

Chapter 22 - HUMAN RIGHTS

ARTICLE I. - IN GENERAL

Secs. 22-1—22-18. - Reserved.

ARTICLE II. - DISCRIMINATION IN HOUSING, USE OF CITY FACILITIES AND PUBLIC ACCOMMODATIONS

FOOTNOTE(S):

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State Law reference— Local fair housing ordinances, Wis. Stat. § 66.1011; open housing, Wis. Stat. § 160.50. [\(Back\)](#)

Sec. 22-19. - Title.

This article shall be known as the City of La Crosse Equal Opportunities Ordinance.

(Code 1980, § 7.03(J)(8))

Sec. 22-20. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Insert Age. The Prohibition against discrimination because of age shall not apply to any person less than eighteen (18) years of age.

City or City of La Crosse facilities means all those facilities wholly or partially within the corporate limits of the City of La Crosse, Wisconsin which are owned by, leased to, operated by or within the control of the City of La Crosse, Wisconsin.

Commission means the **City of La Crosse Human Rights Commission**, and the term "Commissioner" shall mean a member thereof.

Complainant means any person who files a complaint with the Commission under this article.

Disability means a physical or mental impairment that substantially limits one or more major life activities, a record of having such an impairment or being regarded as having such an impairment. The term "disability" does not include the current illegal use of a controlled substance, as defined in Wis. Stat. § 961.01(4), or a controlled substance analog, as defined in Wis. Stat. § 961.01(4m) in a supervised drug rehabilitation program.

Discriminate and discrimination mean to segregate, separate, exclude or treat any person or class of persons unequally because of sex, race, color, disability, sexual orientation, gender identity or expression, religion, national origin or marital status of the person maintaining a household, familial status, lawful source of income, age or ancestry, **add "physical appearance"**, domestic partners, political activities or student status. It is intended that the factors set forth herein shall be the sole basis for prohibiting discrimination.

Domestic partners or domestic partnership means individuals who:

- (1) Are responsible for each other's common welfare.
- (2) Are not married to anyone.

- (3) Are at least 18 years of age.
- (4) Are not related by blood to a degree that would bar marriage in the State of Wisconsin.
- (5) Meet the following conditions within their relationship:
 - a. The relationship has been in existence for a period of at least 12 consecutive months.
 - b. The individuals have at least two of the following, and can provide documentation if requested:
 1. Domestic partnership agreement.
 2. Joint mortgage, lease, or title.
 3. Designation of domestic partner as beneficiary for life insurance or retirement contract.
 4. Durable property or health care powers of attorney.
 5. Joint ownership of motor vehicle, joint checking account, or joint credit account.

Add

"Family Status" means any of the following conditions apply to a person seeking to rent or purchase housing or prospective member of the person's household regardless of the person's marital status:

- 1. A person is pregnant**
- 2. A person is in the process of securing sole or joint legal custody, periods of physical placement or visitation rights of a minor child.**
- 3. A person's household includes one or more minor or adult relatives.**
- 4. A person's household includes one or more adults or minor children in his or her legal custody or physical placement or with whom he or she has visitation rights.**
- 5. A person's household includes one or more adults or minor children placed in his or her care under a court order, under a guardianship or with the written permission of a parent or other person having legal custody of the adult or minor child.**

Gender identity or expression means a person's gender-related self-identity, appearance, expression or behavior, regardless of the person's sex at birth.

Hearing means a hearing under the jurisdiction of the Commission, except where otherwise indicated.

Housing means any improved property, including any mobile home as defined in Wis. Stat. § 66.0435 which is used or occupied, or is intended, arranged, or designed to be used or occupied, as a home or residence.

Add "Marital Status" includes being married, separated, divorced, widowed, or single.

Owner-occupied dwelling means a building used for human habitation in which the owner thereof maintains the owner's permanent living quarters.

Person means and includes any individual, partnership, labor or other association, corporation, legal representative, receiver, trustee, trustee in bankruptcy or other fiduciary, or the lessee, proprietor, manager, employee or any other agent of any such person.

Physical appearance means the outward appearance of any person, irrespective of sex, with regard to hair style, beards, manner of dress, weight, height, facial features, or other aspects of appearance. It shall not relate, however, to the requirement of cleanliness, uniforms, or prescribed attire, if and when

such requirement is uniformly applied for admittance to a place of public accommodation or amusement for a reasonable business purpose.

Political activity means conduct which is generally protected by the First Amendment to the United States Constitution relating to government, the conduct of government, or concerned with the making of governmental policy and which is not preempted by State or Federal law.

Probable cause means reasonable grounds to believe that a violation of this article may have occurred or may be occurring.

Public place of accommodation or amusement means and includes those accommodations, facilities and services which a person holds out to be open to the common and general use, participation, and enjoyment of the public for any purpose. The term "public place of accommodation or amusement" shall be interpreted broadly to include, but not be limited to, places of business or recreation, hotels, motels, resorts, restaurants, taverns, barber or cosmetologist, aesthetician, electrologist or manicuring establishments, nursing homes, clinics, hospitals, cemeteries, and any place where accommodations, amusements, goods or services are available either free or for a consideration, except where such a broad interpretation would deny to any person rights guaranteed by the constitutions of Wisconsin or the United States.

Add Religion includes all aspects of religious observance and practice, as well as belief.

Respondent means any person who, according to the allegations contained in any complaint filed with the Commission, has allegedly violated any discriminatory practice prohibited by this article and has been named in the complaint as a respondent.

Add Sexual orientation is the sexual or loving attraction to another person or the complete absence thereof to any person.

Source of income means and includes, but is not limited to, monies received from public assistance, pension and supplementary security income. Source of income shall be limited to legally derived income.

Student means a person who is enrolled in a college, university, technical college, accredited trade school, or apprenticeship program.

Unimproved residential lot means any residential lot upon which no permanent building or structure containing living quarters has been constructed.

(Code 1980, § 7.03(J)(2) ; Ord. No. [4837](#) , § II, III, 9-11-2014)

Cross reference— Definitions and rules of construction, § 1-2.

Sec. 22-21. - Penalty, enforcement officers and citations.

- (a) Any person violating any of the provisions of section 22-26 or 22-27, shall upon conviction, be subject to a forfeiture of not less than \$100.00 nor more than \$500.00.
- (b) Any person violating any of the provisions of section 22-25 shall be subject to forfeiture as provided in Wis. Stat. § 106.50 (6)(h); any such person who fails to comply with any lawful order of the Commission issued pursuant to section 22-25 shall be deemed guilty of a violation of section 22-25, and every day or fraction thereof on which such person shall fail or neglect to comply with such order, shall be deemed a separate offense.
- (c) The following persons are hereby authorized to enforce the provisions of this article and may issue citations as provided for in Wis. Stat. § 800.02(2) for violations of this article:
 - (1) The Chief of Police.
 - (2) Such other City officers or City employees who are assigned enforcement responsibilities for this article.

(Code 1980, § 7.03(J)(10))

Cross reference— General penalty for ordinance violations, § 1-7.

Sec. 22-22. - Declaration of policy.

The practice of providing equal opportunities in housing, places of public accommodations and amusement, and City facilities without regard to sex, race, religion, color, national origin or ancestry, age, disability, marital status, lawful source of income, physical appearance, sexual orientation, gender identity or expression, political activity, familial status, **add "domestic partnership"**, or the fact that such person is a student as defined herein is a desirable goal of the City of La Crosse and a matter of legitimate concern to its government. Discrimination against any of La Crosse's citizens or visitors endangers the rights and privileges of all. Denial of equal opportunity in housing compels individuals and families who are discriminated against to live in dwellings below the standards to which they are entitled. Denial of equal opportunity in public accommodations subjects those discriminated against to embarrassment and creates distress and unrest within the community. Provision for adequate safeguards against such discrimination is a proper and necessary function of City government. In order that the peace, freedom, safety and general welfare of all inhabitants of the City may be protected and ensured, it is hereby declared to be the public policy of the City of La Crosse to foster and enforce to the fullest extent the protection by law of the rights of all of its inhabitants to equal opportunity to housing, the use of City facilities and places of public accommodations and amusement without regard to sex, race, religion, color, national origin or ancestry, age, disability, marital status, lawful source of income, physical appearance, sexual orientation, gender identity or expression, political activity, familial status, **add "domestic partnership"**, or the fact that such person is a student as defined herein.

(Code 1980, § 7.03(J)(1) ; Ord. No. [4837](#) , § I, 9-11-2014)

Sec. 22-23. - **City of La Crosse Human Rights Commission.**

The Mayor, subject to confirmation by the Common Council, shall appoint a City of La Crosse **Human Rights** Commission, consisting of seven members, one of whom shall be designated President by the members of the Commission. Members shall be appointed from among the residents of the entire City, and shall be committed to the principle of equal opportunities. They shall receive no compensation for their services.

- (1) The Commission members shall be appointed for terms of three years and their terms shall run until their successors are appointed and confirmed. Terms shall expire on March 1.
- (2) The Commission shall have the following powers and duties:
 - a. To adopt, amend, publish and rescind rules for governing its meetings and hearings;
 - b. To adopt, amend, publish and rescind regulations consistent with, and for the enforcement of this article;
 - c. To request assistance from other City employees and staff as are necessary to promote the purposes of this article, and to prescribe their duties;
 - d. To receive, initiate and investigate all complaints alleging discriminatory practice with respect to any discriminatory practice prohibited by this article;
 - e. To appoint mediators who initially shall seek a settlement agreeable to both the complainant and the respondent by means of informal conferences;
 - f. If necessary, to hold hearings after efforts at settlement, based on complaints made against any person and a determination of probable cause; to administer oaths and take testimony; to compel the production of books, papers and any other documents relating to any matters involved in the complaint; and to subpoena witnesses and compel their attendance. If a witness either fails or refuses to obey a subpoena issued by the Commission, the Commission may order attendance. At any time after it has issued such

an order, the Commission may petition a court of competent jurisdiction for its enforcement;

- g. To issue, after hearing, such final orders as are necessary to promote the purposes of this article;
- h. Subject to hearing and due process and except as to the City, its officers, employees, boards, commissions and committees, to issue temporary orders effective for a maximum of 20 days, absent extraordinary circumstances, restraining the respondent from taking any action which would tend to render ineffectual or unenforceable any order which the Commission might issue;
- i. To refer orders, under this article, to the City Attorney to be enforced by the City Attorney in the name of the City of La Crosse;
- j. To make available to the public, in writing, copies of:
 - 1. Minutes of all of its proceedings except initial settlement efforts by its mediators;
 - 2. All temporary and final orders; and
 - 3. All decisions and opinions rendered;
- k. To require a written report of the manner of compliance with any final order it may issue;
- l. To recommend to the Mayor and the Common Council any legislation necessary to further promote the purposes of this article, and to file annual written reports of its work to the Mayor and the Common Council on or before June 30 of each year;
- m. To enter into cooperative agreements with the Wisconsin Department of Workforce Development, Equal Rights Division which agreements shall provide that the City of La Crosse Human Rights Commission shall refer those complaints which are covered under Wisconsin Housing or Public Accommodation laws which would require significant investigation and which would exceed the annual budget of the Commission;
- n. To educate the people of La Crosse regarding all types of discrimination;
- o. To the extent permitted by law, the Commission shall keep confidential the complaint, the investigation, inquiry and proceedings relative to complaints filed with the Commission.

(Code 1980, § 7.03(J)(6))

Cross reference— Boards, commissions and authorities, ch. 2, art. X.

Sec. 22-24. - Enforcement procedure.

(a) Complaint.

- (1) Except as otherwise provided in this article, any complaint alleging discrimination prohibited by this article shall be in writing. Such complaints may be initiated by:
 - a. The complainant;
 - b. Any agent of the complainant; or
 - c. Any member of the Commission on such member's own initiative.
- (2) All complaints shall contain the following:
 - a. The name and address of the complainant;
 - b. The name and address of the respondent or respondents;
 - c. A statement setting forth the particulars of the alleged discrimination or discriminatory practice; and

- d. The date or dates of the alleged discrimination or discriminatory practice.
- (b) *Where filed.* Complaints shall be filed with the City of La Crosse Equal Opportunities Commission in the Office of the La Crosse City Clerk, and may be filed in person or by mail.
- (c) *When filed.* Complaints alleging discrimination prohibited by this article shall be filed no later than 120 days after the complainant knew or should reasonably have known that the alleged act or acts occurred.
- (d) *Notice to respondent.* Upon the filing of a complaint, the Commission shall serve a copy thereof upon the respondent within 20 days of said filing.
- (e) *Amendment and withdrawal.* A complaint may be amended or withdrawn at any time with and subject to the approval of the Commission or its designated agent and under such terms as the Commissioner or agent shall direct.
- (f) *Investigations, hearing, determinations, appeal.*
 - (1) An independent fact finder, not a member of the Commission, designated by the Commission shall promptly investigate all duly filed complaints. Within 45 days of the filing of each complaint, said fact finder should issue to the complainant, respondent and the Commission an initial determination in writing of whether probable cause, as defined in this article, exists, and setting forth the basis of the determination. The Commission may extend the time frames provided in this article other than the time to appeal upon a showing of good cause.
 - (2) Should a determination be made that there is no probable cause to believe discrimination in violation of this article has been, or is being, committed, the complainant shall be afforded an opportunity to appeal such decision to the full Commission. Such appeal shall be in writing and served upon the Commission through the City Clerk of the City of La Crosse within 45 days of service of the Commission's determination of no probable cause. Should the Commission then decide that there is no probable cause, the complainant may appeal to the Circuit Court of La Crosse County. Such appeal shall be made within 45 days of the complainant's receipt of such final determination of the Commission.
 - (3) Should a determination be made that there is probable cause to believe discrimination in violation of this article has been or is being committed, an outside mediator designated by the Commission shall endeavor by means of mandatory mediation to eliminate the alleged discriminatory practice. Both parties shall have a good faith obligation to participate in mediation.
 - (4) In any case where efforts at settlement by means of mediation have failed to eliminate the discriminatory practice alleged by the complaint, the Commission shall promptly cause to be issued a notice of hearing before the Commission to determine the merits of the complaint. Upon receipt of said notice, the respondent shall have 20 calendar days to file and serve a written response. Such written response shall be served upon the complainant and the City Clerk.
 - (5) If, after a hearing before the Commission, and on the basis of the official record made therein, the Commission finds that the respondent has engaged in or is engaging in any discrimination, the Commission shall issue written findings of fact and conclusions thereon and shall order such action to be taken by the respondent and, where necessary, by the complainant, as will accomplish the purposes of this article by eliminating the discrimination found.
 - a. A certified copy of such recommended findings, conclusions, and orders, together with a summary of the findings of fact shall be mailed to the last known addresses of the complainant and respondent.
 - b. If within 30 days following the mailing of the examiner's decision the Commission does not receive notice of appeal, the findings, conclusions and orders of the examiner shall be the findings, conclusions and orders of the full Commission.

- c. Within 30 days following the mailing of the Commission's decision, the complainant or respondent may appeal by certiorari to the Circuit Court of La Crosse County.
- (g) Transfer of proceedings. At any time after a finding of probable cause the Commission, with appropriate notice to the complainant and respondent, may transfer the proceedings to itself.
- (h) Disqualification of Commissioners. No Commissioner who has filed a complaint on such Commissioner's own initiative under this article shall participate in any subsequent hearing or proceeding except as a witness, nor shall such Commissioner participate in the deliberations of the Commission in such case.
- (i) Judicial enforcement. Whenever in the judgment of the Commission, judicial enforcement of a Commission order is necessary, the Commission shall in writing request the City Attorney to commence proceedings in a court of competent jurisdiction to enforce such orders in the name of the City of La Crosse. Upon receipt of any such request, the City Attorney shall have the duty to seek enforcement of such orders in a court of competent jurisdiction.
- (j) The Commission shall use the following procedures in acting on all complaints alleging discrimination or substandard wages by the City of La Crosse:
 - (1) Upon receipt of a written complaint by the City Clerk naming the City of La Crosse as a respondent, a copy of such complaint shall be served on the City Attorney, the Mayor and the Commission.
 - (2) All discrimination complaints involving the City shall be referred to the Equal Rights Division (ERD) of the Wisconsin Department of Workforce Development or the U.S. Equal Employment Opportunity Commission (EEOC) or the U.S. Department of Housing and Urban Development (HUD), whichever may have jurisdiction over the complaint and the Commission shall take no action, but shall promptly refer the complaint to the ERD, EEOC or HUD for appropriate action as provided by law. The Complainant and respondent shall be informed of all such referrals.

(Code 1980, § 7.03(J)(7))

Sec. 22-25. - Housing discrimination prohibited.

- (a) Except in the individual home wherein the renter or lessee would share common living areas with the owner, lessor, manager or agent, it is unlawful for any person to discriminate:
 - (1) By refusing to sell, lease, finance or contract to construct housing or by refusing to discuss the terms thereof.
 - (2) By refusing to permit inspection or exacting different or more stringent price, terms or conditions for the sale, lease, financing or rental of housing.
 - (3) By refusing to finance or sell an unimproved residential lot or to construct a home or residence upon such lot.
 - (4) By publishing, circulating, issuing or displaying, or causing to be published, circulated, issued or displayed, any communication, notice, advertisement or sign in connection with the sale, financing, lease or rental of housing, which states or indicates any discrimination in connection with housing.
 - (5) For a person in the business of insuring against hazards, by refusing to enter into, or be exacting different terms, conditions or privileges with respect to, a contract of insurance against hazards to a dwelling.
 - (6) By refusing to renew a lease, causing the eviction of a tenant from rental housing or engaging in the harassment of a tenant.
 - (7) In providing the privileges, services or facilities that are available in connection with housing.
 - (8) By falsely representing that housing is unavailable for inspection, rental or sale.

- (9) By denying access to, or membership or participation in, a multiple listing service or other real estate service.
 - (10) By coercing, intimidating, threatening or interfering with a person in the exercise or enjoyment of, or on account of such person having exercised or enjoyed, a right granted or protected under this article, or with a person who has aided or encouraged another person in the exercise or enjoyment of a right granted or protected under this article.
 - (11) By otherwise making unavailable or denying housing.
- (b) Exceptions.
- (1) Nothing in this section shall prohibit discrimination on the basis of age in relation to housing designed to meet the needs of elderly individuals.
 - (2) Nothing in this section shall prohibit a person from exacting different or more stringent terms or conditions for financing housing based on the age of the individual applicant for financing if the terms or conditions are reasonably related to the individual applicant.
 - (3) Nothing in this section shall prohibit the development of housing designed specifically for persons with a handicap and discrimination on the basis of handicap in relation to such housing.
 - (4) Nothing in this section shall prevent any person from renting or leasing housing, or any part thereof, to solely male or female persons if such housing or part thereof is rented with the understanding that toilet and bath facilities must be shared with the lessor or with other tenants.
 - (5) Requiring references. Nothing in this section prohibits an owner or agent, from requiring that any person who seeks to buy, rent or lease housing supply information concerning family, marital, financial and business status but not concerning race, color, physical condition, developmental disability as defined in Wis. Stats. 51.01(5), sexual orientation, gender identity or expression political beliefs or creed.
 - (6) It is not discrimination based on family status to comply with any Federal, State or local government restrictions relating to the maximum number of occupants permitted to occupy a dwelling unit.
- (c) Representations designed to induce panic sales. No person may induce or attempt to induce any person to sell, rent or lease any dwelling by representations regarding the present or prospective entry into the neighborhood of a person or persons of a particular **sex**, race, color, religion, national origin, sexual orientation, gender identity or expression, political beliefs, student status, or economic status, **disability, age, marital status, familial status, lawful source of income, physical appearance**, or by representations to the effect that such present or prospective entry will or may result in:
- (1) The lowering of real estate values in the area concerned;
 - (2) A deterioration in the character of the area concerned;
 - (3) An increase in criminal or antisocial behavior in the area concerned; or
 - (4) A decline in the quality of the schools or other public facilities serving the area.

(Code 1980, § 7.03(J)(3) ; Ord. No. [4837](#) , § IV, V, 9-11-2014)

Sec. 22-26. - Public place of accommodation or amusement.

It shall be an unfair discrimination practice and unlawful and hereby prohibited:

- (1) For any person to deny to another, or charge another a higher price than the regular rate for the full and equal enjoyment of any public place of accommodation or amusement because of her/his sex, race, religion, color, national origin or ancestry, age, disability, marital status, domestic partnership status, lawful source of income, physical appearance, sexual orientation, gender identity or expression, political activity, familial status or the fact that such person is a student as defined herein.

- (2) For any person to directly or indirectly publish, circulate, display, or mail any written communication which s/he knows is to the effect that any of the facilities of any public place of accommodation or amusement will be denied to any person by reason of her/his sex, race, religion, color, national origin or ancestry, age, disability, marital status, domestic partnership status, lawful source of income, physical appearance, sexual orientation, gender identity or expression, political activity, familial status or the fact that such person is a student as defined herein, or that the patronage of a person is unwelcome, objectionable or unacceptable for any of these reasons.
- (3) For any owner, lessee, proprietor, manager, superintendent, agent or employee of any place of public accommodation or amusement to refuse to permit an eyesight-impaired, hearing-impaired, or mobility-impaired person to enter or use any such accommodations as are available, for the reason that the person is being assisted by an animal specially trained to assist such person if:
 - a. Such animal is wearing a harness or appropriate collar with identification; and
 - b. The person has presented, for inspection, credentials issued by a bona fide school for training such animals.
- (4) Section 22-27 does not prohibit special services, rates or benefits provided to any person because the person is 50 years old or older.

(Code 1980, § 7.03(J)(4) ; 2nd Am. Ord. No. 4262, 7-14-2005; Ord. No. [4837](#) , § VI, 9-11-2014)

Sec. 22-27. - City facilities.

It shall be an unfair discrimination practice and unlawful and hereby prohibited for any person, public official, employee, agent, agency, authority, board, commission or committee of the City of La Crosse to deny any person, the use of City facilities or otherwise discriminate against any person in the use of City facilities because of sex, race, religion, color, national origin or ancestry, age, disability, marital status, lawful source of income, physical appearance, sexual orientation, gender identity or expression, political activity, familial status or the fact that such person is a student as defined herein.

(Code 1980, § 7.03(J)(5) ; Ord. No. [4837](#) , § VII, 9-11-2014)

Sec. 22-28. - Retaliation or retaliatory discrimination prohibited.

It shall be unlawful to retaliate or discriminate against any person on account of having inquired into or having claimed a violation of this article.

(Ord. No. [4837](#) , § VIII, 9-11-2014)