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BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

- (A) The Council has consistently supported the right of people capable of becoming pregnant to make choices over their own bodies, reproductive health, and family planning.
- (B) Discrimination based on reproductive health actions results in a denial of basic civil rights, including educational, housing, public accommodations, and employment opportunities.
- (C) For these reasons the Council finds that discrimination based on receiving services or counseling related to the reproductive systems and its functions should be prohibited as prescribed in this ordinance.
- (D) Part 5 of Ordinance No. 20220609-043, adopted by Council on June 9, 2022, incorrectly laid out Subsection (A) of City Code Section 5-2-4 (*Prohibited Practices*) and a correction is needed to properly state that subsection of the Code as laid out in Part 2 of this ordinance.

(A) A person is entitled to the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of a public accommodation, without discrimination or segregation based on race, color, religion, sex, sexual orientation, gender identity, national origin, age, protective hairstyle, or disability.

PART 3. City Code Section 5-1-13 (*Definitions*) is amended to add a new definition for “Reproductive Health Action” and to renumber the remaining definitions accordingly:

(20) REPRODUCTIVE HEALTH ACTION means an individual's receipt or provision of services or counseling related to the reproductive system and its functions, including, but not limited to: family planning services, abortion, birth control, emergency contraception, sterilization, and pregnancy testing; fertility-related medical procedures; or sexually transmitted disease prevention, testing, or treatment.

PART 4. City Code Section 5-1-17 (*Appraisal Exemption*); Subsections (A) and (B) of City Code Section 5-1-51 (*Discrimination in Sale or Rental of Housing*); City Code Section 5-1-52 (*Publication Indicating Discrimination*), Section 5-1-53 (*Availability for Inspection, Sale, or Rental*), and Section 5-1-54 (*Entry into Neighborhood*); Subsection (A) of City Code Section 5-1-56 (*Residential Real Estate Related Transaction*); and City Code Section 5-1-57 (*Brokerage Services*) are amended as follows:

§ 5-1-17 APPRAISAL EXEMPTION.

This article does not prohibit a person engaged in the business of furnishing appraisals of residential real property from taking into consideration factors other than race, color, religion, sex, sexual orientation, gender identity, disability, age, familial status, marital status, student status, creed, national origin, [Ø] protective hairstyle, or reproductive health action.

§ 5-1-51 DISCRIMINATION IN SALE OR RENTAL OF HOUSING.

(A) A person may not refuse to sell or rent a dwelling to a person who has made a bona fide offer; refuse to negotiate for the sale or rental of a dwelling; or otherwise make unavailable or deny a dwelling to any person based on race, color, religion, sex, sexual orientation, gender identity, age, familial status, disability, marital status, student status, creed, national origin, protective hairstyle, reproductive health action, or source of income.

(B) A person may not discriminate against a person in the terms, conditions, or privileges of sale or rental of a dwelling or in providing services or facilities in connection with the sale or rental, based on race, color, religion, sex, sexual orientation, gender identity, age, familial status, disability, marital status, student status, creed, national origin, protective hairstyle, reproductive health action, or source of income.

§ 5-1-52 PUBLICATION INDICATING DISCRIMINATION.

A person may not make, print, or publish or cause to be made, printed, or published any notice, statement, or advertisement with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on

68 race, color, religion, sex, sexual orientation, gender identity, disability, age,
69 familial status, marital status, student status, creed, national origin, protective
70 hairstyle, reproductive health action, or source of income, or an intention to make
71 such a preference, limitation, or discrimination.

72 **§ 5-1-53 AVAILABILITY FOR INSPECTION, SALE, OR RENTAL.**

73 A person may not represent to a person based on race, color, religion, sex,
74 sexual orientation, gender identity, disability, age, familial status, marital status,
75 student status, creed, national origin, protective hairstyle, reproductive health
76 action, or source of income that a dwelling is not available for inspection, sale or
77 rental when the dwelling is available for inspection.

78 **§ 5-1-54 ENTRY INTO NEIGHBORHOOD.**

79 A person may not, for profit, induce or attempt to induce a person to sell or
80 rent a dwelling by representations regarding the entry or prospective entry into a
81 neighborhood of a person based on a particular race, color, religion, sex, sexual
82 orientation, gender identity, disability, age, familial status, marital status, student
83 status, creed, national origin, protective hairstyle, reproductive health action, or
84 source of income.

85 **§ 5-1-56 RESIDENTIAL REAL ESTATE RELATED TRANSACTION.**

86 (A) A person whose business includes engaging in residential real estate related
87 transactions may not discriminate against a person in making a real estate
88 related transaction available or in the terms or conditions of a real estate
89 related transaction because of race, color, religion, sex, sexual orientation,
90 gender identity, disability, age, familial status, marital status, student status,
91 creed, national origin, protective hairstyle, reproductive health action, or
92 source of income.

93 **§ 5-1-57 BROKERAGE SERVICES.**

94 A person may not deny any person access to, or membership or participation
95 in, a multiple-listing service, real estate brokers' organization or other service,
96 organization, or facility relating to the business of selling or renting dwellings, or
97 discriminate against a person in the terms or conditions of access, membership, or
98 participation in such an organization, service, or facility because race, color,
99 religion, sex, sexual orientation, gender identity, disability, age, familial status,
100 marital status, student status, creed, national origin, protective hairstyle,
101 reproductive health action, or source of income.

PART 5. City Code Section 5-2-2 (*Definitions*) is amended to add a new definition for “Reproductive Health Action” and to renumber the remaining definitions accordingly:

- (11) REPRODUCTIVE HEALTH ACTION means an individual’s receipt or provision of services or counseling related to the reproductive system and its functions, including, but not limited to: family planning services, abortion, birth control, emergency contraception, sterilization, and pregnancy testing; fertility-related medical procedures; or sexually transmitted disease prevention, testing, or treatment.

PART 6. City Code Section 5-2-4 (*Prohibited Practices*) is amended as follows:

§ 5-2-4 PROHIBITED PRACTICES.

- (A) A person is entitled to the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of a public accommodation, without discrimination or segregation based on race, color, religion, sex, sexual orientation, gender identity, national origin, age, protective hairstyle, reproductive health action, or disability.
- (B) A person, including the owner, operator, or lessee of a public accommodation may not directly or indirectly exclude, segregate, limit, refuse or deny a person the accommodations, advantages, facilities, benefits, privileges, services, or goods of the public accommodation based on race, color, religion, sex, sexual orientation, gender ~~[identification]~~ identity, national origin, age, protective hairstyle, reproductive health action, or disability.
- (C) A person, including the owner, operator, or lessee of a public accommodation, may not circulate, issue, display, post, mail, or publish a statement, advertisement, or sign that indicates that the accommodations, advantages, facilities, benefits, privileges, services, or goods of the public accommodation will be denied to an individual based on race, color, religion, sex, sexual orientation, gender ~~[identification]~~ identity, national origin, age, protective hairstyle, reproductive health action, or disability, or that the patronage or presence of an individual is objectionable, unwelcome, unacceptable, undesirable, or unsolicited based on race, color, religion, sex, sexual orientation, gender ~~[identification]~~ identity, national origin, age, protective hairstyle, reproductive health action, or disability.

PART 7. City Code Section 5-3-2 (*Definitions*) is amended to add a new definition for “Reproductive Health Action” and to renumber the remaining definitions accordingly:

- 137 (16) REPRODUCTIVE HEALTH ACTION means an individual's receipt or
138 provision of services or counseling related to the reproductive system and its
139 functions, including, but not limited to: family planning services, abortion,
140 birth control, emergency contraception, sterilization, and pregnancy testing;
141 fertility-related medical procedures; or sexually transmitted disease
142 prevention, testing, or treatment.

143 **PART 8.** Subsections (A) through (E) of City Code Section 5-3-4 (*Unlawful*
144 *Employment Practices*) are amended as follows:

145 **§ 5-3-4 UNLAWFUL EMPLOYMENT PRACTICES.**

146 (A) An employer may not:

- 147 (1) fail or refuse to hire or to discharge any individual, or otherwise
148 discriminate against an individual with respect to compensation,
149 terms, conditions, or privileges of employment, based on the
150 individual's race, color, religion, sex, sexual orientation, gender
151 identity, national origin, age, protective hairstyle, reproductive health
152 action, or disability; [øf]
- 153 (2) limit, segregate, or classify an employee or applicant for employment
154 in a way which would deprive or tend to deprive an individual of
155 employment opportunities or otherwise adversely affect the
156 individual's status as an employee, based on the individual's race,
157 color, religion, sex, sexual orientation, gender identity, national origin,
158 age, protective hairstyle, reproductive health action, or disability[-]; or
- 159 (3) print or circulate, or cause to be printed or circulated, any statement,
160 advertisement or publication, or to make any inquiry in connection
161 with prospective employment, which expresses directly or indirectly
162 any preference, limitation, specification or discrimination based on the
163 individual's race, color, religion, sex, sexual orientation, gender
164 identity, national origin, age, protective hairstyle, reproductive health
165 action, or disability.

166 (B) An employment agency may not:

- 167 (1) fail or refuse to refer for employment, or otherwise discriminate
168 against, an individual based on race, color, religion, sex, sexual
169 orientation, gender identity, national origin, age, protective hairstyle,
170 reproductive health action, or disability; [øf]

- 171 (2) classify or refer for employment an individual based on race, color,
172 religion, sex, sexual orientation, gender identity, national origin, age,
173 protective hairstyle, reproductive health action, or disability[-]; or
- 174 (3) print or circulate, or cause to be printed or circulated, any statement,
175 advertisement or publication, or to make any inquiry in connection
176 with prospective employment, which expresses directly or indirectly
177 any preference, limitation, specification or discrimination based on the
178 individual's race, color, religion, sex, sexual orientation, gender
179 identity, national origin, age, protective hairstyle, reproductive health
180 action, or disability.

181 (C) A labor organization may not:

- 182 (1) exclude or expel from its membership, or otherwise discriminate
183 against, an individual based on race, color, religion, sex, sexual
184 orientation, gender identity, national origin, age, protective hairstyle,
185 reproductive health action, or disability[-];
- 186 (2) limit, segregate, or classify its membership, or applicants for
187 membership, or classify or fail or refuse to refer for employment an
188 individual in a way which would deprive or tend to deprive the
189 individual of employment opportunities, limit employment
190 opportunities, or otherwise adversely affect the individual's status as
191 an employee or as an applicant for employment, based on the
192 individual's race, color, religion, sex, sexual orientation, gender
193 identity, national origin, age, protective hairstyle, reproductive health
194 action, or disability; [øf]
- 195 (3) print or circulate, or cause to be printed or circulated, any statement,
196 advertisement or publication, or to make any inquiry in connection
197 with prospective employment, which expresses directly or indirectly
198 any preference, limitation, specification or discrimination based on the
199 individual's race, color, religion, sex, sexual orientation, gender
200 identity, national origin, age, protective hairstyle, reproductive health
201 action, or disability; or
- 202 (4)[(3)]cause or attempt to cause an employer to discriminate against an
203 individual in violation of this section.

204 (D) An employer, labor organization, or joint labor-management committee
205 controlling apprenticeship or other training or retraining, including on-the-

206 job training programs, may not discriminate against an individual based on
207 race, color, religion, sex, sexual orientation, gender identity, national origin,
208 age, protective hairstyle, reproductive health action, or disability in
209 admission to or employment in a program established to provide
210 apprenticeship or other training.

211 (E) Unless it is a bona fide occupational qualification for employment, an
212 employer, labor organization, employment agency, or joint labor-
213 management committee controlling apprenticeship or other training or
214 retraining, including on-the-job training programs, may not print, publish, or
215 cause to be printed or published a notice or advertisement that indicates a
216 preference, limitation, specification, or discrimination based on race, color,
217 religion, sex, sexual orientation, gender identity, national origin, age,
218 protective hairstyle, reproductive health action, or disability related to:

219 (1) employment by the employer;

220 (2) membership in or classification or referral for employment by an
221 employment agency; or

222 (3) admission to, or employment in, a program established to provide
223 apprenticeship or other training by a joint labor-management
224 committee.

225 **PART 9.** City Code Section 5-4-1 (*Definitions*) is amended to revise the definition of
226 “Discriminatory Employment Practice,” to add a new definition for “Reproductive Health
227 Action,” and to renumber the remaining definitions accordingly:

228 (3) **DISCRIMINATORY EMPLOYMENT PRACTICE** means discrimination
229 against an individual because of race, creed, color, religion, national origin,
230 sexual orientation, gender identity, disability, protective hairstyle,
231 reproductive health action, sex or age, unless sex or age is a bona fide
232 occupational qualification of employment during an employment action,
233 including recruiting, advertising, hiring, layoff, termination, classification,
234 training or selection for training, promotion, demotion, transfer, or
235 compensation.

236 (7) **REPRODUCTIVE HEALTH ACTION** means an individual’s receipt or
237 provision of services or counseling related to the reproductive system and its
238 functions, including, but not limited to: family planning services, abortion,
239 birth control, emergency contraception, sterilization, and pregnancy testing;

fertility-related medical procedures; or sexually transmitted disease
prevention, testing, or treatment.

PART 10. This ordinance takes effect on _____, 2022.

PASSED AND APPROVED

_____, 2022 § _____
§ _____

Steve Adler
Mayor

APPROVED: _____

Anne L. Morgan
City Attorney

ATTEST: _____

Myrna Rios
City Clerk