

ORDINANCE NO.: 4879

AN ORDINANCE to amend and create portions of Sections 22-20, 22-22, and 22-25, 22-27 of the Code of Ordinances of the City of La Crosse for consistency and clarity of protected classes.

THE COMMON COUNCIL of the City of La Crosse do ordain as follows:

SECTION I: Section 22-20 is hereby amended as follows:

Section 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:

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, 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.

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.

*Marital Status* means 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.

*Religion* means 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.

*Sexual orientation* means 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.

SECTION II: Sec. 22-22 is hereby amended as follows:

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, 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, domestic partnership, or the fact that such person is a student as defined herein.

SECTION III: Sec. 22-25(c) is hereby amended as follows:

- (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 or ancestry, age, disability, marital status, domestic partnership status, lawful source of income, physical appearance, sexual orientation, gender identity or expression, political beliefs, familial status, student status, or economic status, 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.

SECTION IV: Sec. 22-27 is hereby amended as follows:

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, 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.

SECTION V: Should any portion of this section be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this section shall not be affected.

\_\_\_\_\_/s/\_\_\_\_\_  
Timothy Kabat, Mayor

\_\_\_\_\_/s/\_\_\_\_\_  
Teri Lehrke, City Clerk

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Approved: 7/9/15  
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