disciplinary procedures.
 - b. 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 state or 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 the officer's or agent's employment, the commission shall so certify to the contracting agency. Unless the

commission'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.

- c. Upon receiving a certification made under this subsection, 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 chapter; and assist the state and all political subdivisions and agencies thereof to refrain from entering into further contracts.
13. The commission' selection to issue an affirmative order under paragraph 12 of this subsection shall not bar the commission from issuing a separate or additional order which addresses the appropriate affirmative remedies provided in paragraph 11 of this subsection.
14. If the commission disagrees with any portion of the order so proposed, it may hold a hearing which shall be limited solely to its points of disagreement, at which hearing the complainant, respondent and the commission staff shall be given an opportunity to be heard and after which it may accept, amend, or reject the questioned action and shall issue its order pursuant to its conclusion at such hearing.
15. If, upon taking into consideration all of the evidence at a hearing, the commission finds that a respondent has not engaged in any such discriminatory or unfair practice, the commission shall issue an order denying relief and stating the findings of fact and conclusions of the commission, and shall cause a copy of the order dismissing the complaint to be served by certified mail on the complainant and the respondent.
16. The commission shall establish rules to govern, expedite, and effectuate the procedures established by this chapter and its own actions there under.
17. A claim under this chapter shall not be maintained unless a complaint is filed with the commission within one hundred eighty days after the alleged discriminatory or unfair practice occurred.
18. The commission or a party to a complaint may request mediation of the complaint at any time during the commission's processing of the complaint. If the complainant and respondent participate in mediation, any mediation agreement may be enforced pursuant to this section. Mediation may be discontinued at the request of any party or the commission.

State law reference: Similar provisions in Iowa Code [Section 216.15](#).

(Ord. 2008-0235)

4.04.270 Judicial Review.

1. Any complainant or respondent claiming to be aggrieved by a final order of the human rights commission or by the commission's refusal to issue an order, may obtain judicial review thereof, and the commission may obtain an order of court for the enforcement of commission orders, in a proceeding as provided in this section.
2. Such proceeding shall be brought in the Woodbury County district court according to the Iowa rules of civil procedure and this chapter.
3. Such proceeding shall be initiated by the filing of a petition in the court and the service of a copy thereof upon the city clerk, a representative of the commission and upon the respondent or

complainant. Thereupon the commission shall file with the court a transcript of the record of the hearing before it. The court shall have jurisdiction of the proceeding according to this chapter.

4. An objection that has not been urged before the commission shall not be considered by the court, unless the failure or neglect to urge such objection shall be excused because of extraordinary circumstances.
5. Any party may move the court to remit the case to the commission in the interest of justice for the purpose of adducing additional specified and material evidence and seeking findings thereon, provided such party shall show reasonable grounds for the failure to adduce such evidence before the commission.
6. The court may affirm the commission action or remand to the commission for further proceedings. The court shall reverse, modify, or grant any other appropriate relief from the commission action, equitable or legal and including declaratory relief, if substantial rights of the complainant have been prejudiced because the commission action is:
 - a. In violation of constitutional or statutory provisions;
 - b. In excess of the authority of the commission;
 - c. In violation of commission rule;
 - d. Pursuant to unlawful procedure;
 - e. Affected by other error of law;
 - f. In a contested case, unsupported by substantial evidence in the record made before the commission when that record is viewed as a whole; or
 - g. Unreasonable, arbitrary or capricious or characterized by an abuse of discretion or a clearly unwarranted exercise of discretion.
7. An aggrieved or adversely affected party to the judicial review proceeding may obtain a review of any final judgment of the district court under this chapter by appeal to the supreme court. The appeal shall be taken as in other civil cases, although the appeal may be taken regardless of the amount involved.
8. The commission's copy of a transcript of testimony shall be available to all parties for examination at all reasonable times, without cost, and for the purpose of judicial review of the commission's orders.
9. The commission may appear in court by its own attorney.
10. Unless otherwise directed by the commission or court, commencement of review proceedings under this section shall operate as a stay of any order of the commission.
11. Petitions filed under this section shall be heard expeditiously and determined upon the transcript filed without requirement for printing.
12. If a proceeding for judicial review is not instituted by a complainant or respondent within 30 days from the service of an order of the commission under section 4.04.260 of this chapter, the commission may obtain an order of the court for the enforcement of such order upon showing that the respondent is subject to the jurisdiction of the commission and resides or transacts business within the county in which the petition for enforcement is brought.

State law references: Similar provisions, I.C. § 216.17.

(Ord. 2008-0235; 2001-0459; 99-7659; 91/T-9425; S-32708, 1977)

4.04.280 Temporary Injunction.

If, at any time after a complaint is filed pursuant to this chapter, it shall appear to the human rights commission that there is reason to believe that the party charged has violated this chapter and there is reason to believe that the person charged is about to do acts which would make compliance with an order of the commission to alleviate the grievance difficult, the commission may request the attorney for the commission to seek a temporary injunction or other order granting preliminary or temporary relief, restraining the respondent from violation of this chapter.

(Ord. 2008-0235)

4.04.290 Sixty-Day Administrative Release.

1. A person claiming to be aggrieved by an illegal discriminatory practice must initially seek administrative relief by filing a complaint with the commission in accordance with section 4.04.210. After the proper filing of a complaint with the commission, a complainant may subsequently commence an action for relief in the district court if all of the following conditions have been satisfied:
 - a. The complainant has timely filed the complaint with the commission as provided in section 4.04.210(2); and
 - b. The complaint has been on file with the commission for at least 60 days and the commission has issued a release to the complainant pursuant to subsection 2 of this section.
2. Upon a request by the complainant, and after the expiration of 60 days from the timely filing of a complaint with the commission, the commission shall issue to the complainant a release stating that the complainant has a right to commence an action in the district court. A release under this subsection shall not be issued if a finding of no probable cause has been made on the complaint, a conciliation agreement has been executed under section 4.04.240, the commission has served notice of hearing upon the respondent pursuant to section 4.04.260, or the complaint is closed as an administrative closure and two years have elapsed since the issuance date of the closure.
3. An action authorized under this section is barred unless commenced within 90 days after issuance by the commission of a release under subsection 2 of this section. If a complainant obtains a release from the commission under subsection 2 of this section, the commission is barred from further action on the complaint.
4. Venue for an action under this section shall be in the county in which the respondent resides or has its principal place of business, or in the county in which the alleged unfair or discriminatory practice occurred.
5. The district court may grant any relief in an action under this section which is authorized by this chapter to be issued by the commission. The district court may also award the respondent reasonable attorney's fees and the court costs if the court finds that the complainant's action was frivolous.

State law reference: Similar provisions in Iowa Code Section 216.16.

(Ord. 2008-0235)

4.04.300 Discriminatory Employment Practices.

4.04.310 Unfair or Discriminatory Employment Practices.

1. It shall be an unfair or discriminatory practice for any:
 - a. 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, national origin, religion, disability or membership in any protected class defined by the Iowa Civil Rights Act and/or the Federal Civil Rights Act of such applicant or employee, unless based upon the nature of the occupation. If a person with a disability is qualified to perform a particular occupation, by reason of training or experience, the nature of that occupation shall not be the basis for exception to the unfair or discriminating practices prohibited by this subsection.
 - b. Labor organization or the employees, agents, or members thereof to refuse to admit to membership any applicant, to expel any member, or to otherwise discriminate against any applicant for membership or any member in the privileges, rights, or benefits of such membership because of the age, race, creed, color, sex, national origin, religion, disability or membership in any protected class defined by the Iowa Civil Rights Act and/or the Federal Civil Rights Act of such applicant or member.
 - c. Employer, employment agency, labor organization, or the employees, agents, or members thereof to directly or indirectly advertise or in any other manner indicate or publicize that individuals of any particular age, race, creed, color, sex, national origin, religion, disability or members of any protected class defined by the Iowa Civil Rights Act and/or the Federal Civil Rights Act are unwelcome, objectionable, not acceptable, or not solicited for employment or membership unless based on the nature of the occupation. If a person with a disability is qualified to perform a particular occupation by reason of training or experience, the nature of that occupation shall not be the basis for exception to the unfair or discriminating practices prohibited by this subsection.

An employer, employment agency, or their employees, servants, or agents may offer employment or advertise for employment to only persons with disabilities, when other applicants have available to them other employment compatible with their ability which would not be available to persons with disabilities because of their disabilities. Any such employment or offer of employment shall not discriminate among persons with disabilities on the basis of race, color, creed, sex, national origin or membership in any protected class as defined by the Iowa Civil Rights Act and/or the Federal Civil Rights Act.
 - d. Person to solicit or require as a condition of employment of any employee or prospective employee a test for the presence of the antibody to the human immunodeficiency virus or to affect the terms, conditions, or privileges of employment or terminate the employment of any employee solely as a result of the employee obtaining a test for the presence of the antibody to the human immunodeficiency virus. An agreement between an employer, employment agency, labor organization, or their employees, agents, or members and an employee or prospective employee concerning employment, pay, or benefits to an employee or prospective employee in return for taking a test for the presence of the antibody to the human immunodeficiency virus, is prohibited. The prohibitions of this paragraph 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.

2. Employment policies relating to pregnancy and childbirth shall be governed by the following:
 - a. A written or unwritten employment policy or practice which excludes from employment applicants or employees because of the employee's pregnancy is a prima facie violation of this chapter.
 - b. Disabilities caused or contributed to by the employee's pregnancy, miscarriage, childbirth, and recovery therefrom are, for all job-related purposes, temporary disabilities and shall be treated as such under any health or temporary disability insurance or sick leave plan available in connection with employment. Written and unwritten employment policies and practices involving matters such as the commencement and duration of leave, the availability of extensions, the accrual of seniority, and other benefits and privileges, reinstatement, and payment under any health or temporary disability insurance or sick leave plan, formal or informal, shall be applied to a disability due to the employee's pregnancy or giving birth, on the same terms and conditions as they are applied to other temporary disabilities.
 - c. Disabilities caused or contributed to by legal abortion and recovery therefrom are, for all job-related purposes, temporary disabilities and shall be treated as such under any temporary disability or sick leave plan available in connection with employment. Written and unwritten employment policies and practices involving matters such as the commencement and duration of leave, the availability of extensions, the accrual of seniority, and other benefits and privileges, reinstatement, and payment under any temporary disability insurance or sick leave plan, formal or informal, shall be applied to a disability due to legal abortion on the same terms and conditions as they are applied to other temporary disabilities. The employer may elect to exclude health insurance coverage for abortion from a plan provided by the employer, except where the life of the mother would be endangered if the fetus were carried to term or where medical complications have arisen from an abortion.
 - d. An employer shall not terminate the employment of a person disabled by pregnancy because of the employee's pregnancy.
 - e. 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.

State law reference: Iowa Code Section 216.6.

(Ord. 2008-0235; 99-7659; 91/T-9425; S-32708, 1977)

4.04.320 Exemptions from Application of Section 4.04.310.

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

2. Notwithstanding the provisions of this section, a state or federal program designed to benefit a specific age classification which serves a bona fide public purpose shall be permissible.
3. This section shall not apply to age discrimination in bona fide apprenticeship employment programs if the employee is over forty-five years of age.
4. This section shall not apply to:
 - a. 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.
 - b. The employment of individuals for work within the home of the employer if the employer or members of the employer's family reside therein during such employment.
 - c. The employment of individuals to render personal service to the person of the employer or members of the employer's family.
 - d. Any bona fide religious institution or its educational facility, association, corporation, or society with respect to any qualifications for employment based on religion or other classification specifically exempted by the Iowa Civil Rights Act and/or the Federal Civil Rights Act 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.

State law reference: Iowa Code [Section 216.12](#).

(Ord. 2008-0235)

4.04.400 Unfair Practices - Accommodations or Services.

1. 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:
 - a. To refuse or deny to any person because of race, creed, color, sex, national origin, religion, disability or membership in any protected class defined by the Iowa Civil Rights Act and/or the Federal Civil Rights Act the accommodations, advantages, facilities, services, or privileges thereof, or otherwise to discriminate against any person because of race, creed, color, sex, national origin, religion, disability or membership in any protected class defined by the Iowa Civil Rights Act and/or the Federal Civil Rights Act in the furnishing of such accommodations, advantages, facilities, services, or privileges.
 - b. To directly or indirectly advertise or in any other manner indicate or publicize that the patronage of persons of any particular race, creed, color, sex, national origin, religion, disability or member of any protected class defined by the Iowa Civil Rights Act and/or the Federal Civil Rights Act is unwelcome, objectionable, not acceptable, or not solicited.
 - c. To discriminate against any other person because such person has opposed any practice forbidden under this chapter or has filed a complaint, testified or assisted in any proceeding under this chapter.
 - d. To aid, incite, compel, coerce, or participate in the doing of any act declared to be a discriminatory accommodations practice under this section, or attempt, directly or indirectly, to commit any act declared by this section to be a discriminatory practice.
2. This section shall not apply to:

- a. Any bona fide religious institution with respect to any qualifications the institution may impose based on religion or other classification specifically exempted by the Iowa Civil Rights Act and/or the Federal Civil Rights Act when such qualifications are related to a bona fide religious purpose.
- b. 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 or members of that person's family reside therein.
- c. Restrictions based on sex on the rental or leasing of housing accommodations by nonprofit corporations.
- d. Restrictions based on sex on the rental or leasing of housing accommodations which the owner can show were operated for the purpose of providing housing for persons of any one sex prior to January 21, 1972.

State law reference: Iowa Code Section 216.7.

(Ord. 2008-0235; 99-7659; 91/T-9425; S-32708, 1977)

4.04.500 Unfair or Discriminatory Housing Practices.

1. It shall be an illegal discriminatory housing practice for any person, owner, or person acting for an owner, of rights to dwelling with or without compensation, including but not limited to persons licensed as real estate brokers or salespersons, attorneys, auctioneers, appraisers, agents or representatives by power of attorney or appointment, or any person acting under court order, deed of trust, or will to:
 - a. Refuse to sell, lease or rent after making of a bona fide offer; refuse to show or represent that a dwelling is unavailable; or refuse to negotiate for the sale, lease or rental of any dwelling or refuse to sublease or assign or otherwise make unavailable or deny a dwelling to any person because of race, religion, creed, color, sex, national origin, ancestry, disability, membership in any protected class defined by the Iowa Civil Rights Act and/or the Federal Civil Rights Act or familial status.
 - b. Directly or indirectly advertise or in any other manner indicate or publicize that the purchase, rental, lease, assignment, or sublease of any dwelling or any part, portion or interest therein, by persons of any particular race, color, sex, creed, religion or national origin, ancestry, disability, membership in any protected class defined by the Iowa Civil Rights Act and/or the Federal Civil Rights Act or familial status, is unwelcome, objectionable, not acceptable, or not solicited.
 - c. Include in the terms, conditions or privileges of any sale, lease, sublease, rental, assignment or other transfer of any dwelling, any clause, condition or restriction discriminating against any person in the use or occupancy of the dwelling because of race, religion, creed, color, sex, national origin, ancestry, disability, membership in any protected class defined by the Iowa Civil Rights Act and/or the Federal Civil Rights Act or familial status.
 - d. Discriminate in the furnishing of any facilities or services for any dwelling because of race, religion, creed, color, sex, national origin, ancestry, disability, membership in any protected class defined by the Iowa Civil Rights Act and/or the Federal Civil Rights Act or familial status.
 - e. Make, utter, print, publish or circulate or cause to be made, printed, uttered, published or circulated any notice, statement or advertisement; announce a policy; use any form of

application with respect to the sale, purchase, lease, rental or financing of dwelling; or make any record or inquiry in connection with the prospective purchase, rental or lease of a dwelling which either records the race, religion, creed, color, sex, national origin, ancestry, disability, membership in any protected class defined by the Iowa Civil Rights Act and/or the Federal Civil Rights Act or familial status of applicants or indicates directly or indirectly any preference, limitation, specification or discrimination on the basis of race, religion, creed, color, sex, national origin, ancestry, disability, membership in any protected class defined by the Iowa Civil Rights Act and/or the Federal Civil Rights Act or familial status or an intention to make any such preference, limitation, specification or discrimination.

- f. Discriminate against any other person because the latter has opposed any practice forbidden under this chapter or has filed a complaint, testified, or assisted in a proceeding under this chapter.
 - g. Coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of that person having exercised or enjoyed, or on account of that person having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by this chapter.
 - h. Aid, incite, compel, coerce, or participate in the doing of any act declared to be a discriminatory housing practice under this section; attempt, directly or indirectly, to commit any act declared by this section to be a discriminatory practice; or attempt in any fashion to coerce, intimidate, compel, threaten, interfere, or in any other fashion force any person not to cooperate or participate in any hearing or other proceeding conducted by the human rights commission or its staff.
 - i. For profit, induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person of a particular race, sex, color, religion, ancestry, national origin, disability, membership in any protected class defined by the Iowa Civil Rights Act and/or the Federal Civil Rights Act or familial status.
 - j. Steer or channel a prospective buyer into or away from an area because of race, sex, religion, national origin, ancestry, color, disability, familial status or membership in any protected class defined by the Iowa Civil Rights Act and/or the Federal Civil Rights Act, by action by a real estate broker or salesperson which is intended to influence the choice of a prospective dwelling buyer on the basis of racial, religious, national origin, sex, color, disability, ancestry, membership in any protected class defined by the Iowa Civil Rights Act and/or the Federal Civil Rights Act, or familial status.
 - k. Deny another person access to or membership or participation in a multiple-listing service, real estate brokers' organization or other service, organization, or facility relating to the business of selling or renting dwellings or discriminate against a person in terms or conditions of access, membership, or participation in such organization because of race, color, creed, sex, religion, national origin, disability, membership in any protected class defined by the Iowa Civil Rights Act and/or the Federal Civil Rights Act, or familial status.
2. As used in this subsection, the term "residential real-estate-related transaction" means any of the following: (i) the making or purchasing of loans, accepting mortgages or providing other financial assistance for purchasing, constructing, improving, repairing, or maintaining a dwelling or secured by residential real estate; (ii) the selling, brokering, or appraising of residential real property. It shall be an illegal discriminatory housing practice for any person, owner or person acting for an owner, of rights to dwelling, with or without compensation, including but not

limited to persons licensed as real estate brokers, salespersons or entities whose business includes engaging in residential real-estate-related transactions to discriminate against any person in making available such a transaction or in the terms or conditions of such a transaction, because of race, color, religion, sex, ancestry, disability, familial status, national origin or membership in any protected class defined by the Iowa Civil Rights Act and/or the Federal Civil Rights Act to discriminate in rates, terms, conditions or provisions of any such financial assistance or in the extension of services in connection therewith because of race, religion, creed, color, sex, national origin, ancestry, disability, membership in any protected class defined by the Iowa Civil Rights Act and/or the Federal Civil Rights Act, or familial status of the applicant for such loan or funds or of the would-be-purchaser or lessee or prospective occupant of dwelling or of the racial makeup of the neighborhood in which the property is located. Nothing in this subsection prohibits a person engaged in the business of furnishing appraisals of real property to take into consideration factors other than race, color, religion, creed, national origin, ancestry, sex, disability, membership in any protected class defined by the Iowa Civil Rights Act and/or the Federal Civil Rights Act, or familial status.

State law reference: Iowa Code Section 216.8.

(Ord. 2008-0235; 2001-0459; 99-7659; 91/T-9425; S-32708, 1977)

4.04.510 Illegal Discriminatory Housing Practices Based on Disability.

1. A person shall not discriminate in the sale or rental or otherwise make unavailable or deny a dwelling to a buyer or renter because of a disability of any of the following persons:
 - a. That buyer or renter.
 - b. A person residing in or intending to reside in that dwelling after it is sold, rented, or made available.
 - c. A person associated with that buyer or renter.
2. A person shall not discriminate against another person in the terms, conditions, or privileges of sale or rental of a dwelling or in the provision of services or facilities in connection with the dwelling because of a disability of any of the following persons:
 - a. That person.
 - b. A person residing in or intending to reside in that dwelling after it is sold, rented, or made available.
 - c. A person associated with that person.
3. For the purpose of this section only, discrimination includes any of the following circumstances:
 - a. A refusal to permit, at the expense of a person with disabilities, 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. For a rental, a landlord may, where reasonable to do so, condition permission for a modification on the renter's agreement to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted.
 - b. A refusal to make reasonable accommodations in rules, policies, practices, or services, when the accommodations are necessary to afford the person equal opportunity to use and enjoy a dwelling.

- c. In connection with the design and construction of covered multifamily dwellings for first occupancy after March 16, 1992, a failure to design and construct those dwellings in a manner that meets the following requirements:
 1. The public use and common use portions of the dwellings are readily accessible to and usable by persons with disabilities.
 2. All doors designed to allow passage into and within all premises within the dwellings are sufficiently wide to allow passage by persons with disabilities in wheelchairs.
 3. All premises within the dwellings contain the following features of adaptive design:
 - A. An accessible route into and through the dwelling.
 - B. Light switches, electrical outlets, thermostats, and other environmental controls in accessible locations.
 - C. Reinforcements in bathroom walls to allow later installation of grab bars.
 - D. Usable kitchens and bathrooms so that a person in a wheelchair can maneuver about the space.
 4. Compliance with the appropriate requirements of the American National Standard for buildings and facilities providing accessibility and usability for persons with physical disabilities, commonly cited as ANSI A 117.1, satisfies the requirements of subsection 3(c)(iii) of this section.
 5. Nothing in subsections 1, 2 and 3 of this section 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.

State law reference: Iowa Code Section 216.8A.

(Ord. 2014-0368; 2008-0235; 2001-0459; 2000-9018; 99-7659; 91/T-9425)

4.04.520 Exemptions.

1. Nothing in sections 4.04.500 and 4.04.510 of this chapter shall be construed to apply to the following:
 - a. The rental or leasing of a dwelling in a building which contains dwellings for not more than two families living independently of each other, if the owner resides in one of such dwellings.
 - b. Any bona fide religious institution with respect to any qualifications it may impose based on religion or other classification specifically exempted by the Iowa Civil Rights Act and/or the Federal Civil Rights Act, when such qualifications are related to a bona fide religious purpose, unless the religious institution owns or operates property for a commercial purpose or membership in the religion is restricted on account of race, color or national origin.
 - c. The rental or leasing of less than four rooms within a single dwelling by the occupant or owner of such dwelling, if the occupant or owner resides in the dwelling.
 - d. The rental or leasing of a dwelling within which residents of both sexes must share a common bathroom facility on the same floor of the building. This exemption does not apply to race, color, creed, religion, membership in any protected class defined by the Iowa Civil Rights Act and/or the Federal Civil Rights Act, national origin, ancestry, disability or familial status basis.

- e. The rental or leasing of a dwelling in a building which contains dwellings for not more than four families living independently of each other, if the owner resides in one of the dwellings for which the owner qualifies for the homestead tax credit under I.C. § 425.1.
2. Nothing in sections 4.04.500 and 4.04.510 of this chapter regarding familial status shall apply with respect to housing for older persons. As used in this subsection, the term "housing for older persons" means housing:
 - a. Provided under any state or federal program that is specifically designed and operated to assist elderly persons, as defined in the state or federal program, that the human rights commission determines to be consistent with determinations made by the Secretary of Housing and Urban Development;
 - b. Intended for and solely occupied by persons 62 years of age or older; or
 - c. For 80-percent occupancy by at least one person 55 years of age or older per unit, and providing significant facilities and services specifically designed to meet the physical or social needs of the persons, and the housing facility must publish and adhere to policies and procedures which demonstrate an intent by the owner or manager to provide housing for persons 55 years of age or older.
 3. None of the exemptions stated in subsections 1 and 2 of this section shall apply to advertising.
(Ord. 2008-0235; 2001-0694; 2001-0459; 2000-9018; 99-7659; 91/T-9425; S-32708, 1977)

4.04.530 Effect on Other Law.

This article does not affect a reasonable local or state restriction regarding maximum number of occupants permitted to occupy a dwelling.

(Ord. 2008-0235)

4.04.540 Threat of Force or Intimidation; Penalty.

1. A person commits a public offense if the person, whether or not acting under color of law, by force or threat of force, intentionally intimidates or interferes with or attempts to interfere with a person under any of the following circumstances:
 - a. Because of the person's race, color, creed, sex, membership in any protected class defined by the Iowa Civil Rights Act and/or the Federal Civil Rights Act, religion, national origin, disability, or familial status, and because the person is or has been selling, purchasing, renting, occupying, or financing, contracting for, or negotiating for the sale, purchase, rental or occupation of any dwelling, or applying for or participating in a service, organization, or facility relating to the business of selling or renting dwellings.
 - b. Because the person is or has been doing any of the following:
 1. Participating, without discrimination because of race, color, creed, sex, membership in any protected class defined by the Iowa Civil Rights Act and/or the Federal Civil Rights Act, religion, national origin, disability, or familial status, in an activity service, organization, or facility described in subsection (a)(1) of this section.
 2. Affording another person the opportunity or protection to so participate.
 3. Lawfully aiding or encouraging other persons to participate, without discrimination because of race, color, sex, membership in any protected class defined by the Iowa Civil Rights Act and/or the Federal Civil Rights Act, religion, national origin, disability, or

familial status, in an activity, service, organization, or facility described in subsection (a)(1) of this section.

2. Any person who fails to perform an act required by this section or who commits an act prohibited by this section shall be guilty of a misdemeanor punishable by fine or imprisonment as provided by [Chapter 1.04](#) of this Code.

(Ord. 2008-0235)

4.04.550 Civil Action.

1. A complainant, a respondent, or an aggrieved person on whose behalf the complaint was filed pursuant to this chapter may elect to have the charges asserted in the complaint decided in a civil action as provided by section [4.04.560](#) of this chapter in accordance with the following:
 - a. The election must be made not later than 20 days after the date of receipt by the electing person of service under subsection [4.04.230](#) of this chapter, or for the human rights commission not later than 20 days after the date of such service.
 - b. The person making the election shall give notice to the commission and to all other complainants and respondents to whom the election relates.
 - c. The election to have the charges of a complaint decided in a civil action as provided in this subsection is only available if it is alleged that there has been a violation of section [4.04.500](#) or [4.04.510](#) of this chapter.
2. An aggrieved person may, as provided I.C. § 216.16A, file a civil action in district court not later than two years after the occurrence of the termination of an alleged discriminatory housing or real estate practice or the breach of a mediation agreement entered into in section [4.04.230](#) of this chapter, whichever occurs last, to obtain appropriate relief with respect to the discriminatory housing or real estate practice or breach in accordance with the following:
 - a. The two-year period does not include any time during which a public hearing under this chapter is pending with respect to a complaint or charge based on the discriminatory housing or real estate practice. This subsection does not apply to actions arising from a breach of a mediation agreement.
 - b. An aggrieved person may file an action under this subsection whether or not a discriminatory housing or real estate complaint has been filed under this chapter and without regard to the status of any discriminatory housing or real estate complaint filed under that section.
 - c. However, an aggrieved person shall not file an action under this subsection with respect to an alleged discriminatory housing or real estate practice that forms the basis of a charge issued by the commission if the commission has begun a hearing on the record under sections [4.04.230](#) and [4.04.260](#) of this chapter with respect to the charge.
 - d. If the commission has obtained a mediation agreement with the consent of an aggrieved person, the aggrieved person shall not file an action under this subsection with respect to the alleged discriminatory practice that forms the basis for the complaint except to enforce the terms of the agreement.

State law references: Similar provisions, I.C. § 216.16A.

(Ord. 2008-0235; 99-7659)

4.04.560 Additional Civil Proceedings.

1. Additional civil proceedings are available in the area of discriminatory housing practices as follows:
 - a. If timely election is made under section 4.04.550 of this chapter, the parties are entitled to all rights, protections and remedies provided by I.C. § 216.17A.
 - b. An aggrieved person may intervene in the action.
 - c. If the district court finds that a discriminatory housing or real estate practice has occurred or is about to occur, the district court may grant any relief that a court may grant in a civil action under I.C. § 216.17A.
 - d. If monetary relief is sought for the benefit of an aggrieved person who does not intervene in the civil action, the district court, as provided by I.C. § 216.17A, shall not award the monetary relief if that aggrieved person has not complied with discovery orders entered by the district court.
2. An order of the human rights commission under sections 4.04.230 and 4.04.260 of this chapter and a commission order that has been substantially affirmed by judicial review do not affect a contract, sale, encumbrance, or lease that was consummated before the commission issued the order and involved a bona fide purchaser, encumbrancer, or tenant who did not have actual notice of the charge issued under this section.
3. If the human rights commission issues an order with respect to a discriminatory housing practice that occurred in the course of a business subject to a licensing or regulation by a governmental agency, the commission, not later than 30 days after the date of issuance of the order, shall do all of the following:
 - a. Send copies of the findings and the order to the governmental agency.
 - b. Recommend to the governmental agency appropriate disciplinary action.
4. If the commission issues an order against a respondent against whom another order was issued within the preceding five years under section 4.04.230 or 4.04.260 of this chapter, the commission shall send a copy of each order issued under that section to the state attorney general.
5. On application by a person alleging a discriminatory housing practice or by a person against whom a discriminatory practice is alleged, the district court may, as provided by I.C. § 216.17A, appoint an attorney for the person.
6. In an action under this section, if the district court finds that a discriminatory housing or real estate practice has occurred or is about to occur, the district court may, as provided by I.C. § 216.17A, award or issue to the plaintiff one or more of the following:
 - a. Actual and punitive damages.
 - b. Reasonable attorney's fees.
 - c. Court costs.
 - d. Subject to subsection 7 of this section, any permanent or temporary injunction, temporary restraining order, or other order, including an order enjoining the defendant from engaging in the practice or ordering appropriate affirmative action.
7. Relief granted under this section does not affect a contract, sale, encumbrance, or lease that was consummated before the granting of the relief and involved a bona fide purchaser,

encumbrancer, or tenant who did not have actual notice of the filing of a complaint under section 4.04.210 of this chapter or a civil action under this section.

8. On the request of the human rights commission, the attorney may intervene in an action under this section if the commission certifies that the case is of general public importance. The attorney may obtain the same relief available to the attorney under subsection (i) of this section.
9. On the request of the human rights commission, the commission's attorney shall file a civil action in district court for appropriate relief if the commission has reasonable cause to believe that any of the following applies:
 - a. A person is engaged in a pattern or practice of resistance to the full enjoyment of any housing right granted by section 4.04.500 or 4.04.510 of this chapter.
 - b. A person has been denied any housing right granted by this chapter and that denial raises an issue of general public importance.
10. In an action under this section, the district court may, as provided by I.C. § 216.17A, do any of the following:
 - a. Order preventive relief, including a permanent or temporary injunction, restraining order, or other order against the person responsible for a violation of housing rights as necessary to ensure the full enjoyment of the housing rights granted by this chapter.
 - b. Order another appropriate relief, including the awarding of monetary damages, reasonable attorney's fees, and court costs.
 - c. To vindicate the public interest, assess a civil penalty against the respondent in an amount not to exceed those established by I.C. § 216.17A as follows:
 1. Fifty thousand dollars for a first violation.
 2. One hundred thousand dollars for a second or subsequent violation.
11. A person may intervene in an action under this section if the person is any of the following:
 - a. An aggrieved person to the discriminatory housing or real estate practice.
 - b. A party to a mediation agreement concerning the discriminatory housing or real estate practice.
12. The attorney, on behalf of the commission or other party at whose request a subpoena is issued, may enforce the subpoena in appropriate proceedings in district court.
13. A court in a civil action brought under this section or the commission in an administrative hearing under sections 4.04.230 and/or 4.04.260 of this chapter may award reasonable attorney's fees to the prevailing party and assess court costs against the non-prevailing party.

(Ord. 2008-0235; 99-7659)

4.04.600 Discriminatory Municipal Practices.

4.04.610 Illegal Practices.

It shall be an illegal discriminatory municipal practice for the city or any employee, official, agent or representative of the city to refuse or deny to any person, because of age, race, religion, creed, color, sex, membership in any protected class defined by the Iowa Civil Rights Act and/or the Federal Civil Rights Act, national origin, ancestry or disability, the services, advantages, facilities or privileges offered by the city or otherwise to discriminate, separate, segregate, or make a distinction against any person, because of age, race, religion, creed, color, sex, membership in any protected class defined by the Iowa Civil Rights Act and/or the Federal Civil Rights Act, national origin, ancestry or disability, in the furnishing of such services, advantages, facilities or privileges.

(Ord. 2008-0235)

4.04.620 Reasonable Accommodation.

The city declares its intent to make reasonable accommodation in rules, policies, practices, or services, when the accommodations are necessary to afford a person with a disability equal opportunity to use and enjoy a dwelling. Any person seeking reasonable accommodation in any rules, policies, practices, or services of the city, other than those adopted by the city in its capacity as a municipal housing agency, shall make application in the manner provided in this Code. Any person seeking reasonable accommodation in any rules, policies, practices, or services adopted by the city in its capacity as a municipal housing agency shall make application to the director of housing services.

(Ord. 2008-0235)

4.04.630 City Contracts.

The city and all of the contracting departments, divisions, boards, commissions, officials, agents and employees shall include in all contracts a provision obligating the contractor not to commit any of the illegal discriminatory employment practices set forth in this chapter and shall require such contractor to include the same provision in all subcontracts.

(Ord. 2008-0235)

4.04.640 Nondiscrimination in Urban Renewal Projects.

Nondiscrimination clauses shall be included in all leases and contracts which the city proposes to enter into with respect to the lease, sublease, transfer, use, occupancy, tenure, or enjoyment of any land in an urban renewal project, in substantially the following form:

1. **Leases.** The lessee herein covenants by and for the lessee and the lessee's heirs, executors, administrators and assigns, and all persons claiming under or through them, and this lease is made and accepted upon and subject to the following conditions: That there shall be no discrimination against or segregation of any person or group of persons on account of race, religion, creed, color, sex, membership in any protected class defined by the Iowa Civil Rights Act and/or the Federal Civil Rights Act, national origin, or ancestry, in the leasing, subleasing, transferring, use, occupancy, tenure or enjoyment of the premises herein leased, nor shall the lessee or any person claiming under or through the lessee establish or permit any such practices of discrimination or segregation with reference to the selection, location, number, use or occupancy of tenants, lessees, sublessees, subtenants or vendees in the premises herein leased.

2. **Contracts.** In contracts relating to the sale, transfer, or leasing of land, or any interest therein acquired by the city, within any urban renewal area or project, the provisions in subsection (1) of this section in substantially the forms set forth shall be included, and such contracts shall further provide that such provisions shall be binding upon and shall obligate the contracting party and any subcontracting party or other transferees under such instrument.

(Ord. 2008-0235)

4.04.700 Unfair or Discriminatory Practices - Education.

It is an unfair or discriminatory practice for any educational institution to discriminate on the basis of race, creed, color, sex, national origin, religion, membership in any protected class defined by the Iowa Civil Rights Act and/or the Federal Civil Rights Act, or disability in any program or activity. Such discriminatory practices shall include but not be limited to the following practices:

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.

For the purpose of this section "educational institution" includes any preschool, elementary, secondary, or community college, area education agency, or postsecondary college or university and their governing boards. This section does not prohibit an educational institution from maintaining separate toilet facilities, locker rooms or living facilities for the different sexes so long as comparable facilities are provided. Nothing in this section shall be construed as prohibiting any bona fide religious institution from imposing qualifications based on religion when such qualifications are related to a bona fide religious purpose or any institution from admitting students of only one sex.

State law reference: Iowa Code Section 216.19.

(Ord. 2008-0235; 99-7659, 91/T-9425)

4.04.800 Unfair Credit Practices.

It shall be an unfair or discriminatory practice for any:

1. Creditor to refuse to enter into a consumer credit transaction or impose finance charges or other terms or conditions more onerous than those regularly extended by that creditor to consumers of similar economic backgrounds because of age, color, creed, national origin, race, religion, marital status, sex, physical disability, membership in any protected class defined by the Iowa Civil Rights Act and/or the Federal Civil Rights Act, or familial status.
2. Person authorized or licensed to do business in this state pursuant to chapter 524, 533, 534, 536, or 536A of the Code of Iowa to refuse to loan or extend credit or to impose terms or

conditions more onerous than those regularly extended to persons of similar economic backgrounds because of age, color, creed, national origin, race, religion, marital status, sex, physical disability, membership in any protected class defined by the Iowa Civil Rights Act and/or the Federal Civil Rights Act, or familial status.

3. Creditor to refuse to offer credit life or health and accident insurance because of color, creed, national origin, race, religion, marital status, age, physical disability, sex, membership in any protected class defined by the Iowa Civil Rights Act and/or the Federal Civil Rights Act, or familial status. Refusal by a creditor to offer credit life or health and accident insurance based upon the age or physical disability of the consumer shall not be an unfair or discriminatory practice if such denial is based solely upon bona fide underwriting considerations not prohibited by title XIII, subtitle 1.

The provisions of this section shall not be construed by negative implication or otherwise to narrow or restrict any other provisions of this chapter.

State law reference: Iowa Code [Section 216.10](#).

(Ord. 2008-0235; 99-7659)

4.04.900 Additional Provisions.

4.04.910 Aiding, Abetting, or Retaliation.

It shall be an unfair or discriminatory practice for:

1. Any person to intentionally aid, abet, compel, or coerce another person to engage in any of the practices declared unfair or discriminatory by this chapter.
2. Any person to discriminate or retaliate against another person in any of the rights protected against discrimination by this chapter because such person has lawfully opposed any practice forbidden under this chapter, obeys the provisions of this chapter, or has filed a complaint, testified, or assisted in any proceeding under this chapter.

State law reference: Iowa Code [Section 216.11](#).

(Ord. 2008-0235; 2001-0459; 99-7659)

4.04.920 Interference, Coercion, or Intimidation.

It shall be unlawful to coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, on account of the person having exercised or enjoyed, or on account of the person having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by this chapter.

State law reference: Iowa Code [Section 216.11A](#).

(Ord. 2008-0235; 2001-0459; 99-7659)

4.04.930 Exceptions for Retirement Plans, Abortion Coverage, Life, Disability and Health Benefits.

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

1. However, a retirement plan or benefit system shall not require the involuntary retirement of a person under the age of seventy because of that person's age. This paragraph does not prohibit the following:
 - a. The involuntary retirement of a person who has attained the age of sixty-five and has for the two prior years been employed in a bona fide executive or high policy-making position and who is entitled to an immediate, nonforfeitable annual retirement benefit from a pension, profit-sharing, savings or deferred compensation plan of the employer which equals twenty-seven thousand dollars. This retirement benefit test may be adjusted according to the regulations prescribed by the United States secretary of labor pursuant to Public Law 95-256, section 3.
 - b. The involuntary retirement of a person covered by a collective bargaining agreement which was entered into by a labor organization and was in effect on September 1, 1977. This exemption does not apply after the termination of that agreement or January 1, 1980, whichever first occurs.
2. 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.
3. An employee welfare plan may provide life, disability or health insurance benefits which vary by age based on actuarial differences if the employer contributes equally for all the participating employees or may provide for employer contributions differing by age if the benefits for all the participating employees do not vary by age.

(Ord. 2008-0235; 99-7659)

4.04.940 Promotion or Transfer.

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

State law reference: Iowa Code Section 216.14.

(Ord. 2008-0235; 99-7659)