

ORDINANCE NO. 22, 1998  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
AMENDING PORTIONS OF ARTICLE II OF CHAPTER 13  
OF THE CITY CODE BY ADDING SEXUAL ORIENTATION  
AS A BASIS OF DISCRIMINATION

WHEREAS, over the past three years, the City's Human Relations Commission has been studying and gathering information concerning the scope and effectiveness of the provisions set forth in Article II of Chapter 13 of the Code of the City of Fort Collins, dealing with human relations (the Human Rights Code"); and

WHEREAS, following the presentation of suggested changes from the Human Relations Commission, the City Manager formed a 13 member Human Rights Ordinance Task Force ("Task Force") to further study the issues surrounding the need for changes to the Human Rights Code and to seek further broad-based citizen comment and input; and

WHEREAS, the Task Force regularly met over a five month period, conducted three publicly advertised open forums where citizen comment and input was encouraged and received, and vigorously discussed, debated, and considered the scope and effectiveness of the Human Rights Code and the need for changes to the Code; and

WHEREAS, during the open forums conducted by the Task Force, many citizens came forward to express their views, experiences, thoughts, and beliefs concerning a wide array of issues related to the Human Rights Code, including discrimination based on sexual orientation; and

WHEREAS, based upon the comments and input provided by the Human Relations Commission, the Task Force, the many citizens who participated in the Task Force forums, the many citizens who have provided comment and input during the proceedings before this body in consideration of this ordinance, and the comments and input from City staff, the City Council believes it to be in the best interests of the City to prohibit discrimination in the provision of employment, housing, and public accommodation on the basis of a person's actual or perceived sexual orientation.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby makes the following findings of fact: (a) that discrimination on the basis of sexual orientation in the provision of employment, housing, and public accommodation exists within the Fort Collins community, and that the City has a compelling interest in eradicating and preventing such discrimination, so as to fully ensure equal opportunity in employment, housing, and public accommodations; (b) that this compelling interest in adopting the provisions set forth in Sections 2 through 8 of this ordinance outweighs any burden placed upon the rights of the persons regulated by said provisions; (c) that the provisions set forth in Sections 2 through 8 of this ordinance represent the least restrictive means to achieving the City's objectives; and (d) that nothing in such provisions is intended to establish or require affirmative action, quotas, or preferences of any kind.

Section 2. That section 13-15 of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 13-15. Purpose**

The City of Fort Collins values the dignity and worth of all human beings and is committed to promoting justice, equity and inclusivity by respecting cultural and individual diversity and fostering mutual understanding among all people regardless of race, color, religion, national origin, gender, marital status, age, disability, familial status, public assistance status, and sexual orientation. It is the intent of the City that all people have an equal opportunity to participate fully in the life of the City and that discriminatory barriers to equal participation in employment, housing and public accommodations be removed. The City has a compelling interest in eradicating and preventing discrimination based on race, color, religion, national origin, gender,

marital status, age, disability, familial status, public assistance status and sexual orientation, and in ensuring equal opportunity in employment, housing and public accommodations. This compelling interest in adopting these code provisions outweighs any burden placed upon the rights of the persons regulated by said provisions. These code provisions represent the least restrictive means to achieving the City's objectives. Nothing in this chapter is intended or shall be interpreted to establish or require affirmative action, quotas or preferences of any kind.

Section 3. That the definition of *harassment* set forth in section 13-16 of the Code of the City of Fort Collins is hereby amended to read as follows:

*Harassment* shall mean unwelcome physical or verbal conduct concerning race, color, religion, national origin, marital status, age, gender, sexual orientation, or disability which unreasonably interferes with the employee's job performance or creates an intimidating, hostile or offensive working environment.

Section 4. That section 13-16 of the Code of the City of Fort Collins is hereby amended by adding thereto the following definition:

*Sexual orientation* shall mean actual or perceived heterosexuality, homosexuality, bisexuality, or asexuality. Sexual orientation shall not include participation in acts which are prohibited by law.

Section 5. That section 13-17 of the Code of the City of Fort Collins is hereby amended by adding the phrase "sexual orientation" to each listing of bases of discrimination in subsections (a)(1) through (5), (a)(7), (b)(1) through (7), and (c)(2).

Section 6. That subsection (c)(3) of section 13-17 of the Code of the City of Fort Collins is hereby amended to read as follows:

(3) With respect to marital status and sexual orientation, discrimination in fringe benefits, insurance coverage or any other term, condition or privilege of employment where the employee seeks coverage for an individual on the basis that the individual is his or her spousal equivalent.

Section 7. That section 13-18 of the Code of the City of Fort Collins is hereby amended by adding the phrase "sexual orientation" to each listing of bases of discrimination in subsections (a), (a)(4), (b)(1) and (2), and (c).

Section 8. That section 13-19 of the Code of the City of Fort Collins is hereby amended by adding the phrase "sexual orientation" to each listing of bases of discrimination in subsections (a) and (a)(3).