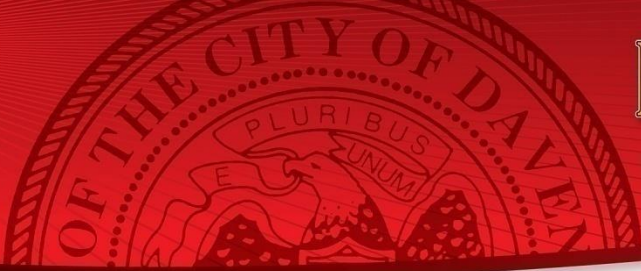


**Local Law:  
Sexual Orientation,  
Gender Identity and  
the Davenport Civil  
Rights Ordinance**



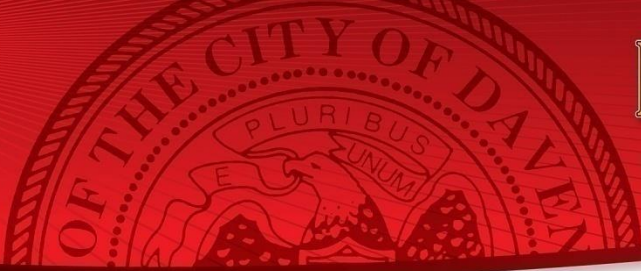
# **Davenport Civil Rights Ordinance**

- Established originally in 1962 as the Human Relations Ordinance
- Several changes over the years
- Sexual orientation added as a protected class in March 2000
- Gender Identity added as a protected class in September 2008



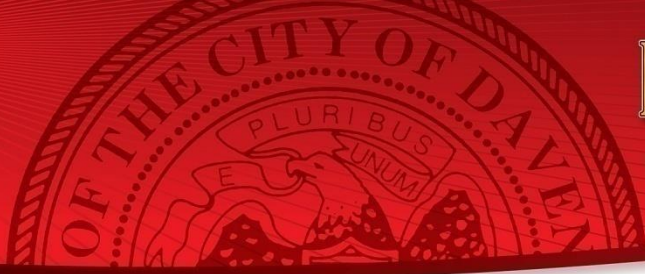
# Jurisdiction

- **Areas covered:**
  - Employment
  - Housing
  - Public Accommodation
  - Credit
  - Education
- **Statute of Limitations:**
  - 1 year for housing
  - 300 days for employment, public accommodation, credit, education



# **Jurisdiction, cont.**

- Occurred in Davenport
- Negative treatment
- Based on a protected class



# Protected Classes

- Race
- Color
- Religion
- Creed
- Sex
- National Origin
- Age
- Sexual Orientation
- Gender Identity
- Marital Status
- Familial Status
- Mental or Physical Disability



# Definitions

- Sexual Orientation:
  - “Homosexuality, heterosexuality and bisexuality”
  - Having a record of ...
  - Being perceived as being ...
- Gender Identity
  - gender-related identity of a person regardless of the person’s assigned sex at birth



# Prohibited Behavior

- Housing
  - Failure to Rent or Eviction/Termination of Tenancy
  - Different Terms
  - Harassment
- Employment
  - Failure to Hire or Termination
  - Negative Treatment
  - Harassment



# Statistics

- **Sexual Orientation** complaints filed
  - 2010: 5
  - 2011: 6
  - 2012: 2
  - 2013: 8
  - 2014: 3
- **Gender Identity** complaints filed
  - 2012: 1
- **Total: 24**
- **Total: 1**





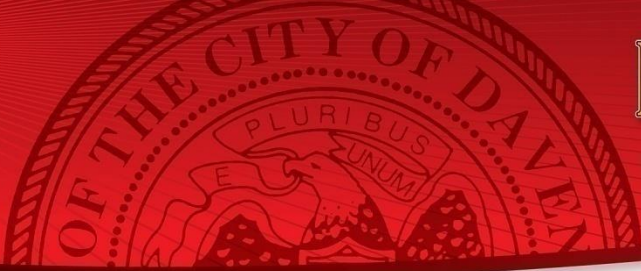
# Case Example #1-Employment

- Complainant is gay, worked as a cook at a restaurant. Was threatened; afraid to report it.
- Terminated
- Investigation
- Probable Cause decision issued
- Complainant obtained a right to sue. Settled before trial – confidential



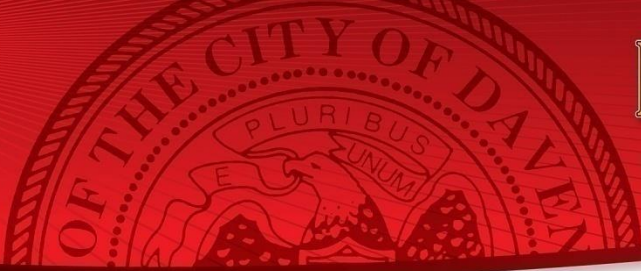
## **Case Example #2 - Housing**

- Transgendered individual who identifies as female alleges Landlord treated her differently based on sex, disability and gender identity.
- Investigation – several witnesses were contacted. Witness testimony did not support Complainant’s allegations
- No Probable Cause decision entered



# Remedies under Davenport Civil Rights Ordinance

- Housing – Administrative Hearing
  - Actual Damages
  - Injunctive Relief
  - Any other Equitable Relief
  - Attorney fees
  - Civil Penalty



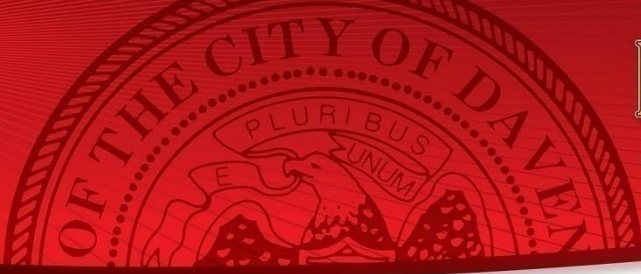
# Remedies under Davenport Civil Rights Ordinance

- Employment – Administrative hearing
  - Actual damages, such as back pay, front pay, economic damages, emotional distress
  - Reasonable attorney fees
  - Hiring or reinstatement, restoration of privileges
  - Costs of hearing



# **Human Rights Campaign's 2014 Municipal Equality Index**

- Davenport scored of **90** out of 100
- 291 cities were invited to participate. Average score was 57
- Topics scored include: laws, relationship recognition, municipality services and programs, law enforcement, employer policies and personal relationship with the local LGBT community



**Thank you!**

**Keirsten Anderson**

**Housing Analyst**

**(563) 326-7888**

**[kanderson@ci.davenport.ia.us](mailto:kanderson@ci.davenport.ia.us)**