

ORDINANCE NO. 4497

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SCOTTSDALE, ARIZONA AMENDING SCOTTSDALE REVISED CODE CHAPTER 14, HUMAN RESOURCES MANAGEMENT, BY AMENDING SECTION 14-1.1, CHAPTER 15, HUMAN RIGHTS, ARTICLES I AND II BY ADDING SECTIONS 15-1 THROUGH 15-12, AMENDING SECTIONS 15-16 THROUGH 15-20 AND ADDING ARTICLE III, SECTIONS 15-21 THROUGH 15-32.

WHEREAS, the City of Scottsdale ("City") is committed to anti-discrimination and fair treatment of residents, visitors, and employees; and

WHEREAS, the City Council ("Council") supports and values diversity and inclusiveness; and

WHEREAS, the City of Scottsdale is comprised of diverse and varied groups, communities, and individuals; and

WHEREAS, the City wishes to provide a clear and comprehensive mandate for the prevention of discrimination in employment, housing, places of public accommodation, and City services, programs and activities.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Scottsdale as follows:

Section 1. Scottsdale Revised Code, Chapter 14, Human Resources Management, is amended by amending Section 14-1.1 to read as follows, with new language shown in shaded format and deleted language shown in strikeout format:

Gender identity means an individual's gender-related identity, regardless of whether the identity is or is perceived to be different than the identity traditionally associated with the sex assignment to the individual at birth ~~various attributes as they are understood to be either masculine and/or feminine and shall be interpreted to include pre and post-operative transgender individuals.~~

Section 2. Scottsdale Revised Code, Chapter 15, Human Rights, is amended by adding Sections 15-1 through 15-8, amending Sections 15-17 through 15-20, and adding Article III, Sections 15-21 through 15-32 to read as follows, with new language shown in shaded format and deleted language shown in strikethrough format:

ARTICLE I. ~~IN GENERAL~~ – ANTI-DISCRIMINATION IN CITY SERVICES, PROGRAMS AND ACTIVITIES AND CONTRACTING

Sec. 15-1. ~~Reserved.~~ – Generally.

This article is hereby adopted as the non-discrimination and anti-harassment policy of the city.

Sec. 15-2. –Reserved. – Establishment of Anti-discrimination and Anti-harassment Policy.

It is the policy of the city to not discriminate and provide equal opportunity to all persons regardless of actual or perceived race, color, religion, sex, national origin, age, sexual orientation, gender identity or disability in the access, provision and treatment of city services, programs and activities. It is the policy of the city that all persons be treated with respect and dignity as specified in sections 15-4 through 15-7. Each person has the right to receive service from the city in a manner that promotes equality under the law and prohibits unlawful discrimination, including harassment and retaliation.

Sec. 15-3. –Reserved. – Individuals and Conduct Covered.

These policies apply to all elected and appointed officials, employees, and volunteers while acting within the scope of their city duties and all contractors, vendors and consultants of the city. City contracts and agreements will include language regarding compliance with this policy. Conduct prohibited by these policies is unacceptable in the workplace and in any work-related setting outside the workplace, such as during business trips, business meetings and business-related social events.

Sec. 15-4. –Reserved. – Discrimination.

Discrimination based on any protected characteristic is strictly prohibited. Under this policy, "discrimination" means engaging in or making directly or indirectly, any act, policy or practice that unfavorably subjects any person to different or separate treatment on the basis of actual or perceived race, color, religion, sex, age, disability, national origin, sexual orientation or gender identity. Discrimination also includes unfavorable different or separate treatment of a person based on the person's association with someone of a certain race, color, religion, sex, age, disability, national origin, sexual orientation, gender identity or U.S. military status.

Sec. 15-5. –Reserved. – Harassment.

Harassment based on any protected characteristic is strictly prohibited. Under this policy, harassment is verbal, written or physical conduct that denigrates or shows hostility or aversion toward an individual because of actual or perceived race, color, religion, sex, age, disability, national origin, sexual orientation or gender identity. Harassing conduct includes epithets, slurs or negative stereotyping; threatening, intimidating or hostile acts; denigrating jokes; and written or graphic material that denigrates or shows hostility or aversion toward an individual or group that is placed on walls or elsewhere on the employer's premises or circulated or posted in the workplace by e-mail, phone (including voice messages), text messages, social networking sites or other means.

Sec. 15-6. –Reserved. – Retaliation.

Retaliation against any person who reports discrimination or harassment or participates in an investigation of such reports is strictly prohibited. Under this policy "retaliation" means any act, policy or practice that unfavorably subjects any person to different or separate treatment because the person has opposed or reported any practice prohibited under this article. The city strongly encourages reporting of all perceived incidents of discrimination or harassment. It is the policy of

the city to promptly and thoroughly investigate such reports. Retaliation against an individual for reporting harassment or discrimination or for participating in an investigation of a claim of harassment or discrimination is a serious violation of this policy and, like harassment or discrimination itself, will be subject to disciplinary action as set forth in section 15-9. Acts of retaliation should be reported immediately and will be promptly investigated and addressed.

Sec. 15-7. –Reserved. – Prohibited Practices.

The following shall constitute a violation of this chapter:

- A. For any elected or appointed official, employee, volunteer, contractor, vendor or consultant to discriminate against any person, including to restrict or refuse access because of actual or perceived race, color, religion, sex, age, disability, national origin, sexual orientation or gender identity.
- B. For any elected or appointed official, employee, volunteer, contractor, vendor or consultant, because of actual or perceived race, color, religion, sex, age, disability, national origin, sexual orientation or gender identity to refuse to hire, or employ, or bar, or discharge from employment any person, or to discriminate against such person in compensation, conditions, or privileges of employment. Each city vendor, contractor or consultant shall provide a copy of its antidiscrimination policy to the city's purchasing director to confirm compliance with this chapter or attest in writing to compliance with this chapter.
- C. For any elected or appointed official, employee, volunteer, contractor, vendor or consultant, to coerce, intimidate, threaten, or interfere with any person in the exercise and enjoyment of, or on account of, any aid or encouragement of any right granted or protected under this chapter.
- D. For any elected or appointed official, employee, volunteer, contractor, vendor or consultant, to discriminate against, harass, threaten, harm, damage, or otherwise penalize another person for opposing an unlawful practice, for filing a complaint, for assisting or participating in any manner in the investigation or in mediation of disputes.

Sec. 15-8. –Reserved. – Reporting an Incident of Harassment, Discrimination or Retaliation; Investigation.

The city encourages reporting of all perceived incidents of discrimination, harassment or retaliation, regardless of the offender's identity or position. Employees or volunteers who believe that they have been the victim of such conduct should discuss their concerns with the director of human resources or designee. In addition, the city encourages individuals who believe they are being subjected to such conduct to promptly advise the offender that his or her behavior is unwelcome and to request that it be discontinued. The city recognizes, however, that an individual may prefer to pursue the matter through complaint procedures. Complaints that state a violation of this article will be investigated promptly. A complaint that an employee or volunteer has violated this article may be made to the director of human resources. A complaint that an elected or appointed official has violated this article may be made to the city attorney or designee. A complaint that a contractor, vendor or consultant has violated this article may be made to the purchasing director or if the complaint is against a Scottsdale-based contractor, vendor or consultant, it may be filed under section 15-19. Complaints shall be made by the person whose rights under this article were allegedly violated. The investigation may include individual interviews

with the parties involved and, where necessary, with individuals who may have observed the alleged conduct or may have other relevant knowledge. The city will maintain confidentiality throughout the investigatory process to the extent consistent with adequate investigation and appropriate corrective action, and to the extent allowed by law.

Sec. 15-9. –Reserved. – Disciplinary Action.

Misconduct constituting discrimination, harassment or retaliation will be dealt with appropriately. Responsive action may include, for example, training, referral to counseling or disciplinary action such as a warning, reprimand, withholding of a promotion or pay increase, reassignment, temporary suspension without pay, or termination, as the city believes appropriate under the circumstances. Any discipline of employees will follow the applicable procedures outlined in the Human Resources Ordinance. For elected and appointed officials, a finding that a violation of this policy has occurred will be considered in the same manner as a violation of the Code of Ethical Behavior. Any disciplinary action taken against a contractor, vendor or consultant shall follow the Procurement Code. If a contractor, vendor or consultant does not agree with the resolution of a complaint, the party may appeal as provided in the Procurement Code.

Sec. 15-10. –Reserved. – Policy Education and Training.

The city will make every reasonable effort to ensure that all concerned are familiar with these policies and are aware that any complaint in violation of such policies will be investigated and resolved appropriately. Any person who has questions or concerns about these policies should contact the applicable person identified in section 15-8.

Sec. 15-11. –Reserved. – Exclusions.

Notwithstanding any other provision herein, nothing in this chapter is intended to alter or abridge other rights, protections, or privileges secured under state or federal law. This chapter shall be construed and applied in a manner consistent with First Amendment jurisprudence regarding freedom of speech, freedom of association and exercise of religion.

Sec. 15-12. –Reserved. – No Separate Cause of Action.

Nothing in this chapter creates a separate cause of action or imposes legal liability against the City of Scottsdale or any other individual or business entity in regard to violation of this article.

ARTICLE II. –FAIR HOUSING - ANTI-DISCRIMINATION IN EMPLOYMENT AND PUBLIC ACCOMMODATIONS

Sec. 15-14. –Reserved. - Policy Declaration.

It is the policy of the City of Scottsdale to prohibit discrimination due to actual or perceived race, color, religion, sex, age, disability, national origin, sexual orientation or gender identity in employment and places of public accommodation.

Sec. 15-15. –Reserved. - Definitions Applicable to the Chapter.

In this chapter, unless the context otherwise requires:

A. Age means at least forty (40) years of age.

B. *Contractor* means any person who has a contract with the City of Scottsdale.

C. *Disability* means:

1. A physical or mental impairment that substantially limits one or more of the major life activities of such individual;
2. A record of such an impairment; or
3. Being regarded as having such an impairment.

Disability does not include the current illegal use of or addiction to a controlled substance (as defined in the Controlled Substances Act, 21 U.S.C. § 801 et seq.) or the current use of alcohol that prevents an individual from performing the duties of the job in question or whose employment, by reason of such current alcohol use, would constitute a direct threat to the property or the safety of others.

Discrimination on the basis of disability shall be interpreted in a manner consistent with the Americans with Disabilities Act, 42 U.S.C. § 12101 et seq.

D. *Discriminate* or *discrimination* means to engage in or make, directly or indirectly, any act, policy or practice that unfavorably subjects any person to different or separate treatment on the basis of actual or perceived race, color, religion, sex, age, disability, national origin, sexual orientation or gender identity. *Discriminate* or *discrimination* also includes unfavorable different or separate treatment of a person based on the person's association with someone of a certain race, color, religion, sex, age, disability, national origin, sexual orientation or gender identity.

E. *Discriminate because of sex* includes discrimination based on actual or perceived gender, pregnancy, child birth or related medical conditions.

F. *Discrimination complaint administrator* means the person designated by the city manager to investigate a complaint under this article.

G. *Dwelling* means:

1. Any building, structure or part of a building or structure that is occupied as, or designed or intended for occupancy as, a residence by one or more families;
2. Any vacant land that is offered for sale or lease for the construction or location of a building, structure or part of building or structure described by subsection (1) of this definition.

H. *Employee* means an individual employed for pay to perform services for an employer and whose job-related activities are controlled and directed by the employer for whom services are being performed.

I. *Employer* means any person employing one or more employees in the City of Scottsdale in each of twenty (20) or more calendar weeks in the current or preceding calendar year, and includes any agent of such person.

- J. *Employment agency* means any person regularly undertaking, with or without compensation, to procure, recruit, refer or place employees with an employer.
- K. *Familial status* means a person is:
1. Pregnant;
 2. A parent or other person having legal custody or who is in the process of securing legal custody of one or more individuals who are younger than 18 years and who are domiciled with such person;
 3. The designee of such parent or other person having legal custody as described in subsection (2) with the written permission of the parent or other person.
- L. *Gender identity* means an individual's actual or perceived gender-related identity, regardless of whether the identity is or is perceived to be different than the identity traditionally associated with the sex assigned to the individual at birth.
- M. *Labor organization* means any organization, labor union or craft union conducting a hiring hall which engages in the hiring of employees, or any voluntary unincorporated association designed to further the cause of the rights of union labor, which is constituted for the purpose in whole or in part of collective bargaining or dealing with employers concerning grievances, terms or conditions of employment or apprenticeships or applications for apprenticeships, or for other mutual aid or protection in connection with employment, including apprentice jobs or application for apprenticeship.
- N. *Person* means one or more individuals, partnerships, associations or corporations, legal representatives, trustees, receivers, or other organized groups of persons.
- O. *Place of public accommodation* means facilities, establishments, accommodations, services or commodities offered to or enjoyed by the general public, including but not limited to public places where food or beverages are sold, public places operated for temporary lodging or for the benefit, use or accommodation of those seeking health or recreation and all establishments offering services, facilities, or goods to members of the general public or supported by government funds. Any dwelling, private club or place which is in its nature distinctly private is not a place of public accommodation.
- P. *Religion* means all aspects of religious observance and practice, as well as belief. Discrimination on the basis of religion does not include a situation where an employer demonstrates that the employer is unable to reasonably accommodate an employee's or prospective employee's religious observance or practice without undue hardship on the conduct of the employer's business.
- Q. *Religious organization* means a religious corporation, association or society or a school, college, university, or other educational institution or institution of learning if the institution is in whole or substantial part controlled, managed, owned, or supported by a religious corporation, association or society, or the curriculum of the institution is directed toward the propagation of a religion.
- R. *Sexual orientation* means an individual's actual or perceived heterosexuality, homosexuality, or bisexuality.

Section 15-16. –Generally- Prohibited Acts.

This article is hereby adopted as the fair housing policy of the housing authority of the city.

It is a violation of this article:

- A. For any owner, operator, lessee, manager, agent or employee of any place of public accommodation to discriminate against any person, or directly or indirectly display, circulate, publicize or mail any advertisement, notice or communication which states or implies that any facility or service will be refused or restricted because of actual or perceived race, color, religion, sex, age, disability, national origin, sexual orientation or gender identity, or that any person, because of actual or perceived race, color, religion, sex, age, disability, national origin, sexual orientation or gender identity, would be unwelcome, objectionable, unacceptable or undesirable.
- B. For an employer, because of actual or perceived race, color, religion, sex, age, disability, national origin, sexual orientation or gender identity to refuse to hire or employ any person or to bar or discharge from employment such person, or to discriminate against such person in compensation or in terms, conditions or privileges of employment. Nothing in this subsection shall be interpreted to require that a less qualified person be preferred over a better qualified person because of actual or perceived race, color, religion, sex, age, disability, national origin, sexual orientation or gender identity.
- C. For a labor organization, because of actual or perceived race, color, religion, sex, age, disability, national origin, sexual orientation or gender identity to exclude, expel, limit or restrict from its membership any person, or to provide only inferior or segregated membership opportunities, or to discriminate in any manner against any of its members or against any employer or any person employed by an employer.
- D. For any employer or employment agency to print or circulate, or cause to be printed or circulated, any publication, or to use any form of application for employment, or to make any inquiry in connection with prospective employment, which expresses, directly or indirectly, any limitation, specification or discrimination as to race, color, religion, sex, age, disability, national origin, sexual orientation or gender identity, or expresses any intent to make any such limitation, specification or discrimination.
- E. For any employer, labor organization or employment agency to discharge, expel or otherwise discriminate against any person because such person has opposed in a lawful manner any practices prohibited under this article, or because he or she has filed a complaint, testified or assisted in any proceeding under this article.
- F. For any person to cause or attempt to cause an employer to discriminate against an individual in violation of this article.
- G. For any person to aid, abet, incite, compel or coerce the doing of any of the acts prohibited under this article or to attempt to do so.
- H. For any person to discriminate in places of public accommodation or employment against any person, because that person has made a complaint, testified, assisted or participated in any manner in an investigation, proceeding or hearing under this article.

Sec. 15-17. ~~Establishment of nondiscrimination policy.~~ - Exemptions.

~~In the selection of residents there shall be no discrimination against families because of race, color, creed, sex, religion, national origin, or ancestry. No person shall automatically be excluded from participation in or be denied the benefits of any project operated by the housing authority of the city because of membership in a class such as unmarried mothers, recipients of public assistance.~~

- A. This article shall not apply to any establishment operated by a bona fide private membership club that is exempt from taxation under section 501(c)(7) of the Internal Revenue Code not conducted for the purpose of evading this article, when the accommodations, advantages, facilities and services are restricted to members of such club and their guests.
- B. This article shall not apply to the United States government, any of its departments or agencies, or any corporation wholly owned by it; a federally recognized American Indian tribe; or the State of Arizona or any of its departments, agencies, or political subdivisions.
- C. This chapter shall not apply to any person who violates any policy or regulation of any place of public accommodation that applies to all persons, regardless of race, color, religion, sex, age, disability, national origin, sexual orientation or gender identity. Any such person may be excluded without penalty under this article from any such place of public accommodation, and nothing in this article shall be considered to limit such right of exclusion.
- D. This article shall not be applicable to a religious organization while employing an individual of a particular religion to perform work connected with the performance by the corporation, association or society.
- E. This article does not apply to employment by the City of Scottsdale. Discrimination against city employees is prohibited by Scottsdale Revised Code §14-2.
- F. Notwithstanding any other provision in this article, it shall not be a violation of this article:
 - 1. For an employer, labor organization, or employment agency to prohibit the illegal use of drugs and the use of alcohol at the workplace by all employees;
 - 2. For an employer, labor organization, or employment agency to require that employees not be under the influence of alcohol or engage in the use of potentially impairing drugs while at work;
 - 3. For an employer, labor organization, or employment agency to require that employees comply with the requirements established under the Drug-Free Workplace Act of 1988 (41 U.S.C. § 701 et seq.) or the drug testing provisions of state law (A.R.S. § 23-493 et seq.);
 - 4. For an employer, labor organization, or employment agency to hold an employee who engages in the use of potentially impairing drugs or who is an alcoholic to the same standards for employment, job performance and behavior to which such entity holds other employees;

5. For a place of public accommodation to afford beneficial pricing or policies to senior citizens, students, veterans or individuals with disabilities;
6. For an employer to establish a legitimate dress code that is applied uniformly to all employees within certain job categories and is reasonably related to the employer's business needs.

Sec. 15-18. - Compliance with state and federal laws. - Violation; Procedure; Penalties.

- (a) ~~It is the intention of the housing authority of the city to comply with any state fair housing laws that now or are hereafter adopted.~~
- (b) ~~The Civil Rights Act of 1968, Title VIII, Fair Housing (42 U.S.C. §§ 3601—3619) prohibits discrimination in the sale or rental of residential property involving all buildings containing five (5) or more units; buildings with two (2), three (3) or four (4) units if the owner does not live in the building; one-family houses sold or rented by those who own more than three (3) single-family houses, and all one-family houses which are sold or rented with the services of a real estate broker, agent or salesman. The law also prohibits discrimination by mortgage lending institutions and by real estate boards in their membership policies and in participation in multiple listing services and makes "blockbusting" illegal. "Blockbusting" is defined as meaning "... to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry into the neighborhood of persons of a particular race, religion, or national origin."~~
- (c) ~~The Civil Rights Act of 1964, Title VI, nondiscrimination in federally assisted programs, provides that no person shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.~~
- (d) ~~Executive Order 11063 equal opportunity in housing, requires all federal departments and agencies to take all action necessary and appropriate to prevent discrimination because of race, color, creed, or national origin in sales or rental of residential property and related facilities owned or operated by the federal government or provided with federal financial assistance. The order also prohibits discrimination in lending practices, insofar as such practices relate to loans insured or guaranteed by the federal government.~~
- (e) ~~The United States Supreme Court has determined that Federal Statute of 1866 U.S. Code Section 1982 prohibits any racial discrimination in any kind of housing regardless of whether the housing is covered under any other law.~~
- (f) ~~The housing authority of the city shall not, on account of creed or sex, discriminate in the sale, leasing, rental, or other disposition of housing or related facilities (including land) included in any project or in the use or occupancy thereof, nor deny to any family the opportunity to lease or rent any dwelling in any such housing suitable to its needs.~~

A. It is a civil violation for any person to violate any of the provisions of this chapter. Complaints of violations of this chapter shall proceed as prescribed in section 15-19.

B. The following penalties shall be imposed by the Scottsdale City Court for civil violations under this chapter:

1. A person found responsible for a civil violation shall be fined no less than five hundred dollars (\$500.00) per violation but no more than twenty-five hundred dollars (\$2,500.00) per violation.
2. Failure of a person to comply with any order contained in a judgment for a civil infraction may result in an additional fine as established by the Scottsdale City Court.

Sec. 15-19. - Display of the fair housing poster. - Complaint Procedures.

~~The fair housing poster will be displayed so as to be clearly visible to applicants and residents. The poster lists the types of discrimination to be guarded against, the buyers' or renters' right to file complaints if discrimination exists, and the address of the HUD area office to receive them.~~

- A. Any person claiming to be aggrieved by an alleged violation of this article or article III (hereinafter the "complainant") may file with the city clerk a verified charge, in writing, within ninety (90) calendar days after the alleged violation occurred. The charge shall set forth the facts upon which it is based, shall identify the person charged (hereinafter the "respondent"), and shall be signed by the complainant.
- B. Within forty-five (45) days following receipt of the charge from the complainant, the discrimination complaint administrator, in consultation with the city attorney or designee, shall conduct an initial screening of the charge to determine whether the city has jurisdiction over the charge, whether the charge was timely filed, and whether the allegations, if true, would constitute a violation.
- C. If the charge is within the jurisdiction of a federal or state agency, the discrimination complaint administrator shall refer the complainant to the appropriate public agency. The complainant shall be responsible for filing the charge within the time frames set out in federal or state law and the city shall take no further action regarding the charge.
- D. If the criteria in subsection (B) are met, the discrimination complaint administrator shall furnish the respondent with a copy of the charge via first class United States mail. The respondent shall file, not later than twenty (20) days following the date the charge is mailed to the respondent, a written verified answer to the charge.
- E. If the discrimination complaint administrator determines that the city does not have jurisdiction, the charge is untimely, or the allegations would be insufficient to show a violation, the discrimination complaint administrator shall dismiss the charge as not warranting further action or investigation by the city. The decision to dismiss a charge is final. The discrimination complaint administrator shall provide the complainant, the respondent, and the city attorney with written findings concerning the determination to dismiss the charge.
- F. If the discrimination complaint administrator makes an initial determination that the city has jurisdiction over the charge, the charge was timely filed and the allegations, if true, would constitute a violation, the discrimination complaint administrator may offer mediation services to the complainant and respondent in an attempt to resolve the matter.

- G. Any failure by the charging party to timely respond or take action as requested by the city may be considered withdrawal of the complaint.
- H. If mediation is not successful in resolving the charge or if mediation does not occur, the discrimination complaint administrator shall determine whether the facts support a finding that a violation has occurred. If the discrimination complaint administrator determines that a violation did not occur, the discrimination complaint administrator shall issue a determination that the charge is unfounded and the matter will be considered closed. If the discrimination complaint administrator determines that there is cause to believe that a violation did occur, the discrimination complaint administrator shall refer the matter to the city attorney or designee for a determination as to whether to proceed with prosecution. The city attorney or designee may file civil complaints in city court to enforce this chapter.

Sec. 15-20. - Enforcement of fair housing laws. - No Private Right of Action; Effect of Federal and State Laws.

Families experiencing discrimination covered by fair housing laws may file a complaint with the city. The complainant may state the complaint in a letter or use a HUD complaint form (HUD 0903). Complaints must be sent to HUD within one hundred eighty (180) days of the alleged discriminatory act. The executive director or the housing authority shall assist families desiring assistance in filing a complaint, when necessary.

This chapter does not create a private cause of action, nor does it create any right or remedy that is the same or substantially equivalent to the remedies provided under federal or state law. Nothing in this chapter shall supersede federal or Arizona law.

Sec. 15-21. - Severability.

If any section, sentence, paragraph, term, definition or provision of this chapter is for any reason determined to be illegal, invalid, superseded by other authority or unconstitutional by any court of competent jurisdiction or by any state or federal regulatory authority having jurisdiction thereof, such portion shall be deemed a separate, distinct, and independent provision and such determination shall have no effect on the validity of any other section, sentence, paragraph, term, definition or provision of this chapter, all of which will remain in full force and effect.

ARTICLE III. FAIR HOUSING

Sec. 15-22. - Prohibited Actions.

It is a violation of this article for any person:

- (1) To discriminate against any person in the sale, lease, rental or any other condition involving housing because of actual or perceived race, color, religion, sex, age, disability, national origin, sexual orientation, gender identity or familial status.
- (2) To refuse to sell or rent a dwelling after the making of a bona fide offer, because of actual or perceived race, color, religion, sex, age, disability, national origin, sexual orientation, gender identity or familial status.

- (3) To discriminate in the terms, conditions, or privileges of sale or rental of a dwelling because of actual or perceived race, color, religion, sex, age, disability, national origin, sexual orientation, gender identity or familial status.
- (4) To print, publish, or advertise sale or rental of a dwelling which indicates preference, limitations, or discrimination because of race, color, religion, sex, age, disability, national origin, sexual orientation, gender identity or familial status.
- (5) To represent to any person that a dwelling is not available for inspection, sale, or rental, when such dwelling is, in fact, available because of actual or perceived race, color, religion, sex, age, disability, national origin, sexual orientation, gender identity or familial status.
- (6) To induce, or attempt to induce, for profit, any person to sell or rent a house by representation regarding the entry or prospective entry into the neighborhood of a person or persons of a particular actual or perceived race, color, religion, sex, age, disability, national origin, sexual orientation, gender identity or familial status.

Sec. 15-4823. - Compliance with State and Federal Laws; Exemptions.

- (a) Nothing in this article is intended to or shall be construed as diminishing protections afforded by applicable federal or state housing laws.
- (b) Nothing in this article is intended to or shall be construed as diminishing exemptions provided by applicable federal or state housing laws, including the following.

1. Nothing in this article regarding discrimination based on familial status applies to housing:

- a. Provided under any state or federal program that is specifically designed and operated to assist elderly persons;
- b. Intended for and solely occupied by persons 62 years of age or older; or
- c. Intended and operated for occupancy by persons 55 years of age or older.

2. This article does not prohibit a religious organization from limiting the sale, rental or occupancy of dwellings that it owns or operates for other than a commercial purpose to persons of the same religion or from giving preference to such persons.

3. This article does not apply to the selection of a person to reside within a dwelling or portion of a dwelling occupied by the person making the selection.

4. This article does not prohibit a private club that is not in fact open to the public, which incident to its primary purpose, provides lodging that it owns or operates for other than a commercial purpose, from limiting the rental or

occupancy of such lodgings to its members or giving preference to its members.

Sec. 15-24. - Enforcement of Fair Housing Provisions.

The complaint procedures in section 15-19 apply to any claimed violation of this article. Such complaint procedures are in addition to and are not intended to supplant any complaint procedures or remedies available under applicable federal or state housing laws.

PASSED AND ADOPTED by the City Council of the City of Scottsdale this 20th day of April, 2021.

ATTEST:

Ben Lane
Ben Lane, City Clerk

CITY OF SCOTTSDALE, an Arizona
municipal corporation

David D. Ortega
David D. Ortega, Mayor

APPROVED AS TO FORM:

Sherry R. Scott
Sherry R. Scott, City Attorney
By: William Hylan
Senior Assistant City Attorney