ORDINANCE 76-24

An Ordinance to Amend the Human Rights Ordinance

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

SECTION I. Section 2.60.020 (h) of the Bloomington Municipal Code be amended to add:

Provided further that it shall not be a discriminatory practice for an owner of rental housing units to limit housing to tenants of certain ages if said restrictions are for the purpose of protecting the peaceful enjoyment of other tenants and not established as a subterfuge to commit unlawful age discrimination otherwise prohibited by this chapter and also provided that the respondents shall have the burden of proving that such practices or restrictions are for the purpose of protecting peaceful enjoyment of other tenants and not a subterfuge to commit unlawful age or sex discrimination otherwise prohibited by this chapter.

SECTION II. Section 2.60.020 (r) of the Bloomington Municipal Code be amended to add the following:

Further provided that it shall not be a discriminatory practice to maintain a separation of sexes where privacy of the tenants, occupants, students, or employees, involving disrobing, sleeping, or performing personal body functions cannot be maintained by reasonable means, provided that such separation is not established subterfuge to commit unlawful sex discrimination otherwise prohibited by this chapter. The respondent shall have the burden of proving that privacy cannot be maintained by reasonable means.

SECTION III. This ordinance shall be in full force and effect from and after its passage by the Common Council and approval by the Mayor.

PASSED and ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana upon the 17 day of June, 1976.

Patricia M. Kinzer

Patricia M. Kinzer, President Pro-tem
Bloomington Common Council

ATTEST:

Nora M. Connors

Nora M. Connors, Deputy City Clerk

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana upon the 18 day of June, 1976.

Nora M. Connors

Nora M. Connors, Deputy City Clerk

SIGNED and APPROVED by me upon the day of June, 1976, at the hour of o'clock, .m.

Vetoed 6-28-76 Mayor

Francis X. McCloskey, Mayor
City of Bloomington

Veto sustained 7-1-76 Common Council

Roll Call Vote - 2 yes: 4 Nays: 4

Nays: Towell, De St. Cosix, Richardson, Kinzer

SYNOPSIS

ORDINANCE 76-24

To Amend the Human Rights Ordinance

The City's current Human Rights Ordinance prohibits discrimination on the basis of race, religion, color, sex, national origin, ancestry, age, marital status or sexual orientation in order to provide equal opportunity for education, employment, access to public accommodations and acquisition of real property.

This ordinance makes two changes in the coverage of the Human Rights Ordinance. The first change is to modify the definition of "discriminatory practice" to exclude an owner of rental property to limit the leasing of his property to tenants of certain ages if it is for the purpose of protecting the peaceful enjoyment of other tenants. The burden of showing that such limitations are not for discriminatory purposes but only for protecting peaceful enjoyment would fall on the landlord.

The second change is to provide that it will not be a discriminatory practice to maintain a separation of sexes where the privacy of individuals cannot be maintained by reasonable means. The burden of showing that the separation of the sexes is for protection of privacy and not for discriminatory reasons would be on the person maintaining the separation.

This ordinance has been vetoed by the mayor, and by state law must be passed by a two thirds vote of the Common Council at its next meeting following the veto if it is to become law.

COMMITTEE REPORT SHEET

COMMITTEE: Public Safety/Policy & Legislative Oversight

LEGISLATIVE NUMBER: Ordinance 76-24

SUBJECT MATTER: Human Rights Amendment

ORIGIN: Monroe County Apt. Association

DATE OF MEETING: June 9, 1976

READING: Second

RECOMMENDATION: ____ DO PASS ____ NO RECOMMENDATION AT THIS TIME

✓ TENTATIVE DO PASS; SUBJECT TO CONDITIONS BELOW

MINORITY REPORT ____ FILED ____ NONE

COMMITTEE DISCUSSION

* Section I Amendment: delete "to limit housing to [married couples], single adults only, or]", and change "minor children" to "minor dependents".
Recommends Do Pass: Ayes: 2, Nays: 0

* Section II Amendment: Delete "provided that such separation is not done" and substitute "established", so that it is consistent with wording in Section I.
Recommends Do Pass: Ayes: 2, Nays: 0

SEE MINUTES OF PS/PLO MEETING FOR DISCUSSION OF ABOVE RECOMMENDATION--

SIGNATURES OF COMMITTEE MEMBERS

J. Richardson, Chairperson

Floyd Olcott

L. Olcott

I HEREBY MOVE THAT ORDINANCE 76-24

BE INTRODUCED AND READ AT FIRST READING AT THE COUNCIL MEETING ON April 22, 1976

(Signature)