Passed 9-0

RESOLUTION 15-11

OPPOSING ENACTMENT OF SENATE ENROLLED ACT 101 OTHERWISE KNOWN AS THE "RELIGIOUS FREEDOM RESTORATION ACT" (RFRA)

WHEREAS, for almost fifty years, the City of Bloomington has sought to protect its citizens in the enjoyment of civil rights and to promote mutual understanding and respect among all who live and work within the City, and has recognized that prejudice, intolerance and discriminatory practices directly and profoundly threaten the rights and freedom of City of Bloomington residents; and

WHEREAS, with this desire to cultivate and celebrate diversity, the City created a Human Relations Commission in 1965, combined its Fair Housing and Human Relations Commissions into a Human Rights Commission in 1970, extended protections to sexual orientation in 1993, added gender identity in 2006, and is committed to extending protections whenever necessary to preserve diversity in our city; and

WHEREAS, given the history of discrimination in the nation, the City has specifically protected persons from discrimination based upon an individual's race, religion, color, sex, national origin, ancestry, disability, sexual orientation, and gender identity; and

WHEREAS, Indiana law, unlike Bloomington's ordinance and laws in many other States, does not currently extend protections to individuals based upon their sexual orientation or gender identity; and

WHEREAS, last week, the Indiana General Assembly passed, and the Governor signed into law, Senate Enrolled Act 101, otherwise known as the Religious Freedom Restoration Act (RFRA), which will go into effect on July 1, 2015; and

WHEREAS, like about 20 other laws around the country with a similar name, RFRA prohibits a governmental entity from substantially burdening a person's exercise of religion except when the governmental entity demonstrates that the application of the burden furthers a compelling governmental interest and is the least restrictive means for furthering that interest; and

WHEREAS, unlike most of those other laws, RFRA is one of a few that allows for-profit businesses to assert a violation of their religious freedom and also allows a person to assert that argument as a claim or defense in a proceeding regardless of whether the state or any other governmental entity is a party to the proceeding; and

WHEREAS, for these and other reasons, RFRA raises uncertainties about whether discrimination would be permitted due to, and whether local policies would be upheld against, these newly-codified claims and defenses; and

WHEREAS, RFRA is unnecessary in order to protect the free exercise of religion and only harms rather than heals the deep divisions within the State surrounding these issues; and

WHEREAS, RFRA casts a poor light on Indiana around the country, makes it appear less welcome to visitors, and makes it less competitive in recruiting and retaining talented employees;

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

SECTION 1. The Bloomington City Council opposes and urges repeal of RFRA.

SECTION 2. The Bloomington City Council urges the Indiana General Assembly and Governor to make sexual orientation and gender identity protected classes in the Indiana Code.

SECTION 3. The Bloomington City Council declares that the human rights provisions of Bloomington Municipal Code 2.21 (Department of Law) furthers a compelling governmental interest and does so in a manner that is the least restrictive means of furthering that compelling interest.

SECTION 4. The Bloomington City Council directs the Clerk to send a copy of this resolution to the Governor of Indiana, Speaker of the House, President Pro-Tempore of the Senate, Assembly members representing districts touching the City, the President of Indiana University, and leaders of other municipalities around the State as deemed appropriate.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 1st day of APRIL, 2015.

DAVE ROLLO, President
Bloomington Common Council

ATTEST:

REGINA MOORE, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 2nd day of APRIL, 2015.

REGINA MOORE, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this 2ND day of April, 2015.

MARK KRUZAN, Mayor
City of Bloomington

SYNOPSIS

This resolution is co-sponsored by the entire Council. It opposes the recent enactment of Senate Enrolled Act 101, otherwise known as the Religious Freedom Restoration Act (RFRA). The resolution recounts the City's celebration of diversity and its long and sustained history of protecting the human and civil rights of its residents. It then describes RFRA, how it differs from other such laws around the country, the uncertainties it raises for the status of local ordinances, and its damaging effect within the State and on its reputation across the country. Lastly, the resolution: urges repeal of the RFRA; urges enactment of legislation making sexual orientation and gender identity protected classes in the Indiana Code; declares that local provisions meet the newly codified standards necessary to rebut a challenge under the statute; and, direct the City Clerk to send the resolution to various leaders in the State.

Signed copies to:
legal (5)
Controller
Human Rights Comm
+ attorney

Clerk (1)
Section above
leaders