AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY AMENDING
TITLE 5 OF THE ANCHORAGE MUNICIPAL CODE REGARDING EQUAL
RIGHTS AND THE ANCHORAGE EQUAL RIGHTS COMMISSION (AERC) TO
ADD SEXUAL ORIENTATION AND GENDER IDENTITY TO THE PROHIBITED
GROUNDS FOR DISCRIMINATION, TO EXPAND AND CLARIFY THE
RELIGIOUS EXEMPTIONS, AND TO MODIFY THE LAWYER’S ROLE AND AN
EVIDENTIARY RULE AT AERC HEARINGS.

THE ANCHORAGE ASSEMBLY ORDAINS:

Section 1. Anchorage Municipal Code section 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, gender identity, religion,
national origin, marital status, age, or physical or mental disability,
adversely affects the welfare of the community. Accordingly, such
discrimination is prohibited.

It is the express intent of this title to guarantee fair and equal treatment
under law to all people of the Municipality, consistent with federal and state
constitutional freedoms and laws, including freedom of expression, freedom
of association and the free exercise of religion.

(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 section 5.20.010, Definitions, is hereby
amended to read as follows (the remainder of the section is not affected and
therefore not set out):

5.20.010 Definitions.

The following words, terms and phrases, when used in this title, shall have
the meanings ascribed to them in this section, except where the context
clearly indicates a different meaning:
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, gender identity, religion, national origin, marital status, age, 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 practice of differentiation or preference in the treatment of a person because of actual or perceived race, color, religion, national origin, age, sex, sexual orientation, gender identity, marital status, or physical or mental disability, or the aiding, abetting, inciting, coercing or compelling thereof.

Gender Identity means a person’s gender-related self-identity, appearance, expression or behavior, regardless of the person’s assigned sex at birth.

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

Section 3. Anchorage Municipal Code section 5.20.020 is hereby amended to read as follows (the remainder of the section is not affected and therefore not set out):

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

A. With the exception of those conditions described in section 5.25.030A, as “lawful practices”, it is unlawful for the owner, lessor, manager, agent, brokerage service, or other person having the right to sell, lease, rent, advertise, or an owner’s association having the powers of governance and operation of real property to:

1. Refuse to sell, lease or rent, or to otherwise make unavailable, the real property to a person because of race, color, sex, sexual orientation, gender identity, religion,
2. Discriminate against a person because of race, color, sex, sexual orientation, gender identity, religion, national origin, marital status, age, or physical or mental disability in a term, condition or privilege relating to the use, sale, lease or rental of real property.

3. Make a written or oral inquiry or record of the race, color, sex, sexual orientation, gender identity, religion, national origin, marital status, age, or physical or mental disability of a person seeking to buy, lease or rent real property.

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

5. Represent to a person that real property is not available for inspection, sale, rental or lease when in fact it is available, or refuse a person the right to inspect real property, because of the race, color, sex, sexual orientation, gender identity, religion, national origin, marital status, age, or physical or mental disability of that person or because of any person associated with that person.


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

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(CAC 8.36.090; AO No. 93-149, § 2, 10-15-93; AO No. 2002-163, § 3, 1-7-03; AO No. 2008-16, § 1, 3-18-08)
Section 4. Anchorage Municipal Code section 5.20.030 is hereby amended to read as follows (the remainder of the section is not affected and therefore not set out):

5.20.030 Unlawful financing practices.

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

1. Discriminate against the applicant because of race, color, sex, sexual orientation, gender identity, religion, national origin, marital status, age, or physical or mental disability, in a term, condition or privilege relating to the obtainment or use of the institution's financial assistance, insurance or credit.

2. Make or cause to be made a written or oral inquiry or record of the race, color, sex, sexual orientation, gender identity, religion, national origin, marital status, age, or physical or mental disability, of a person seeking the institution's financial assistance, insurance or credit unless the inquiry is for the purpose of ascertaining the applicant's creditworthiness or insurability.

3. Refuse to extend credit, issue a credit card, insure or make a loan to a single, divorced, pregnant or married person who is otherwise creditworthy, if so requested by the person, or to refuse to extend credit, issue a credit card, insure or make a loan to a creditworthy person based on that person's sexual orientation or gender identity.

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

Section 5. Anchorage Municipal Code section 5.20.040 is hereby amended to read as follows (the remainder of the section is not affected and therefore not set out):
5.20.040  **Unlawful employment practices.**

A. It is unlawful for:

1. An employer to refuse employment to a person, or to bar him or her from employment, or to discriminate against him or her in compensation, or in a term, condition or privilege of employment or to discharge, expel, reduce, suspend or demote him or her because of race, color, sex, sexual orientation, gender identity, religion, national origin, marital status, age, or physical or mental disability, unless the reason for the discrimination is a bona fide occupational qualification.

2. A labor organization to exclude or to expel a person from its membership or to discriminate against one of its members or an employer or employee because of race, color, sex, sexual orientation, gender identity, religion, national origin, marital status, age, or physical or mental disability.

3. A person, employer or employment agency to broadcast, publish, print, circulate or cause to be broadcasted, published, printed or circulated a statement or advertisement in connection with prospective employment, or to use a form of application for employment that expresses, directly or indirectly, a limitation, specification, preference or discrimination as to race, color, sex, sexual orientation, gender identity, religion, national origin, marital status, age, or physical or mental disability.

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

**Section 6.** Anchorage Municipal Code section 5.20.050 is hereby amended to read as follows:

5.20.050  **Unlawful practices in places of public accommodation.**

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

1. Refuse, withhold from or deny to a person any of its accommodations, advantages, facilities, benefits, privileges, services or goods of that place on account of race, color, sex,
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sexual orientation, gender identity, religion, national origin, marital status, age or physical or mental disability.

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

a. Any of the services, goods, facilities, benefits, accommodations, advantages or privileges of the public accommodation will be refused, withheld from or denied to a person of a certain race, color, sex, sexual orientation, gender identity, religion, national origin, marital status, age, or physical or mental disability; or

b. The patronage or presence of a person belonging to a particular race, color, sex, sexual orientation, gender identity, religion, national origin, marital status, age, or physical or mental disability is unwelcome, not desired, not solicited, objectionable or unacceptable.

3. Make a written or oral inquiry concerning the race, color, sex, sexual orientation, gender identity, religion, national origin, marital status, age, or physical or mental disability of an individual in connection with the solicitation, reservation, booking, sale or dispensing of its accommodations, advantages, facilities, benefits, privileges, services or goods.

(CAC 8.40.020; AO No. 93-149, § 2, 10-15-93; AO No. 2002-163, § 3, 1-7-03)

Section 7. Anchorage Municipal Code section 5.20.060 is hereby amended to read as follows:

5.20.060 Unlawful practices in educational institutions.

A. It is unlawful for a person operating or assisting in the operation of an educational institution to:

1. Refuse to admit or otherwise to discriminate against an individual with respect to the terms, conditions, accommodations, advantages, facilities, benefits, privileges or services of that institution on account of race, color, sex, sexual orientation, gender identity, religion, national origin, marital status, age, or physical or mental disability.
2. Make or use a written or oral inquiry or form of application for admission that elicits information concerning the race, color, sex, sexual orientation, gender identity, religion, national origin, marital status, age, or physical or mental disability, of an applicant for admission.

3. Require or cause to be required that a photograph of an applicant for admission be submitted with an application for admission.

4. Publish, circulate or display, or cause to be published, circulated or displayed, a written, printed, oral or visual communication, advertisement or catalog or any other form of publicity relating to admission that expresses or indicates a preference, limitation, specification or discrimination on account of the race, color, sex, sexual orientation, gender identity, religion, national origin, marital status, age, or physical or mental disability, of an applicant for admission.

5. Establish, announce or follow a policy of denial or limitation of education opportunities for members of a group on account of race, color, sex, sexual orientation, gender identity, religion, national origin, marital status, age, or physical or mental disability.

6. Use in the recruitment of potential applicants for admission, a service or agency that discriminates against individuals on account of race, color, sex, sexual orientation, gender identity, religion, national origin, marital status, age, or physical or mental disability.

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

Section 8. Anchorage Municipal Code section 5.20.070 is hereby amended to read as follows:

5.20.070 Unlawful practices by municipality.

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

1. Refuse, withhold from or deny to a person any local, state or federal funds, services, goods, facilities, advantages or privileges because of race, color, sex, sexual orientation,
gender identity, religion, national origin, marital status, age, or physical or mental disability.

2. Publish, circulate, issue, display, post or mail a written or printed communication, notice or advertisement which states or implies that any local, state or federal funds, services, goods, facilities, advantages or privileges of the office or agency will be refused, withheld from or denied to a person of a certain race, color, sex, sexual orientation, gender identity, religion, national origin, marital status, age, or physical or mental disability, or that the patronage of a person belonging to a particular race, color, sex, sexual orientation, gender identity, religion, national origin, marital status, age, or physical or mental disability is unwelcome, not desired or not solicited.

B. Where the provisions of this section 5.20.070 conflict with provisions of Title 7 of this code, this section 5.20.070 shall govern.

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

Section 9. Anchorage Municipal Code section 5.20.080 is hereby amended to read as follows:

5.20.80 Lawful practices.

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

B. Other provisions of this chapter notwithstanding, employers or operators of public accommodations may:

1. Maintain and enforce gender-segregated restrooms, locker-rooms or dressing rooms, and require persons to use facilities appropriate to their gender presentation, and nothing in this chapter shall be deemed to require the provision of special
facilities to accommodate any person(s) based upon sexual
orientation or gender identity.

2. Impose reasonable dress codes, work rules, codes of
conduct, or other rules of general application, and nothing in
this chapter shall be deemed to require special
accommodation for persons based upon sexual orientation or
gender identity.

3. Require that a worker have a consistent gender presentation
in the workplace.

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

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

**5.20.090 Religious exemptions.**

**A.** Religious-Preference Exception: It shall be lawful for a bona fide
religious or denominational institution, organization, corporation,
association, educational institution, or society, to limit, select or give
preferential treatment in employment, admissions, accommodations,
advantages, facilities, benefits, or services, to persons of the same
religion or denomination, that is reasonably calculated to promote the
religious principles for which it is established or maintained[], and
this title shall not be interpreted or applied to require such an
organization to act in violation of the religious principles for which it is
established or maintained. Such organizations otherwise remain
subject to the other provisions in this title with regard to race, color,
sex, sexual orientation, gender identity, religion, national origin,
marital status, age, or physical or mental disability.

**B.** Ministerial exemption: This chapter shall not apply with respect to the
employment of individuals whose primary duties consist of teaching
or spreading religious doctrine or belief, religious governance,
 supervision of a religious order, supervision of persons teaching or
spreading religious doctrine or belief, or supervision or participation
 in religious ritual or worship.

**C.** Religious conscience exemption: Except as a condition of a pre-
existing employment or contractual relationship, no person, employer
or operator of a public accommodation shall be compelled to make
any communication in support of, or be compelled to appear at any
ceremony, ritual, or observance that is in conflict with a sincerely
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held and demonstrable religious belief of that person, employer or operator.

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

Section 11. Anchorage Municipal Code section 5.50.020, is hereby amended to read as follows (the remainder of the section is not affected and therefore not set out):

5.50.020 Fact finding procedures.

A. After a complaint has been filed, staff shall convene a fact finding conference with the parties to define issues, receive and exchange information relevant to the complaint and response, if any, and negotiate a voluntary resolution of the complaint, if possible, through a pre-determination settlement agreement. Parties shall be permitted to be fully represented by legal counsel at the fact finding conference. Legal counsel shall be entitled to speak and present on behalf of the represented party at the fact finding conference. Legal counsel may not, however, cross-examine the other party and must submit any questions through staff.

### *** *** ***

D. (Reserved) [IF COUNSEL FOR ANY PARTY IS PRESENT, COUNSEL SHALL BE LIMITED TO AN ADVISORY ROLE AND WILL NOT BE PERMITTED TO SPEAK FOR THEIR CLIENT. FOR QUESTIONNING PURPOSES, COUNSEL MAY ASK QUESTIONS ONLY THROUGH STAFF.]

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(AR No. 92-223(S); AR No. 96-174, § 3, 10-22-96; AO No. 2002-163, § 15, 1-7-03)

Section 12. Anchorage Municipal Code section 5.50.030, is hereby amended to read as follows (the remainder of the section is not affected and therefore not set out):

5.50.030 Effect of failure to furnish responses to requests for essential information or produce witnesses or attend fact finding conference.

### *** *** ***

B. The Respondent’s failure to participate in the fact-finding conference or to provide requested information cannot be treated as an admission or evidence of the allegations in the complaint. In order
for staff to reach a substantial evidence determination it must rely upon actual evidence, whether direct or circumstantial, of discrimination. [IF THE RESPONDENT FAILS TO TIMELY FURNISH THE INFORMATION REQUESTED IN SUBSECTION 5.50.020B.2 OF THIS TITLE, OR IF THE RESPONDENT FAILS TO PROVIDE RESPONSES TO A REQUEST FOR ESSENTIAL INFORMATION OR INTERROGATORIES, OR FAILS TO ATTEND THE FACT FINDING CONFERENCE WITHOUT GOOD CAUSE OR UNREASONABLY OBSTRUCTS THE FACT FINDING CONFERENCE, THIS CONDUCT MAY BE TREATED AS AN ADMISSION OF THE ALLEGATIONS IN THE COMPLAINT FOR PURPOSES OF THE SUBSTANTIAL EVIDENCE DETERMINATION ONLY.]

(AR No. 92-223(S); AR No. 96-174, § 4, 10-22-96; AO No. 2002-163, § 15, 1-7-03)

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

PASSED AND APPROVED by the Anchorage Assembly this ______day of ____________, 2015.

____________________________________
Chair

ATTEST:

____________________________________
Municipal Clerk