Passed: 9-0

ORDINANCE 93-28

TO AMEND CHAPTER 2.21 OF THE BLOOMINGTON MUNICIPAL CODE ENTITLED, "DEPARTMENT OF LAW"
(Discouraging Discrimination Based Upon Sexual Orientation)

WHEREAS, it is the public policy of the City of Bloomington to provide all citizens equal opportunity for education, employment, access to public accommodations and access to housing; and

WHEREAS, individuals in Bloomington have been denied equal opportunity to education, employment, access to public accommodations and access to housing because of their sexual orientation; and

WHEREAS, an individual's sexual orientation should be no more of a barrier to an individual's right to equal opportunity than an individual's sex, race, national origin, color, ancestry, religion or handicap;

NOW THEREFORE, BE IT HEREBY ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA, THAT:

SECTION I. The following amendments are made to Section 2.21.020 of the Bloomington Municipal Code entitled "Public policy and purpose":

(a) The first sentence of BMC 2.21.020 is amended to read:

It is the public policy of the City to provide all citizens equal opportunity for education, employment, access to public accommodations and acquisition through purchase or rental of real property including but not limited to housing, and to eliminate segregation or separation based on race, religion, color, sex, national origin, ancestry, sexual orientation, or handicap, since such segregation is an impediment to equal opportunity.

(b) The third sentence of BMC 2.21.020 is amended to read:

The practice of denying these rights to persons because of race, religion, color, sex, national origin, ancestry, sexual orientation, or handicap is contrary to the principles of freedom and equality of opportunity and is a burden to the objectives of the public policy of the City, and shall be considered as discriminatory practices.

(c) The fourth sentence of BMC 2.21.020 is amended to read:

The promotion of equal opportunity without regard to race, religion, color, sex, national origin, ancestry, sexual orientation, or handicap is the purpose of this section.

(d) The last sentence of BMC 2.21.020 is amended to read:

It is hereby declared to be contrary to the public policy of the City and an unlawful practice to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry into the neighborhood of a person or persons of a particular race, religion, color, sex, national origin, ancestry, sexual orientation, or handicap.

SECTION II: The first sentence of BMC 2.21.030 (10) is amended to read:

"Discriminatory practice" means the exclusion of a person by another person from equal opportunities because or race, religion, color, sex, national origin, ancestry, sexual orientation, or handicap; or a system which excludes from equal opportunities because of race, religion, color, sex,

national origin, ancestry, sexual orientation, or handicap . . . .

SECTION III: A new definition is added to BMC 2.21.030 that reads:

(25) "Sexual orientation" means an individual's identity or practice as a lesbian woman, gay male, bisexual person or heterosexual person, whether actual or perceived.

SECTION IV: BMC 2.21.080 is amended to read:

2.21.080 Educational program. In order to eliminate prejudice among the various groups in the City and to further goodwill among such groups, the Commission may prepare educational programs designed to emphasize and remedy the denial of equal opportunity because of a person's race, religion, color, sex, national origin, ancestry, sexual orientation, or handicap, its harmful effects, and its incompatibility with the principles of equality.

SECTION V: A new section is added to the end of BMC 2.21 that reads:

2.21.150 Complaints of sexual orientation discrimination. In complaints of discrimination on the basis of sexual orientation, the Commission's authority shall be limited to voluntary investigations and voluntary mediation.

SECTION VI. Severability. If any section, sentence, or provision of this ordinance, or the application thereof to any person or circumstances shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions, or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

SECTION VII. This Ordinance shall be in full force and effect from and after its passage by the Common Council of the City of Bloomington and approval of the Mayor.

PASSED and ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 8th day of July, 1993.

JACK W. HOPKINS, President
Bloomington Common Council

ATTEST:

PATRICIA WILLIAMS, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 8th day of July, 1993.

PATRICIA WILLIAMS, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this 8th day of July, 1993.

TOMILEA ALLISON, Mayor
City of Bloomington

SYNOPSIS

The purpose of this ordinance is to discourage sexual orientation discrimination in employment, public accommodations, housing and education to the extent permitted under state law. Local governments do not have, under current state law, the authority to give human rights commissions the power to treat sexual orientation discrimination on the same basis as it may treat race, sex, religious, color, ancestry, national origin or handicap discrimination. The Bloomington Human Rights Commission, under its current ordinance and in accordance with state law, has power to issue subpoenas, compel testimony, hold hearings and issue orders enforceable by the courts in cases of discrimination on the basis of race, sex, religious, color, ancestry, national origin or handicap discrimination. Under this ordinance, in cases of sexual orientation discrimination, the Bloomington Human Rights Commission will have the power to accept complaints of sexual orientation discrimination, notify respondents of the complaint and attempt to conduct voluntary investigations and mediation.

Signed copies to:
Legal Dept 5
HRC
BMC - File
Clerk
CA/CA
Mayor's Office
20 extra