

**ORDINANCE NO. 20220721-001**

**AN ORDINANCE AMENDING CITY CODE CHAPTER 5-1 (*HOUSING DISCRIMINATION*), CHAPTER 5-2 (*DISCRIMINATION IN PUBLIC ACCOMMODATIONS*), CHAPTER 5-3 (*DISCRIMINATION IN EMPLOYMENT GENERALLY*), AND CHAPTER 5-4 (*DISCRIMINATION IN EMPLOYMENT BY CITY CONTRACTORS*) TO PROHIBIT DISCRIMINATION BASED ON REPRODUCTIVE HEALTH ACTIONS; AND TO CORRECT SUBSECTION (A) OF CITY CODE 5-2-4 (*PROHIBITED PRACTICES*).**

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

**PART 1.** Findings:

- (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.

**PART 2.** Subsection (A) of Section 5-2-4 (*Prohibited Practices*) is repealed and replaced to read as follows:

- (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 race, color, religion, sex, sexual orientation, gender identity, disability, age,



familial status, marital status, student status, creed, national origin, protective hairstyle, reproductive health action, or source of income, or an intention to make such a preference, limitation, or discrimination.

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

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

**§ 5-1-54 ENTRY INTO NEIGHBORHOOD.**

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

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

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

**§ 5-1-57 BROKERAGE SERVICES.**

A person may not deny any 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 the terms or conditions of access, membership, or participation in such an organization, service, or facility because race, color, religion, sex, sexual orientation, gender identity, disability, age, familial status, marital status, student status, creed, national origin, protective hairstyle, 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:

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

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

(A) An employer may not:

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

(B) An employment agency may not:

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

- (3) print or circulate, or cause to be printed or circulated, any statement, advertisement or publication, or to make any inquiry in connection with prospective employment, which expresses directly or indirectly any preference, limitation, specification or discrimination based on the individual's race, color, religion, sex, sexual orientation, gender identity, national origin, age, protective hairstyle, reproductive health action, or disability.

(C) A labor organization may not:

- (1) exclude or expel from its membership, or otherwise discriminate against, an individual based on race, color, religion, sex, sexual orientation, gender identity, national origin, age, protective hairstyle, reproductive health action, or disability[~~7~~];
- (2) limit, segregate, or classify its membership, or applicants for membership, or classify or fail or refuse to refer for employment an individual in a way which would deprive or tend to deprive the individual of employment opportunities, limit employment opportunities, or otherwise adversely affect the individual's status as an employee or as an applicant for employment, based on the individual's race, color, religion, sex, sexual orientation, gender identity, national origin, age, protective hairstyle, reproductive health action, or disability; [~~8~~]
- (3) print or circulate, or cause to be printed or circulated, any statement, advertisement or publication, or to make any inquiry in connection with prospective employment, which expresses directly or indirectly any preference, limitation, specification or discrimination based on the individual's race, color, religion, sex, sexual orientation, gender identity, national origin, age, protective hairstyle, reproductive health action, or disability; or
- (4)[~~(3)~~]cause or attempt to cause an employer to discriminate against an individual in violation of this section.

(D) An employer, labor organization, or joint labor-management committee controlling apprenticeship or other training or retraining, including on-the-job training programs, may not discriminate against an individual based on race, color, religion, sex, sexual orientation, gender identity, national origin, age, protective hairstyle, reproductive health action, or disability in admission to or employment in a program established to provide apprenticeship or other training.

- (E) Unless it is a bona fide occupational qualification for employment, an employer, labor organization, employment agency, or joint labor-management committee controlling apprenticeship or other training or retraining, including on-the-job training programs, may not print, publish, or cause to be printed or published a notice or advertisement that indicates a preference, limitation, specification, or discrimination based on race, color, religion, sex, sexual orientation, gender identity, national origin, age, protective hairstyle, reproductive health action, or disability related to:
- (1) employment by the employer;
  - (2) membership in or classification or referral for employment by an employment agency; or
  - (3) admission to, or employment in, a program established to provide apprenticeship or other training by a joint labor-management committee.

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

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



- (7) **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 10.** This ordinance takes effect on August 1, 2022.

**PASSED AND APPROVED**

\_\_\_\_\_, July 21, 2022

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Steve Adler  
Mayor

**APPROVED:**

Anne L. Morgan  
Anne L. Morgan  
City Attorney

**ATTEST:**

Myrna Rios  
Myrna Rios  
City Clerk