

See AO 2009-64 (S-2)

Submitted by: Chair of the Assembly at the
Request of the Acting Mayor
Reviewed by: Assembly Counsel
For reading: May 12, 2009

**ANCHORAGE, ALASKA
AO NO. 2009-64**

**AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY AMENDING
ANCHORAGE CODE CHAPTERS 5.10 EQUAL RIGHTS COMMISSION AND 5.20
UNLAWFUL DISCRIMINATORY PRACTICES.**

THE ANCHORAGE ASSEMBLY ORDAINS:

Section 1. Anchorage Municipal Code 5.10.010 is hereby amended to read as follows:

5.10.010 Policy.

The public policy of the municipality is declared to be equal opportunity for all persons. The assembly finds that invidious discrimination in the sale or rental of real property, financing practices, employment practices, public accommodations, educational institutions, and practices of the municipality, based upon race, color, sex, sexual orientation, religion, national origin, marital status, age, veteran's status, or physical or mental disability, adversely affects the welfare of the community. Accordingly, such discrimination is prohibited.

(AO No. 92-116(S); AO No. 93-99; AO No. 93-149, § 1, 10-15-93; Ord. No. 2002-163, § 1, 1-7-03)

Section 2. Anchorage Municipal Code 5.20.010, Definitions, is hereby amended to read as follows (*not all definitions in the referenced section are affected and therefore not every definition is set out; language indicating no amendment is included for context only*):

5.20.010 Definitions.

*** *** ***

Blockbusting means any effort, for profit, to induce or attempt to induce a person to sell or rent a dwelling based on representations that a change has occurred, or will or may occur regarding the entry into a block, neighborhood or area, in which the real property is located, of a person or persons of a particular race, color, sex, sexual orientation, religion, national origin, marital status, age, veteran's status, or physical or mental disability, including but not limited to lower property values, an increase in criminal or antisocial behavior or decline in the quality of the schools or other facilities.

*** *** ***

Discrimination means any direct or indirect act or practice of exclusion, distinction, restriction, segregation, limitation, refusal or denial or any other act or

1 practice of differentiation or preference in the treatment of a person because of race,
2 color, religion, national origin, age, sex, sexual orientation, marital status, veteran's
3 status, or physical or mental disability, or the aiding, abetting, inciting, coercing or
4 compelling thereof.

5 *** *** ***

6
7 Sexual orientation means actual or perceived heterosexuality, homosexuality,
8 bisexuality or gender expression or identity. As used in this definition, "gender
9 expression or identity" means having or being perceived as having a self-image,
10 appearance, or behavior different from that traditionally associated with the sex
11 assigned to that person at birth.

12 *** *** ***

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14
15 Veteran means a person who is an active member of the United States Army,
16 Air Force, Coast Guard, Marine Corps, National Guard, or organized Military
17 reserves, or a person who has separated from the military service of the United
18 States Army, Air Force, Coast Guard, Marine Corps, National Guard, or organized
19 Military reserves under conditions which are not dishonorable.

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21 (AO No. 92-116(S); AO No. 93-99; AO No. 93-149, § 2, 10-15-93; AO No. 96-99, § 1,
22 10-22-96; Ord. No. 2002-163, § 2, 1-7-03)

23
24 **Section 3.** Anchorage Municipal Code 5.20.020 is hereby amended to read as follows
25 *(language indicating no amendment is included for context only; other language is*
26 *unaffected and therefore not set out):*

27
28 **5.20.020 Unlawful practices in the sale, rental or use of real property.**

- 29
30 A. It is unlawful for the owner, lessor, manager, agent, brokerage service, or
31 other person having the right to sell, lease, rent, advertise, or an owner's
32 association having the powers of governance and operation of real property to:
33
34 1. Refuse to sell, lease or rent, or to otherwise make unavailable, the real
35 property to a person because of race, color, sex, sexual orientation,
36 religion, national origin, marital status, age, veteran's status, or physical
37 or mental disability.
38
39 2. Discriminate against a person because of race, color, sex, sexual
40 orientation, religion, national origin, marital status, age, veteran's status,
41 or physical or mental disability in a term, condition or privilege relating
42 to the use, sale, lease or rental of real property.
43
44 3. Make a written or oral inquiry or record of the race, color, sex, sexual
45 orientation, religion, national origin, marital status, age, veteran's status,

1 or physical or mental disability of a person seeking to buy, lease or rent
2 real property.

3
4 4. Offer, solicit, accept, use or retain a listing of real property with the
5 understanding that a person may be discriminated against in a real
6 estate transaction or in the furnishing of facilities or sources in
7 connection therewith because of a person's race, color, sex, sexual
8 orientation, religion, national origin, marital status, age, veteran's status,
9 or physical or mental disability.

10
11 5. Represent to a person that real property is not available for inspection,
12 sale, rental or lease when in fact it is available, or refuse a person the
13 right to inspect real property, because of the race, color, sex, sexual
14 orientation, religion, national origin, marital status, age, veteran's status,
15 or physical or mental disability of that person or because of any person
16 associated with that person.

17
18 6. Engage in blockbusting for profit.

19
20 7. Circulate, issue or display, make, print or publish, or cause to be made
21 or displayed, printed or published, any communication, sign, notice,
22 statement or advertisement with respect to the use, sale, lease or rental
23 of real property that indicates any preference, limitation, specification or
24 discrimination based on race, color, sex, sexual orientation, religion,
25 national origin, marital status, age, veteran's status, or physical or
26 mental disability.

27
28 *** **

29 (CAC 8.36.090; AO No. 93-149, § 2, 10-15-93; AO No. 2002-163, § 3, 1-7-03; AO
30 No. 2008-16, § 1, 3-18-08)

31
32 **Section 4.** Anchorage Municipal Code 5.20.030 is hereby amended to read as follows
33 *(language indicating no amendment is included for context only; other language is*
34 *unaffected and therefore not set out):*

35
36 **5.20.030 Unlawful financing practices.**

37
38 A. It is unlawful for an insurance company, a financial institution or other
39 commercial institution extending secured or unsecured credit, upon receiving
40 an application for financial assistance or credit for the acquisition, construction,
41 rehabilitation, repair or maintenance of a housing accommodation or other
42 property or services, or the acquisition or improvement of unimproved
43 property, or upon receiving an application for any sort of loan of money, or
44 upon receiving an application for insurance, to permit one of its officials or
45 employees during the execution of his or her duties to:

- 1
2 1. Discriminate against the applicant because of race, color, sex, sexual
3 orientation, religion, national origin, marital status, age, veteran's status,
4 or physical or mental disability, in a term, condition or privilege relating
5 to the obtainment or use of the institution's financial assistance,
6 insurance or credit.
7
- 8 2. Make or cause to be made a written or oral inquiry or record of the race,
9 color, sex, sexual orientation, religion, national origin, marital status,
10 age, veteran's status, or physical or mental disability, of a person
11 seeking the institution's financial assistance, insurance or credit unless
12 the inquiry is for the purpose of ascertaining the applicant's
13 creditworthiness or insurability.
14
- 15 3. Refuse to extend credit, issue a credit card, insure or make a loan to a
16 single, divorced, pregnant or married person who is otherwise
17 creditworthy, if so requested by the person or to refuse to extend credit,
18 issue a credit card, insure or make a loan to a creditworthy person
19 based on that person's sexual orientation.
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21 *** *** ***

22 (CAC 8.38.020; AO No. 93-149, § 2, 10-15-93; AO No. 2002-163, § 3, 1-7-03)

23
24 **Section 5.** Anchorage Municipal Code Chapter 5.20.040 is hereby amended to read as
25 follows (*other language is unaffected and therefore not set out*):
26

27 **5.20.040 Unlawful employment practices.**

28
29 A. It is unlawful for:

- 30
31 1. An employer to refuse employment to a person, or to bar him or her
32 from employment, or to discriminate against him or her in
33 compensation, or in a term, condition or privilege of employment or to
34 discharge, expel, reduce, suspend or demote him or her because of
35 race, color, sex, sexual orientation, religion, national origin, marital
36 status, age, veteran's status, or physical or mental disability, unless the
37 reason for the discrimination is a bona fide occupational qualification.
38
- 39 2. A labor organization to exclude or to expel a person from its
40 membership or to discriminate against one of its members or an
41 employer or employee because of race, color, sex, sexual orientation,
42 religion, national origin, marital status, age, veteran's status, or physical
43 or mental disability.
44
- 45 3. A person, employer or employment agency to broadcast, publish, print,
circulate or cause to be broadcasted, published, printed or circulated a

1 statement or advertisement in connection with prospective employment,
2 or to use a form of application for employment that expresses, directly
3 or indirectly, a limitation, specification, preference or discrimination as
4 to race, color, sex, sexual orientation, religion, national origin, marital
5 status, age, veteran's status, or physical or mental disability.
6

7 ***

8 (CAC 8.40.040; AO No. 92-116(S); AO No. 93-99; AO No. 93-77; AO No. 93-149, §
9 2, 10-15-93; AO No. 2002-163, § 3, 1-7-03)

10
11 **Section 6.** Anchorage Municipal Code 5.20.050 is hereby amended to read as follows:
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13 **5.20.050 Unlawful practices in places of public accommodation.**
14

15 A. It is unlawful for a person, whether the owner, operator, agent or employee of
16 an owner or operator of a public accommodation, to:
17

18 1. Refuse, withhold from or deny to a person any of its accommodations,
19 advantages, facilities, benefits, privileges, services or goods of that
20 place on account of race, color, sex, sexual orientation, religion,
21 national origin, marital status, age, veteran's status, or physical or
22 mental disability.
23

24 2. Publish, circulate, issue, display, post or mail a written or printed
25 communication, notice or advertisement which states or implies that:
26

27 a. Any of the services, goods, facilities, benefits, accommodations,
28 advantages or privileges of the public accommodation will be
29 refused, withheld from or denied to a person of a certain race,
30 color, sex, sexual orientation, religion, national origin, marital
31 status, age, veteran's status, or physical or mental disability; or
32

33 b. The patronage or presence of a person belonging to a particular
34 race, color, sex, sexual orientation, religion, national origin,
35 marital status, age, veteran's status, or physical or mental
36 disability is unwelcome, not desired, not solicited, objectionable
37 or unacceptable.
38

39 3. Make a written or oral inquiry concerning the race, color, sex, sexual
40 orientation, religion, national origin, marital status, age, veteran's status,
41 or physical or mental disability of an individual in connection with the
42 solicitation, reservation, booking, sale or dispensing of its
43 accommodations, advantages, facilities, benefits, privileges, services or
44 goods.
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1 (CAC 8.40.020; AO No. 93-149, § 2, 10-15-93; AO No. 2002-163, § 3, 1-7-03)

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3 **Section 7.** Anchorage Municipal Code Chapter 5.20.060 is hereby amended to read as
4 follows (*language indicating no amendment is included for context only*):

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6 **5.20.060 Unlawful practices in educational institutions.**

- 7
8 A. It is unlawful for a person operating or assisting in the operation of an
9 educational institution to:
- 10 1. Refuse to admit or otherwise to discriminate against an individual with
11 respect to the terms, conditions, accommodations, advantages,
12 facilities, benefits, privileges or services of that institution on account of
13 race, color, sex, sexual orientation, religion, national origin, marital
14 status, age, veteran's status, or physical or mental disability.
 - 15 2. Make or use a written or oral inquiry or form of application for admission
16 that elicits information concerning the race, color, sex, sexual
17 orientation, religion, national origin, marital status, age, veteran's status,
18 or physical or mental disability, of an applicant for admission.
 - 19 3. Require or cause to be required that a photograph of an applicant for
20 admission be submitted with an application for admission.
 - 21 4. Publish, circulate or display, or cause to be published, circulated or
22 displayed, a written, printed, oral or visual communication,
23 advertisement or catalog or any other form of publicity relating to
24 admission that expresses or indicates a preference, limitation,
25 specification or discrimination on account of the race, color, sex, sexual
26 orientation, religion, national origin, marital status, age, veteran's status,
27 or physical or mental disability, of an applicant for admission.
 - 28 5. Establish, announce or follow a policy of denial or limitation of
29 education opportunities for members of a group on account of race,
30 color, sex, sexual orientation, religion, national origin, marital status,
31 age, veteran's status, or physical or mental disability.
 - 32 6. Use in the recruitment of potential applicants for admission, a service or
33 agency that discriminates against individuals on account of race, color,
34 sex, sexual orientation, religion, national origin, marital status, age,
35 veteran's status, or physical or mental disability.

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43 (CAC 8.40.030; AO No. 93-149, § 2, 10-15-93; AO No. 2002-163, § 4, 1-7-03)

1 **Section 8.** Anchorage Municipal Code Chapter 5.20.070 is hereby amended to read as
2 follows:

3 **5.20.070 Unlawful practices by municipality.**

4 A. It is unlawful for the municipality or any public agency of the municipality to:

- 5
6 1. Refuse, withhold from or deny to a person any local, state or federal
7 funds, services, goods, facilities, advantages or privileges because of
8 race, color, sex, sexual orientation, religion, national origin, marital
9 status, age, veteran's status, or physical or mental disability.
10
11 2. Publish, circulate, issue, display, post or mail a written or printed
12 communication, notice or advertisement which states or implies that
13 any local, state or federal funds, services, goods, facilities, advantages
14 or privileges of the office or agency will be refused, withheld from or
15 denied to a person of a certain race, color, sex, sexual orientation,
16 religion, national origin, marital status, age, veteran's status, or physical
17 or mental disability, or that the patronage of a person belonging to a
18 particular race, color, sex, sexual orientation, religion, national origin,
19 marital status, age, veteran's status, or physical or mental disability is
20 unwelcome, not desired or not solicited.
21

22 (AO No. 91-173(S); AO No. 92-116(S); AO No. 93-99; AO No. 93-149, § 2, 10-15-93;
23 AO No. 2002-163, § 5, 1-7-03)
24

25 **Section 9.** Anchorage Municipal Code Chapter 5.20.080 is hereby amended to read as
26 follows:

27
28 **5.20.080 Lawful practices.**

29
30 Notwithstanding any provision of this chapter, it shall not be unlawful for a person in
31 connection with the sale or rental of real property, financing practices, employment
32 practices, public accommodations, educational institutions, and practices of the
33 municipality to make or keep records identifying race, color, sex, sexual orientation,
34 religion, national origin, marital status, age, veteran's status, or physical or mental
35 disability, if the purpose of the record is to comply with federal or state equal
36 opportunity laws or regulations or in furtherance of a program designed to ensure
37 compliance with this title.
38

39 (AO No. 93-149, § 2, 10-15-93; AO No. 2002-163, § 7, 1-7-03)
40

41 **Section 10.** Anchorage Municipal Code Chapter 5.20.090 is hereby amended to read as
42 follows:

43
44 **5.20.090 Religious exemptions.**
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1 It shall be lawful for a bona fide religious or denominational institution, organization,
2 corporation, association, educational institution, or society, to limit, select or give
3 preferential treatment in employment, admissions, accommodations, advantages,
4 facilities, benefits, or services, to persons of the same religion or denomination, that
5 is reasonably calculated to promote the religious principles for which it is established
6 or maintained. Such organizations otherwise remain subject to the other provisions in
7 this title with regard to race, color, sex, sexual orientation, religion, national origin,
8 marital status, age, veteran's status, or physical or mental disability.

9
10 (AO No. 92-116(S); AO No. 93-99; AO No. 2002-163, § 4, 1-7-03)

11
12 **Section 11.** This ordinance shall become effective immediately upon its passage and
13 approval by the Assembly.

14
15
16 PASSED AND APPROVED by the Anchorage Assembly this _____ day of
17 _____, 2009.

18
19
20 _____
21 Chair

22 ATTEST:

23
24 _____
25 Municipal Clerk
26