

Chapter 2.50 - HUMAN RIGHTS COMMISSION

Sections:

2.50.010 - Purpose.

The purpose of this chapter is to establish a human rights commission consistent with the Iowa Civil Rights Act (Chapter 216, Code of Iowa); to recognize the authority of the Iowa Civil Rights Commission and foster use of its procedures and programs; to increase awareness, understanding and appreciation of diversity within the community; and to promote the interests, rights and privileges of all citizens by proclaiming a public policy of nondiscrimination which secures freedom from discriminatory practices, protects human dignity and ensures the full productive capacities of all for the safety, health and general welfare of Decorah. The city of Decorah is fundamentally concerned about the practice or policy of discriminating against individuals and families for reasons of age, color, race, ethnicity, national origin or ancestry, creed or religious belief, disability, sex or sexual orientation, organizational affiliation, marital status or familial status, or public assistance or source of income. Such discrimination threatens not only the rights and privileges of individual citizens but also the foundations and institutions of a democracy.

(Ord. 1082 § 1 (part), 2005)

2.50.020 - Definitions.

For the purposes of this chapter, the following terms shall have the following meanings:

"Age" means the chronological age of any person who has reached the age of eighteen or is considered by law to be an adult.

"City attorney" means the duly appointed attorney for the city or such person designated by the city attorney.

"Commission" means the Decorah human rights commission.

"Commissioner" means a member of the commission.

"Complainant" means a person who has filed a report of discrimination as provided for by this chapter.

"Complaint" means a report of discrimination as provided for by this chapter.

"Conciliation" means a dialogue and negotiation between the complainant and the respondent with the assistance of an impartial third party, to take place before any finding of blame or probable cause, with the goal of resolving the complaint to the satisfaction of both parties.

"Court" means the Winneshiek County district court of the state of Iowa or any judge of the court if the court is not in session at that time.

"Credit transaction" means any open or closed-end credit transaction including, but not limited to, a loan, retail installment transaction, credit card issue or charge, whether for personal or for business purposes, in which a service, finance or interest charge is imposed or which provides for repayment in scheduled payments, when such credit is extended in the regular course of any trade or commerce.

"Dependent" means any person, regardless of age, who resides in a household and who derives primary care or support from that household.

"Disability" means the physical or mental impairment of a person which substantially limits one or more

major life activities, a record of such an impairment, or being regarded as having such an impairment. Disability also refers to the condition of a person with a positive human immunodeficiency virus test result, a diagnosis of acquired immune deficiency syndrome, a diagnosis of acquired immune deficiency syndrome-related complex or any other condition related to acquired immune deficiency syndrome. The inclusion of a condition related to a positive human immunodeficiency virus test result in the meaning of "disability" under the provisions of this chapter does not preclude the application of the provisions of this chapter to conditions resulting from other contagious or infectious diseases.

"Domestic partner" means an adult who has entered into a domestic partnership.

"Domestic partnership" means a relationship between two adults in which the persons are not related by blood closer than permitted under the marriage laws of the state; neither person is married or in any other domestic partnership; the persons are competent to enter into a contract; and both persons consider themselves to be in a partnership of mutual support, caring and commitment to each other.

"Employee" means any person employed by an employer.

"Employer" means the city or any board, commission, department, or agency thereof, and every person employing employees whose employment or any part thereof is within the city.

"Employment agency" means any person undertaking to procure employees or opportunities to work for any other person.

"Ethnicity" means the identification of a person with a culturally and geographically defined group that shares cultural practices including, but not limited to, dress, holidays, food, language and customs, and religion.

"Familial status" means the presence of:

- A. One or more individuals under the age of eighteen domiciled with one of the following:
 1. A parent or another person having legal custody of the individual or individuals;
 2. The designee of the parent or the other person having custody of the individual or individuals, with the written permission of the parent or other person;
 3. A person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of eighteen years.
- B. A person domiciled with and caring for another adult with physical or mental disabilities.

"Family" means individuals, with or without dependents, who are single, married, divorced, separated, widowed, domestic partners, or domiciled with and caring for another adult with a physical or mental disability.

"Housing accommodation" means any improved or unimproved real estate which is used or intended for use as a residence or sleeping place for one or more persons.

"Marital status" means the state of being married, single, divorced, separated or widowed.

"Married" means two persons joined together in a committed relationship legally recognized by civil union or religious sanction.

"National origin" means the geographic or political identification of an individual person.

"Organizational affiliation" means the voluntary identification and association with an organization, e.g., labor group or political party, or the choice to not so identify or affiliate.

"Person" means one or more individuals, partnerships, associations, corporations, legal representatives, trustees, receivers, the city or any board, commission, department, or agency thereof, and all other governmental units conducting any activity in the city.

"Public accommodation" means each and every place, establishment or facility of whatever kind, nature or class that caters or offers services, facilities or goods to the general public for a fee or charge. Each and every place, establishment or facility that caters or offers services, facilities or goods to the general public gratuitously shall be deemed a public accommodation if the accommodation receives any substantial governmental support or subsidy. Public accommodation shall not mean any bona fide private club or other place, establishment or facility which is by its nature distinctly private, except that, when such distinctly private place, establishment or facility caters or offers services, facilities or goods to the general public for a fee or charge gratuitously, it shall be deemed a public accommodation during such period.

"Public assistance or source of income" means income and support derived from any tax-supported federal, state or local funds, including, but not limited to, social security, supplemental security income, temporary aid to needy families, food stamps and unemployment compensation.

"Race" means an individual and systemic identification of people based upon perceived physical distinctions.

"Respondent" means a person who is alleged to have committed an act prohibited by this chapter, against whom a complaint has been filed under this chapter.

"Retaliate" means any act directed at a complainant or other person with the intent of affecting that person unfavorably because of his or her formal or informal efforts to secure or aid in securing compliance with this chapter.

"Sex" means a category into which human beings are placed, based on the perceived or actual physical presence of reproductive organs representing two main biological divisions of male or female, or a combination thereof, hermaphrodite, transgendered, in surgical transition, etc.

"Sexual orientation" means actual or perceived heterosexuality, homosexuality or bisexuality.

(Ord. 1082 § 1 (part), 2005)

2.50.030 - Human rights commission.

The city of Decorah establishes a human rights commission to be governed by the following provisions:

- A. The human rights commission shall consist of seven residents of the city of Decorah appointed by the mayor, with the advice and majority approval of the city council. The term of appointment shall be three years from January 1st of the year in which the appointment is made. No person shall serve on the commission for more than six consecutive years. Vacancies shall be filled in the same manner for the remainder of the unexpired term. Appointments shall represent the diversity of people in Decorah with respect to age, color, race, ethnicity, national origin or ancestry, creed or religious belief, disability, sex or sexual orientation, organizational affiliation, marital status or familial status, or public assistance or source of income. Whenever possible, appointments shall also represent areas of expertise in the law, education, mediation and conciliation, interpersonal relationships and other areas that will aid the commission in its primary goals of education and the investigation and

resolution of complaints. At the establishment of this commission, three members shall be appointed for a three-year term, two members for a two-year term and two members for a one-year term.

- B. The members of the commission shall serve without compensation, provided that they may receive actual and necessary expenses incurred, within the limits established in the city budget.
- C. The commission shall elect from its membership at its first regular meeting of each calendar year its chairperson, vice-chairperson and secretary, each to serve for a term of one year. The commission shall fill vacancies among its officers for the remainder of the unexpired term.
- D. The following provisions govern the meetings of the human rights commission:
 - 1. The commission shall hold a meeting at least six times per year at a time and place to be determined by its rules.
 - 2. The chairperson, the vice-chairperson or any of the three members of the commission may call a special meeting by giving at least one full day's notice to every member of the commission. The call for a special meeting shall include an agenda, and only matters included in that agenda may be discussed at the meeting.
 - 3. A quorum of the commission shall be four members. A majority of the members present and voting shall be necessary for the passage of any motion; the chairperson shall vote as a member of the commission.
 - 4. The commission may adopt, amend or rescind such rules as may be necessary for the conduct of its business.
 - 5. All meetings of the commission shall be public meetings, except the commission may close a meeting if it follows the procedures utilized by the city of Decorah in accordance with the Code of Iowa, Chapter 21.5.
 - 6. All records and announcements of the commission shall be public and kept on file in the office of the city clerk except:
 - a. Complaints, reports of investigations, statements and other documents or records obtained in an investigation of any complaints;
 - b. The minutes of any session that is a closed meeting.
 - 7. No member of the commission shall disclose the filing of a complaint, the information gathered during the investigation or the endeavors to eliminate a discriminatory practice by conciliation or persuasion, except when relevant in a public hearing.
- E. The commission shall cooperate with the State Civil Rights Commission, the United States Civil Rights Commission, the Federal Equal Employment Opportunity Commission and other agencies with similar purposes. The commission shall provide for the execution within the city of the policies and principles embodied in the Iowa Civil Rights Act and the Federal Civil Rights Act.

(Ord. 1082 § 1 (part), 2005)

(Ord. No. 11-42, §§ 1.A, B., 5-7-2012)

2.50.040 - Powers and responsibilities of the commission.

The commission shall have the following powers and responsibilities:

- A. Education.
 - 1. Plan, conduct and assist organizations (e.g., schools, businesses, religious groups, civic associations, libraries and museums) in programs designed to increase community awareness, appreciation of diversity and the full securing of the rights of all citizens.
 - 2. Plan, conduct and assist other organizations in cultural events designed to promote the dignity

and human rights of all individuals and families and to foster understanding of human diversity.

3. Increase understanding of diversity within the community by encouraging the participation of citizens in study circles and small-group deliberations, with the goal of addressing discriminatory practices in an open and democratic way.

B. Investigation and Resolution of Complaints.

1. Receive, investigate and pass upon charges or complaints alleging discriminatory practices as provided in this chapter.
2. Investigate and study the existence, character, causes and extent of discrimination in employment practices, public accommodations or services, open housing, education and credit practices, and attempt to eliminate such discrimination by education and conciliation.
3. Issue such publications and reports of investigations and research which, in the judgment of the commission, shall tend to promote goodwill among the various racial, religious and ethnic groups of the city and which shall tend to minimize or eliminate discrimination in employment practices, public accommodations or services, open housing, education and credit practices because of age, color, race, ethnicity, national origin or ancestry, creed or religious belief, disability, sex or sexual orientation, organizational affiliation, marital status or familial status, or public assistance or source of income.
4. Prepare and transmit to the mayor and the council from time to time, but not less often than once each year, reports describing its proceedings, investigations, hearings conducted and the outcome thereof, decisions rendered and other work performed by the commission.
5. Make recommendations to the mayor and the council for such further legislation concerning discrimination because of age, color, race, ethnicity, national origin or ancestry, creed or religious belief, disability, sex or sexual orientation, organizational affiliation, marital or familial status, or public assistance or source of income.
6. Cooperate, within the limits of any appropriations made for its operation, with other agencies or organizations, both public and private, whose purposes are not inconsistent with those of this chapter, in the planning and conducting of programs designed to eliminate racial, religious, cultural and intergroup tensions.
7. Hold hearings upon any complaint of a discriminatory practice.
8. Provide appropriate remedies where discrimination has been found to exist, such remedies including, but not limited to, cease and desist orders and remedial actions provided in Section 216.15(8)(a) of the Code of Iowa.

(Ord. 1082 § 1 (part), 2005)

2.50.050 - Discriminatory practices.

A. Employment.

1. It shall be a discriminatory practice for any person to refuse to hire, accept, register, classify or refer for employment, to discharge any employee, or to otherwise discriminate in employment against any applicant for employment or any employee because of the age, color, race, ethnicity, national origin or ancestry, creed or religious belief, disability, sex or sexual orientation, marital status, organizational affiliation, or public assistance or source of income of such applicant or employee, unless based upon the nature of the occupation.
2. It shall be a discriminatory practice for any labor organization, or its employees, agents or members, to refuse to admit to membership any applicant, to expel any member or to otherwise discriminate against any applicant for membership or any member in the privileges, rights or benefits of such membership because of the age, color, race, ethnicity, national origin or ancestry, creed or religious

belief, disability, sex or sexual orientation, organizational affiliation, marital status or familial status, or public assistance or source of income.

3. It shall be a discriminatory practice for any employer, employment agency, labor organization, or their employees, agents or members, to directly or indirectly advertise or in any other manner indicate or publicize that individuals of any particular age, color, race, ethnicity, national origin or ancestry, creed or religious belief, disability, sex or sexual orientation, marital status, organizational affiliation, or public assistance or source of income are unwelcome, objectionable, not acceptable or not solicited for employment or membership unless based on the nature of the occupation.
4. It shall be a discriminatory practice for any person to solicit or require as a condition of employment of any employee or prospective employee a test for the presence of the antibody to the human immunodeficiency virus, or to affect the terms, conditions or privileges of employment, or to terminate the employment of any employee solely as a result of the employee obtaining a test for the presence of the antibody to the human immunodeficiency virus. An agreement between an employer, employment agency, labor organization, or their employees, agents or members, and an employee or prospective employee concerning employment, pay or benefits to an employee or prospective employee in return for taking a test for the presence of the antibody to the human immunodeficiency virus, is prohibited. The prohibitions of this subsection do not apply if the state epidemiologist determines and the director of public health declares, through the utilization of guidelines established by the center for disease control of the United States Department of Health and Human Services, that a person with a condition related to acquired immune deficiency syndrome poses a significant risk of transmission of the human immunodeficiency virus to other persons in a specific occupation.
5. An employer, employment agency, or their employees, servants or agents, may offer employment or advertise for employment to only persons with disabilities, when other applicants have available to them other employment compatible with their ability which would not be available to persons with disabilities because of their disabilities. Any such employment or offer of employment shall not discriminate among persons with disabilities on the basis of age, color, race, ethnicity, national origin or ancestry, creed or religious belief, sex or sexual orientation, organizational affiliation, marital status, or public assistance or source of income. If a person with a disability is qualified to perform a particular occupation by reason of training or experience, the nature of that occupation shall not be the basis for exception to the discriminating practices prohibited by this subsection.
6. Employment policies relating to pregnancy and childbirth shall be governed by the following:
 - a. A written or unwritten employment policy or practice that excludes from employment applicants or employees because of the employee's pregnancy is a prima facie violation of this chapter.
 - b. Disabilities caused or contributed to by the employee's pregnancy, miscarriage, childbirth and recovery therefrom are, for all job-related purposes, temporary disabilities and shall be treated as such under any health or temporary disability insurance or sick leave plan available in connection with employment.
 - c. Written and unwritten employment policies and practices involving matters such as the commencement and duration of leave, the availability of extensions, the accrual of seniority, and other benefits and privileges, reinstatement and payment under any health or temporary disability insurance or sick leave plan, formal or informal, shall be applied to a disability due to the employee's pregnancy or giving birth, on the same terms and conditions as they are applied to other temporary disabilities.
 - d. Disabilities caused or contributed to by legal abortion and recovery therefrom are, for all job-related purposes, temporary disabilities and shall be treated as such under any temporary

disability or sick leave plan available in connection with employment.

- e. Written and unwritten employment policies and practices involving matters such as the commencement and duration of leave, the availability of extensions, the accrual of seniority, and other benefits and privileges, reinstatement and payment under any temporary disability insurance or sick leave plan, formal or informal, shall be applied to a disability due to legal abortion on the same terms and conditions as they are applied to other temporary disabilities.
 - f. The employer may elect to exclude health insurance coverage for abortion from a plan provided by the employer, except where the life of the mother would be endangered if the fetus were carried to term or where medical complications have arisen from an abortion.
 - g. An employer shall not terminate the employment of a person disabled by pregnancy because of the employee's pregnancy.
 - h. Where a leave is not available or a sufficient leave is not available under any health or temporary disability insurance or sick leave plan available in connection with employment, the employer of the pregnant employee shall not refuse to grant to the employee who is disabled by the pregnancy a leave of absence if the leave of absence is for the period that the employee is disabled because of the employee's pregnancy, childbirth or related medical conditions, or for eight weeks, whichever is less. However, the employee must provide timely notice of the period of leave requested and the employer must approve any change in the period requested before the change is effective.
 - i. Before granting the leave of absence, the employer may require that the employee's disability resulting from pregnancy be verified by medical certification stating that the employee is not able to reasonably perform the duties of employment.
7. This section shall not prohibit discrimination on the basis of age if the person subject to the discrimination is under the age of eighteen years, unless that person is considered by law to be an adult.
 8. Notwithstanding the provisions of this section, a state or federal program designed to benefit a specific age classification that serves a bona fide public purpose shall be permissible.
 9. This section shall not apply to:
 - a. Any employer who regularly employs less than four individuals. For purposes of this subsection, individuals who are members of the employer's family shall not be counted as employees;
 - b. The employment of individuals for work within the home of the employer if the employer or members of the employer's family reside therein during such employment;
 - c. The employment of individuals to render personal service to the person of the employer or members of the employer's family;
 - d. Any bona fide religious institution or its educational facility, association, corporation or society with respect to any qualifications for employment based on religion when such qualifications are related to a bona fide religious purpose;
 - e. A religious qualification for instructional personnel or an administrative officer, serving in a supervisory capacity of a bona fide religious educational facility or religious institution, shall be presumed to be a bona fide occupational qualification.
 10. After a person with a disability is employed, the employer shall not be required under this chapter to promote or transfer the person to another job or occupation, unless, prior to the transfer, the person with the disability, by training or experience, is qualified for the job or occupation. Any collective bargaining agreement between an employer and labor organization shall contain this section as part of the agreement.

B. Accommodations or Services.

1. It shall be a discriminatory practice for any owner, lessee, sublessee, proprietor, manager or superintendent of any public accommodation or any agent or employee thereof:
 - a. To refuse or deny to any person because of color, race, ethnicity, national origin or ancestry, creed or religious belief, disability, sex or sexual orientation, marital or familial status, or organizational affiliation the accommodations, advantages, facilities, services, or privileges thereof, or otherwise to discriminate against any person because of color, race, ethnicity, national origin or ancestry, creed or religious belief, disability, sex or sexual orientation, organizational affiliation, marital or familial status, or public assistance or source of income in the furnishing of such accommodations, advantages, facilities, services or privileges;
 - b. To directly or indirectly advertise or in any other manner indicate or publicize that the patronage of persons of any particular color, race, ethnicity, national origin or ancestry, creed or religious belief, disability, sex or sexual orientation, organizational affiliation, marital or familial status, or public assistance or source of income is unwelcome, objectionable, not acceptable or not solicited.
2. This section shall not apply to:
 - a. Any bona fide religious institution with respect to any qualifications the institution may impose based on religion when such qualifications are related to a bona fide religious purpose;
 - b. The rental or leasing to transient individuals of less than six rooms within a single housing accommodation by the occupant or owner of such housing accommodation if the occupant or owner or members of that person's family reside therein.

C. Housing.

1. It shall be a discriminatory practice for any person, owner, or person acting for an owner, of rights to housing or real property, with or without compensation, including, but not limited to, persons licensed as real estate brokers or salespersons, attorneys, auctioneers, agents or representatives by power of attorney or appointment, or any person acting under court order, deed of trust or will:
 - a. To refuse to sell, rent, lease, assign, sublease, refuse to negotiate, or to otherwise make unavailable, or deny any real property or housing accommodation, or any part, portion or interest in the real property or housing accommodation, to any person because of the color, race, ethnicity, national origin or ancestry, creed or religious belief, disability, sex or sexual orientation, organizational affiliation, marital or familial status, or public assistance or source of income of such person;
 - b. To discriminate against any person because of the person's color, race, ethnicity, national origin or ancestry, creed or religious belief, disability, sex or sexual orientation, organizational affiliation, marital or familial status, or public assistance or source of income in the terms, conditions or privileges of the sale, rental, lease assignment or sublease of any real property or housing accommodation, or any part, portion or interest in the real property or housing accommodation, or in the provision of services or facilities in connection with the real property or housing accommodation;
 - c. To directly or indirectly advertise, or in any other manner indicate or publicize that the purchase, rental, lease, assignment or sublease of any real property or housing accommodation, or any part, portion or interest in the real property or housing accommodation, by persons of any particular color, race, ethnicity, national origin or ancestry, creed or religious belief, disability, sex or sexual orientation, organizational affiliation, marital or familial status, or public assistance or source of income is unwelcome, objectionable, not acceptable or not solicited;
 - d. To discriminate against the lessee or purchaser of any real property or housing accommodation,

or any part, portion or interest of the real property or housing accommodation, or against any prospective lessee or purchaser of the property or accommodation, because of the color, race, ethnicity, national origin or ancestry, creed or religious belief, disability, sex or sexual orientation, marital or familial status, organizational affiliation, or public assistance or source of income of persons who may from time to time be present in or on the lessee's or owner's premises for lawful purposes at the invitation of the lessee or owner as friends, guests, visitors, relatives or in any similar capacity.

2. For purposes of this section, "person" means one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint stock companies, trusts, unincorporated organizations, trustees, trustees in cases under Title 11 of the United States Code, receivers and fiduciaries.
3. A person shall not induce or attempt to induce another person to sell or rent a dwelling by representations regarding the entry or prospective entry into a neighborhood of a person of a particular color, race, ethnicity, national origin or ancestry, creed or religious belief, disability, sex or sexual orientation, marital or familial status, organizational affiliation, or public assistance or source of income.
4. A person shall not represent to a person of a particular color, race, ethnicity, national origin or ancestry, creed or religious belief, disability, sex or sexual orientation, marital or familial status, organizational affiliation, or public assistance or source of income that a dwelling is not available for inspection, sale or rental when the dwelling is available for inspection, sale or rental.
5. A person shall not discriminate in the sale or rental or otherwise make unavailable or deny a dwelling to a buyer or renter because of a disability of any of the following persons:
 - a. That buyer or renter;
 - b. A person residing in or intending to reside in that dwelling after it is sold, rented or made available;
 - c. A person associated with that buyer or renter.
6. A person shall not discriminate against another person in the terms, conditions or privileges of sale or rental of a dwelling or in the provision of services or facilities in connection with the dwelling because of a disability of any of the following persons:
 - a. That person;
 - b. A person residing in or intending to reside in that dwelling after it is sold, rented or made available;
 - c. A person associated with that person.
7. For the purposes of this subsection only, discrimination includes any of the following circumstances:
 - a. A refusal to permit, at the expense of the person with a disability, reasonable modifications of existing premises occupied or to be occupied by the person if the modifications are necessary to afford the person full enjoyment of the premises. In the case of a rental, a landlord may, where reasonable to do so, condition permission for a modification on the renter's agreement to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted;
 - b. A refusal to make reasonable accommodations in rules, policies, practices or services, when the accommodations are necessary to afford the person equal opportunity to use and enjoy a dwelling;
 - c. In connection with the design and construction of covered multifamily dwellings for first occupancy after January 1, 1992, a failure to design and construct those dwellings in a manner

that meets the following requirements:

- i. The public use and common use portions of the dwellings are readily accessible to and usable by persons with disabilities.
 - ii. All doors designed to allow passage into and within all premises within the dwellings are sufficiently wide to allow passage by persons with disabilities in wheelchairs.
 - iii. All premises within the dwellings contain the following features of adaptive design:
 - (A) An accessible route into and through the dwelling,
 - (B) Light switches, electrical outlets, thermostats and other environmental controls in accessible locations,
 - (C) Reinforcements in bathroom walls to allow later installation of grab bars,
 - (D) Usable kitchens and bathrooms so that a person in a wheelchair can maneuver about the space.
 - d. Nothing in this subsection requires that a dwelling be made available to a person whose tenancy would constitute a direct threat to the health or safety of other persons or whose tenancy would result in substantial physical damage to the property of others.
8. A person whose business includes engaging in residential real estate related transactions shall not discriminate against a person in making a residential real estate related transaction available or in terms or conditions of a residential real estate related transaction because of color, race, ethnicity, national origin or ancestry, creed or religious belief, disability, sex or sexual orientation, marital or familial status, organizational affiliation, or public assistance or source of income.
- a. For the purpose of this subsection, "residential real estate related transaction" means any of the following:
 - i. To make or purchase loans or provide other financial assistance to purchase, construct, improve, repair or maintain a dwelling, or to secure residential real estate,
 - ii. To sell, broker or appraise residential real estate.
9. A person shall not deny another person access to, or membership or participation in, a multiple-listing service, real estate brokers' organization or other service, organization or facility relating to the business of selling or renting dwellings, or discriminate against a person in terms or conditions of access, membership or participation in such organization because of color, race, ethnicity, national origin or ancestry, creed or religious belief, disability, sex or sexual orientation, marital or familial status, organizational affiliation, or public assistance or source of income.
10. The provisions of subsection C of this section shall not apply to:
- a. Any bona fide religious institution with respect to any qualifications it may impose based on religion, when the qualifications are related to a bona fide religious purpose unless the religious institution owns or operates property for a commercial purpose or membership in the religion is restricted on account of color, race, ethnicity, national origin or ancestry;
 - b. The rental or leasing of a dwelling in a building which contains housing accommodations for not more than two families living independently of each other, if the owner resides in one of the housing accommodations. This exception does not apply to the advertising of the dwelling;
 - c. The rental or leasing of less than four rooms within a single dwelling by the occupant or owner of the dwelling, if the occupant or owner resides in the dwelling. This exception does not apply to the advertising of the dwelling;
 - d. Discrimination on the basis of familial status involving dwellings provided under any state or federal program specifically designed and operated to assist elderly persons, as defined in the state or federal program that the commission determines to be consistent with determinations

made by the United States Secretary of Housing and Urban Development, and housing for older persons. As used in this subsection, "housing for older persons" means housing communities consisting of dwellings intended for and occupied solely by persons sixty-two years of age or older;

- e. The rental or leasing of a housing accommodation in a building which contains housing accommodations for not more than four families living independently of each other, if the owner resides in one of the housing accommodations for which the owner qualifies for the homestead tax credit under Iowa Code Section 425.1. This exception does not apply to the advertising of the dwelling;
 - f. Discrimination on the basis of sex involving the rental, leasing or subleasing of a dwelling within which residents of both sexes would be forced to share a living area;
 - g. Restrictions based on sex on the rental or leasing of housing accommodations by nonprofit corporations;
 - h. The rental or leasing of a housing accommodation within which residents of both sexes must share a common bathroom facility on the same floor of the building;
 - i. Landlords who choose not to participate in the Section 8 housing rental voucher program.
11. The provisions of subsection C of this section do not prohibit a person engaged in the business of furnishing appraisals of real estate from taking into consideration factors other than color, race, ethnicity, national origin or ancestry, creed or religious belief, disability, sex or sexual orientation, marital or familial status, organizational affiliation, or public assistance or source of income in appraising real estate.
- D. Education. It is a discriminatory practice for any educational institution to discriminate on the basis of color, race, ethnicity, national origin or ancestry, creed or religious belief, disability, sex or sexual orientation, marital status or organizational affiliation in any program or activity. Such discriminatory practices shall include but not be limited to the following practices:
- 1. Exclusion of a person or persons from participation in, denial of the benefits of, or subjection to discrimination in any academic, extracurricular, research, occupational training or other program or activity except athletic programs;
 - 2. Denial of comparable opportunity in intramural and interscholastic athletic programs;
 - 3. Discrimination among persons in employment and the conditions of employment;
 - 4. On the basis of sex, the application of any rule concerning the actual or potential parental, familial or marital status of a person, or the exclusion of any person from any program or activity or employment because of pregnancy or related conditions dependent upon the physician's diagnosis and certification;
 - 5. For the purpose of this section, "educational institution" includes any preschool, elementary, secondary, or community college, area education agency or postsecondary college or university and their governing boards;
 - 6. This section does not prohibit an educational institution from maintaining separate toilet facilities, locker rooms or living facilities for the different sexes so long as comparable facilities are provided;
 - 7. Nothing in this section shall be construed as prohibiting any bona fide religious institution from imposing qualifications based on religion when such qualifications are related to a bona fide religious purpose or any institution from admitting students of only one sex.
- E. Credit. It shall be a discriminatory practice for any:
- 1. Creditor to refuse to enter into a consumer credit transaction or impose finance charges or other terms or conditions more onerous than those regularly extended by that creditor to consumers of

- similar economic backgrounds because of age, color, race, ethnicity, national origin or ancestry, creed or religious belief, physical disability, sex or sexual orientation, marital status or familial status;
2. Person authorized or licensed to do business in this state pursuant to Iowa Code Chapter 524, 533, 534, 536 or 536A to refuse to loan or extend credit or to impose terms or conditions more onerous than those regularly extended to persons of similar economic backgrounds because of age, color, race, ethnicity, national origin or ancestry, creed or religious belief, physical disability, sex or sexual orientation, marital status or familial status, or organizational affiliation;
 3. Creditor to refuse to offer credit life or health and accident insurance because of age, color, race, ethnicity, national origin or ancestry, creed or religious belief, physical disability, sex or sexual orientation, marital status or familial status, or organizational affiliation. Refusal by a creditor to offer credit life or health and accident insurance based upon the age or physical disability of the consumer shall not be a discriminatory practice if such denial is based solely upon bona fide underwriting considerations not prohibited by Iowa Code Title XIII, subtitle 1.
 4. The provisions of this section shall not be construed, by negative implication or otherwise, to narrow or restrict any other provisions of this chapter.
- F. Aiding, Abetting, Retaliation. It shall be a discriminatory practice for:
1. Any person to intentionally aid, abet, compel or coerce another person to engage in any of the practices declared discriminatory by this chapter;
 2. Any person to discriminate or retaliate against another person in any of the rights protected against discrimination by this chapter because such person has lawfully opposed any practice forbidden under this chapter, obeys the provisions of this chapter, or has filed a complaint, testified or assisted in any proceeding under this chapter.
- G. Interference, Coercion or Intimidation. It is unlawful to coerce, intimidate, threaten or interfere with any person in the exercise or enjoyment of, on account of the person having exercised or enjoyed, or on account of the person having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by this chapter.

(Ord. 1082 § 1 (part), 2005)

2.50.060 - Enforcement.

A. Complaint Procedures.

1. A person claiming to be aggrieved by a discriminatory practice, such person's agent, the city attorney or a nonprofit organization with a purpose of combating discrimination may file with the commission a written complaint stating that a discriminatory practice has been committed, setting forth the facts upon which the complaint is based and setting forth facts sufficient to enable the commission to identify the person charged (hereinafter the respondent). The chair shall then appoint two or more members of the commission (an ad hoc investigating committee) who shall promptly investigate the allegations of discriminatory practice set forth in the complaint and shall furnish the respondent with a copy of the complaint. The complaint must be filed within one hundred eighty days after the alleged discriminatory practice occurs.
2. Prior to determining probable cause, the investigating committee shall inform the respondent that the respondent may enter into the conciliation process at the respondent's request as set out in subsection B of this section. This option shall apply only where the investigation has been sufficient for the committee to determine adequate remedies for the alleged discrimination. If conciliation efforts fail at this stage, the investigating committee shall proceed to determine whether probable cause exists. If conciliation efforts succeed, the commission shall close the case. The secretary of the commission shall report such fact to the Iowa Civil Rights Commission.

3. During the investigation process, the Decorah human rights commission may:
 - a. Issue subpoenas and order discovery to aid in investigations of allegations of discrimination. The subpoenas may be ordered to the same extent and are subject to the same limitations as subpoenas and discovery in a civil action in district court. Should the party from whom the commission has sought testimony or document production fail to deliver them at the prescribed time, the commission may seek to obtain an order in district court to enforce the subpoena;
 - b. Seek a temporary injunction against a respondent when it appears a complainant may suffer irreparable injury as a result of an alleged violation of this chapter.
 4. If it is determined after investigation that no probable cause exists for such complaint, the commission shall notify the complainant and the respondent of such determination by certified mail.
 5. The complainant may object to a finding of no probable cause within ten days of receipt of the written notice. Such written notice shall be made available to the respondent. The commission shall then hear evidence from the complainant supporting probable cause. The respondent shall also be given opportunity to respond to the complainant's objection. If the commission finds no probable cause to believe that the person charged has committed a discriminatory practice, it shall declare the case closed. The secretary of the commission shall report such fact to the Iowa Civil Rights Commission.
 6. If the complainant fails to object to such findings within ten days of receipt of the written notice, the commission shall close the case. The secretary of the commission shall report such fact to the Iowa Civil Rights Commission.
 7. If it is determined after investigation and/or after appeal as set out in subsections (A)(1) through (A)(6) of this section that probable cause of investigation exists, as alleged in the complaint, the investigating committee shall promptly proceed with conciliation efforts, as set out in subsection B of this section.
 8. In all cases covered by the Iowa Civil Rights Act of 1965, Chapter 216, Code of Iowa, the commission shall notify the Iowa Civil Rights Commission when a complaint is filed and whenever a finding of probable cause or no probable cause has been made with respect to any case or whenever a case is otherwise closed.
 9. The complaint may be amended at any time prior to the scheduling of the complaint for a public hearing; thereafter it may be amended only upon the consent of the person or persons conducting the hearing.
 10. The members of the commission shall not disclose the filing of a complaint, the information gathered during the investigation or the endeavors to eliminate such discriminatory or unfair practice by conference, conciliation and persuasion, unless such disclosure is made in connection with the conduct of such investigation.
- B. Conciliation.
1. After a finding of probable cause, the commission shall promptly notify the respondent by certified mail of the finding and shall inform the respondent of the right to conciliation. The notification shall further contain a suggested place, date and time for the conciliation meeting. If the respondent declines to participate in a conciliation meeting, the investigating committee shall provide the complainant with the option of a public hearing. If the complainant wishes to proceed, the commission shall promptly schedule a public hearing as set out in subsection C of this section.
 2. A mediator may be designated in writing by the commission to conduct formal conciliation of a complaint filed under this chapter. (The written designation must specifically refer to this section.) If formal conciliation is conducted by a mediator pursuant to this section, the confidentiality of all mediation communications and conciliation documents is protected.
 3. Where the conciliation and/or mediation process results in an agreement between the respondent

and the commission, the agreement shall be in writing and shall be signed by the respondent or the respondent's representative and by the chair of the commission, who shall have consulted the complainant prior to signing the agreement. The secretary of the commission shall report such fact to the Iowa Civil Rights Commission.

4. Should the complainant object to the agreement, the agreement must be presented to the commission for its approval before the agreement may be signed. If the commission agrees with the complainant's objection and the complainant wishes to proceed, the commission shall promptly schedule the matter for public hearing.
5. If, after attempts to conciliate and/or mediate, the investigating committee shall find that the efforts have failed, such failure shall be reported in writing to the commission. If the complainant wishes to proceed, the commission shall promptly schedule the matter for public hearing.

C. Public Hearing.

1. After the commission has agreed to take a complaint to public hearing, the commission shall serve on the respondent by certified mail a written notice, together with a copy of the complaint as it may have been amended, requiring the respondent to answer in writing the allegations of the complaint at a public hearing. A copy of the notice shall be furnished to the complainant and such other persons as the commission deems proper.
2. The notice shall include:
 - a. A statement of the time, place and nature of the hearing;
 - b. A statement of the legal authority under which the hearing is to be held, pursuant to this code;
 - c. A reference to the particular sections of this chapter and rules involved;
 - d. A short and plain statement of the matters asserted. If the commission is unable to state the matters in detail at the time the notice is served, the initial notice may be limited to a statement of the issues involved.
3. The hearing shall be conducted by three persons designated by the commission. Such designees need not be members of the commission. A majority vote of those conducting the hearing will be needed to decide the matter.
4. A notice of the public hearing shall be disseminated among local news media at least five days prior to the date of the hearing.
5. No person shall take part in the conducting of the hearing who has any personal interest in its outcome or who has taken part in the investigation of the complaint. No commissioner who would be disqualified under the above criteria shall take part in any vote or discussion by the commission respecting the complaint.
6. If a party fails to appear in a contested case proceeding after proper service of notice, the person conducting the hearing may proceed and make a decision in the absence of the party.
7. Opportunity shall be afforded to all parties to respond and present their positions on all issues involved. Parties may choose to be represented by counsel at their own expense. The commission should use sound discretion in weighing the information of all parties, though the hearing will not be bound by the strict rules of evidence as applied in a court of law.
8. The record in a case shall consist of the recording of the proceedings.
9. Oral proceedings shall be open to the public and shall be recorded by electronic means or by certified shorthand reporters. Oral proceedings or any part thereof shall be transcribed at the request of any party, with the expense of the transcription charged to the requesting party. The recording or stenographic notes of oral proceedings shall be filed with and maintained by the commission for at least five years from the date of decision.

10. Findings shall be based solely on the information in the record on matters officially noticed in the record.
 11. The person(s) conducting the hearing will make written findings and will state in writing their determination as to whether or not the respondent discriminated against the complainant.
 12. All members of the commission, excepting those disqualified under subsection (C)(5) of this section, shall vote whether to adopt the written findings, and, if the findings are adopted by a majority of those present and voting, the commission shall issue an order either dismissing the complaint or prescribing such remedies as are appropriate, including but not limited by the remedies in Section 216.15(8)(a) of the Code of Iowa.
- D. **Judicial Review.** A copy of the findings and of the order issued by the commission shall be sent to the Iowa Civil Rights Commission. Any party with standing may institute judicial review proceedings by filing a petition in district court within thirty days after the Decorah human rights commission has issued a final order. The judicial review procedure shall be as set out in Chapter 17A of the Code of Iowa.
- E. **Judicial Enforcement.** If no proceeding to obtain judicial review is instituted within thirty days from the service of an order of the Decorah human rights commission, the commission may seek to obtain an order in district court for the enforcement of commission orders. An enforcement proceeding may be brought in the district court to cease or desist from a discriminatory practice or to take other action.

(Ord. 1082 § 1 (part), 2005)

2.50.070 - Exceptions for retirement plans, abortion coverage, life, disability and health benefits.

- A. The provisions of this chapter relating to discrimination because of age do not apply to a retirement plan or benefit system of an employer unless the plan or system is a mere subterfuge adopted for the purpose of evading this chapter. However, a retirement plan or benefit system shall not require the involuntary retirement of a person under the age of seventy because of that person's age. This subsection does not prohibit the following:
1. The involuntary retirement of a person who has attained the age of sixty-five and has for the two prior years been employed in a bona fide executive or high policy-making position and who is entitled to an immediate, nonforfeitable annual retirement benefit from a pension, profit-sharing, savings or deferred compensation plan of the employer which equals twenty-seven thousand dollars. This retirement benefit test may be adjusted according to the regulations prescribed by the United States Secretary of Labor pursuant to Public Law 95-256, Section 3.
 2. The involuntary retirement of a person covered by a collective bargaining agreement that was entered into by a labor organization and was in effect on September 1, 1977. This exemption does not apply after the termination of that agreement or January 1, 1980, whichever first occurs.
- B. A health insurance program provided by an employer may exclude coverage of abortion, except where the life of the mother would be endangered if the fetus were carried to term or where medical complications have arisen from an abortion.
- C. An employee welfare plan may provide life, disability or health insurance benefits that vary by age based on actuarial differences if the employer contributes equally for all the participating employees or may provide for employer contributions differing by age if the benefits for all the participating employees do not vary by age.

(Ord. 1082 § 1 (part), 2005)

2.50.080 - Rule of construction.

This chapter shall be construed broadly to effectuate its purposes. Nothing in this chapter shall be construed to include participation in acts which are prohibited by law.

(Ord. 1082 § 1 (part), 2005)

2.50.090 - Effect on other local ordinances.

This chapter does not affect:

- A. A reasonable local restriction on the maximum number of occupants permitted to occupy a dwelling;
- B. Tenancy of an individual that would constitute a direct threat to the health or safety of other individuals or tenancy that would result in substantial physical damage to the property of others;
- C. A requirement of nondiscrimination in other local ordinances.

(Ord. 1082 § 1 (part), 2005)