

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 4-1001 OF CHAPTER 4 OF THE CODE TO CLARIFY THE DUTIES OF THE HUMAN RIGHTS COMMISSION CONSISTENT WITH THE DUTIES LISTED IN CHAPTER 7 OF THE CODE; AMENDING SECTIONS 7-101 THROUGH 7-128 OF CHAPTER 7 OF THE CODE TO ADD SPECIFIC PROTECTIONS AGAINST DISCRIMINATION AND RETALIATION ON THE BASIS OF SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, OR MARITAL STATUS, INCLUDING MARRIAGE TO A PERSON OF THE SAME SEX, IN THE AREAS OF EMPLOYMENT, HOUSING, AND PUBLIC ACCOMMODATIONS; AMENDING SECTION 7-102 TO ADD PROVISION AND PROMOTION OF EDUCATION AND AWARENESS OF THE RIGHTS PROVIDED IN THE CODE AND SUBMISSION OF AN ANNUAL REPORT OF COMPLAINTS TO CITY COUNCIL TO THE DUTIES OF THE HUMAN RIGHTS COMMISSION; AMENDING SECTION 7-103 TO MODIFY THE DEFINITION OF AGE AND ADD NEW LANGUAGE TO THE DEFINITION OF SEXUAL HARASSMENT; ADD DEFINITIONS OF DISABILITY, DISCRIMINATE OR DISCRIMINATION, GENDER IDENTITY OR EXPRESSION, AND SEXUAL ORIENTATION; REMOVE DEFINITIONS OF DWELLING, EMPLOYMENT, HOUSING ACCOMMODATION, LENDING INSTITUTION, REAL ESTATE BROKER, AND HANDICAPPED PERSON; AND AMEND THE DEFINITION OF EMPLOYER TO REMOVE THE MINIMUM NUMBER OF EMPLOYEES; AND RENUMBER REMAINING DEFINITIONS; ADD A NEW AND RENUMBERED SECTION 7-104 TO PROVIDE A GENERAL PROHIBITION OF DISCRIMINATION AND RETALIATION; DELETE SECTIONS 7-104 THROUGH 7-118; ADD A NEW AND RENUMBERED SECTION 7-105 TO PROVIDE SPECIFIC EMPLOYMENT AND HOUSING EXCEPTIONS; AMEND AND RENUMBER SECTION 7-119 REGARDING THE FILING OF COMPLAINTS TO PROVIDE FOR FILING IN THE CITY CLERK'S OFFICE ON A FORM APPROVED BY THE HUMAN RIGHTS COMMISSION; AMENDING AND RENUMBERING SECTIONS 7-120 THROUGH 7-121 TO CLARIFY AND STREAMLINE THE HUMAN RIGHTS COMMISSION'S ADMINISTRATIVE REVIEW AND RESOLUTION OF COMPLAINTS PROCESS; DELETING SECTIONS 7-122 THROUGH 7-127; ADDING A NEW SECTION 7-110 TO PRESERVE A COMPLAINANT'S RIGHT TO PURSUE OTHER ADMINISTRATIVE REMEDIES AND/OR A PRIVATE CIVIL ACTION; RENUMBERING SECTIONS NOT DELETED; AND PROVIDING FOR THE SEVERABILITY THEREOF.

7.5-21 OF CHAPTER 7.5 OF THE CODE OF THE CITY OF NORMAN BY DELETING CERTAIN DEFINITIONS ADDRESSED BY STATE LAW; ADDING DEFINITIONS OF A CAMPAIGN COMMITTEE, MUNICIPAL OFFICE, AND MUNICIPAL POLITICAL COMMITTEE TO CONFORM TO STATE LAW; AND RENUMBERING REMAINING DEFINITIONS; DELETING SECTIONS 7.5-22, 7.5-23, AND 7.5-24 OF CHAPTER 7.5 OF THE CODE OF THE CITY OF NORMAN REMOVING CAMPAIGN STATEMENT FILING REQUIREMENTS NOW GOVERNED BY STATE LAW; AMENDING SECTION 7.5-25 OF CHAPTER 7.5 OF THE CODE OF THE CITY OF NORMAN TO MODIFY THE DUTIES OF THE CITY CLERK TO BE CONSISTENT WITH APPLICABLE PROVISIONS OF STATE LAW; AMENDING SECTION 7.5-26 OF CHAPTER 7.5 OF THE CODE OF THE CITY OF NORMAN TO MODIFY THE DUTIES OF THE NORMAN ELECTION COMMISSION TO BE CONSISTENT WITH STATE LAW; AMENDING SECTION 7.5-27 OF CHAPTER 7.5 OF THE CODE OF THE CITY OF NORMAN TO PROVIDE A CITY OF NORMAN ELECTION COMMISSION COMPLAINT REFERRAL PROCEDURE THAT IS CONSISTENT WITH STATE LAW; DELETING SECTION 7.5-28 OF CHAPTER 7.5 OF THE CODE OF THE CITY OF NORMAN REGARDING PENALTIES TO BE CONSISTENT WITH STATE LAW; RENUMBERING SECTIONS NOT DELETED; AND PROVIDING FOR THE SEVERABILITY THEREOF.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA:

§ 1. That Section 4-1001 of Chapter 4 of the Code of Ordinances of the City of Norman shall be amended to read as follows:

Sec. 4-1001. – Duties and powers of the Commission.

~~(a)~~ The Human Rights Commission shall have the power and duty to:

~~(1a)~~ Provide and promote education and awareness of the rights provided in chapter 7 of this Code. Receive, investigate written complaints of discrimination and retaliation in violation of chapter 7 of this Code, and seek the satisfactory resolution adjustment of such complaints according to the procedures which charge unlawful practices as set forth in chapter 7 of this Code.

~~(2) Receive and investigate other complaints of discrimination per chapter 7 of this Code, and to seek the satisfactory adjustment of such complaints. Any complaint filed under this subsection which the Commission believes may constitute a violation of a~~

~~law of the United States or the State of Oklahoma may be certified to the City Attorney for such actions as he may deem proper.~~

~~———— (3) After the filing of a sworn complaint to:~~

- ~~———— a. Hold public hearings;~~
- ~~———— b. Subpoena witnesses and compel their attendance;~~
- ~~———— c. Administer oaths;~~
- ~~———— d. Take the testimony of persons under oath;~~
- ~~———— e. Require the production of evidence relating to any matter under investigation or any question before the commission;~~
- ~~———— f. Make findings of fact;~~
- ~~———— g. Issue orders;~~
- ~~———— h. Publish such findings of fact and orders; and~~
- ~~———— i. Do all things necessary and proper for the enforcement of chapter 7 of this Code.~~

(4b) Study and investigate by means of public hearings or otherwise any conditions having an adverse effect on intergroup relations in the City, and study the problems of prejudice, intolerance, bigotry and discrimination as they affect the public safety and general welfare of the City.

(5c) Institute and conduct educational and other programs to promote the equal rights, ~~and opportunities, and mutual understanding of all persons, regardless of their race, color, religion, ancestry, sex, national origin, age, ancestry, national origin, or place of birth, disability, sex, sexual orientation, gender identity or expression, familial status, or marital status, including marriage to a person of the same sex. and to promote understanding among persons and groups of different races, colors, religions, sexes, ages, ancestries, national origins, or places of birth.~~ In the performance of this duty, the Commission may cooperate with interested citizens, private agencies, and agencies of the federal, state, and local governments.

(6d) Issue publications and reports of investigation and research in the field of human rights relations, and to cooperate with and accept grants from public and private agencies, including foundations and institutions of higher learning engaged in similar research.

(7e) Assist in the enforcement of fair employment practices in City contracts.

(8f) Recommend legislation to promote and ~~insure~~ equal rights and opportunities for all persons regardless of their race, color, religion, ~~sex, age, ancestry, national origin, age, or place of birth, disability, sex, sexual orientation, gender identity or expression, familial status, or marital status, including marriage to a person of the same sex.~~

(9) ~~In the event the offender refuses or fails to comply with Commission orders or violates provisions of chapter 7 of this Code, the Commission shall certify the case and entire record of Commission proceedings to the City Attorney, who shall invoke the aid of the appropriate court to secure the enforcement or compliance with the order, or to impose the penalties set forth in said chapter 7 of this Code.~~

(10g) Provide minutes of its meetings to the office of the City Clerk within ten (10) days from the date of their approval.

~~(b) However, the Commission shall take no formal action in any proceeding or investigation, except for confidential preliminary and informal attempts to negotiate and conciliate with an alleged offender, until such time as a sworn complaint is filed by a person aggrieved or against whom an alleged act of discrimination has been committed.~~

§ 2. That Chapter 7 of the Code of Ordinances of the City of Norman shall be amended to read as follows:

Sec. 7-101. - Declaration of policy and objectives.

(a) It is the policy of the City of Norman that the protection of civil rights is a matter of local concern and that in order to ensure public safety, public health, and the general welfare of all citizens of this community, ~~shall have an~~ no individual shall be denied equal protection of the laws, nor shall an individual be denied the enjoyment of his or her civil rights or be discriminated against because of opportunity to purchase, rent, lease or occupy housing accommodations, or to avail themselves of public accommodations, and have an equal opportunity in the job market and the social and economic life of the City, without regard to race, color, religion, ancestry, sex, national origin, age, place of birth, handicap disability, sex, sexual orientation, gender identity or expression, or familial status, or marital status, including marriage to a person of the same sex. It is further declared and determined to be the policy of the City of Norman that aAll citizens of this community shall should be provided with have an equal opportunity to purchase, rent, lease, or occupy housing accommodations; to avail themselves of the full enjoyment of public accommodations; to have an equal opportunity in the job market and the social and economic life of the City; and to reach their full potential as human beings, without regard being inhibited by conditions relating to race, color, religion, ancestry, sex, national origin, age, place of birth, handicap, disability, sex, sexual orientation, gender identity or expression, or familial status, or marital status, including marriage to a person of the same sex.

(b) The provisions and sections of this chapter shall be liberally construed in order to further the general purpose of this declaration of policy and objectives.

Sec. 7-102. - The Norman Human Rights Commission.

The duties of the Norman Human Rights Commission shall be as follows:

- (1) To study problems of discrimination in any or all fields of human relations and to encourage fair treatment and mutual understanding among all citizens; and to combat those misconceptions, prejudices and stereotypes that tend to prevent individuals from reaching their full potential as human beings;

- (2) To hold such meetings as the Commission may deem necessary or proper to assist in carrying out its functions;
- (3) To make recommendations to the City Council of the City of Norman for action it deems necessary to the furtherance of equality and human rights, including the recommendation of legislation to promote the objectives of this chapter;
- (4) To appoint subcommittees to concern themselves with specific human rights problems, which subcommittees shall:
 - (a) Be composed of bona fide adult residents of the community, and
 - (b) Be chaired by a member of the Commission;
- (5) To serve as a citizens' advisory committee for the purpose of coordinating, studying and making reports concerning citizen involvement in human rights matters;
- (6) To perform such other duties as may be assigned to it from time to time by the City Council;
- (7) To provide and promote education and awareness of the rights provided in this Code, ~~To receive and investigate~~ written complaints of discrimination and retaliation in violation of this Code, and to seek satisfactory resolution of such complaints according to the procedures hereinafter set forth;
- (8) To institute and conduct educational and other programs to promote the equal rights of all persons regardless of race, color, religion, ancestry, ~~sex~~, national origin, age, place of birth, ~~handicap~~ disability, sex, sexual orientation, gender identity or expression, or familial status, or marital status, including marriage to a person of the same sex, and to promote understanding among all persons and groups;
- (9) To cooperate with interested citizens, private agencies, and the agencies of local, state, and federal governments in the promotion of human rights;
- (10) To ~~insure~~ issue publications and reports of investigations and research in the field of human rights, and to cooperate with and accept grants from public and private agencies, including foundations and institutions of higher learning engaged in similar research;
- (11) To assist in the enforcement of fair employment practices in eCity contracts;
- (12) To monitor the policies and procedures of all agencies, trusts, departments, and commissions of the City of Norman for the compliance with the laws of the City of Norman, the State of Oklahoma and of the United States promoting human rights;
- (13) To adopt bylaws, rules and regulations for the conduct of the Commission's business;
- (14) To keep an open, public record of its resolutions, transactions, minutes, and determinations; and
- (15) To create and fill such offices as it may determine are necessary for the performance of its functions.
- (16) To submit to City Council an annual report of complaints filed and their resolution. No report is required if no complaints are filed during a particular year.

Sec. 7-103. - Definitions.

The following words and phrases when used in this chapter shall for the purposes of this chapter, have the meanings respectively ascribed to them in this section, except where the context otherwise requires:

- (1) *Age*: That period of time when a worker is ~~at least~~ forty (40) years old or older. ~~and less than sixty five (65) years old.~~
- (2) *Commission*: The Norman Human Rights Commission.
- (3) ~~*Dwelling*: Any building, structure, or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof.~~
- (3) *Disability*: A physical or mental impairment that substantially limits one or more of the major life activities of an individual, a record of such impairment, or being regarded as having such an impairment.
- (4) *Discriminate or discrimination*: Any act which, because of race, color, religion, ancestry, national origin, age, place of birth, disability, sex, sexual orientation, gender identity or expression, familial status, or marital status, including marriage to a person of the same sex, results in the unequal treatment, separation, or termination of any person; or denies, prevents, limits, or adversely affects the benefit or enjoyment of any person as to employment, ownership, or occupancy of real property or access to public accommodations and public services.
- (5) *Employer*: Any person or entity who pays one or more individuals a salary or wages for work performance, ~~employs five (5) or more employees, exclusive of the parents, spouse, or children of such person,~~ including the City of Norman, its departments, boards, commissions, and authorities, and any other governmental agency within its jurisdiction, but excluding any religious, fraternal, or sectarian organization which is not supported in whole or part by any governmental appropriations. Excludes independent contractors and employment of the parents, spouse, or children of such person.
- (6) ~~*Employment*: Excludes the employment of individuals in domestic service.~~
- (67) *Employment agency*: Any person regularly undertaking with or without compensation, to procure opportunities for employment or to procure, recruit, refer or place employees.
- (7) ~~*Housing accommodation*:~~
 - (a) ~~A building, structure, or portion thereof which is used or occupied, or is intended, arranged or designed to be used or occupied, as a home, residence or sleeping place by a person, by a family, or by a group of persons living together, or~~
 - (b) ~~A parcel of real property or lot available for the construction of a housing accommodation.~~

- (7) *Gender identity or expression:* The actual or perceived gender-related identity, appearance, expression, mannerisms, or other gender-related characteristics of an individual, regardless of the individual's designated sex at birth.
- (8) *Labor organization:* Any organization which exists for the purpose in whole or in part of collective bargaining or of dealing with employers concerning grievances, terms or conditions of employment or of other mutual aid or protection in relation to employment.
- ~~(9) *Lending institution:* Any bank, insurance company, savings and loan association, or any person regularly engaged in the business of lending money or guaranteeing loans.~~
- (940) *Owner:* The owner, co-owner, lessee, sublessee, mortgagee, assignee, manager, agent, employee or any other person having the right of ownership or possession or the authority to sale, rent, or lease any housing accommodation, or any person having an equitable or security interest in any housing accommodation, including the eCity, and its departments, boards, commissions, and authorities.
- (101) *Person:* An individual, association, corporation, joint apprenticeship, committee, joint stock company, labor union, legal representative, mutual company, partnership, receiver, trust, trustee, unincorporated organization, or other legal or commercial entity, including the City of Norman.
- (112) *Public accommodation:* Any place, business or activity which is open to, accepts or solicits the patronage of the general public or offers goods, services or recreation to the general public.
- ~~(13) *Real estate broker:* Any person, who/which for a fee or other valuable consideration manages, sells, purchases, exchanges, or rents or negotiates, or offers or attempts to negotiate the sale, purchase, exchange, or rental of, the real property of another, or holds himself/itself out as engaged in the business of managing, selling, purchasing, exchanging or renting the real property of another, or collects rent for the use of the real property of another, and includes real estate salesmen or agents or any other person employed by a real estate broker to perform or to assist in the performance of his business.~~
- (124) *Sexual harassment:* Unwelcome sexual advances, requests of sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:
- (a) Submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment;
 - (b) Submission to, or rejection of, such conduct by an individual is used as the basis for employment decisions affecting such individual; or
 - (c) Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.
- (d) For purposes of this chapter, an employer, labor organization or employment agency has engaged in sexual harassment if:

(1) The agents and supervisory employees of an employer, labor organization or employment agency engaged in sexual harassment, regardless of whether the specific acts of sexual harassment were authorized or even forbidden, and regardless of whether the employer knew or should have known of their occurrence; or

(2) The nonsupervisory employees of an employer, labor organization or employment agency engaged in sexual harassment and the employer, labor organization or employment agency knew or reasonably should have known of the sexual harassment.

~~(15) *Handicapped person:* A person who has a physical or mental impairment which substantially limits one or more of such person's major life activities, has a record of such an impairment, or is regarded as having such an impairment.~~

(13) *Sexual orientation:* An individual's actual or perceived heterosexuality, homosexuality, asexuality, or bisexuality.

Sec. 7-104. – Prohibition of Discrimination and Retaliation.

No person, persons, or entity shall discriminate against any person or persons within the City of Norman regarding employment, housing, public accommodations, and public services on the basis of race, color, religion, ancestry, national origin, age, place of birth, disability, sex, sexual orientation, gender identity or expression, familial status, or marital status, including marriage to a person of the same sex. It is an unlawful employment practice for any employer, labor organization, or employment agency to engage in sexual harassment. Prohibited acts of discrimination on the basis of any reason set forth above shall include the publishing, circulation, display, posting, or mailing of any written, or printed, or electronic communication, notice, or advertisement to the effect that any of the accommodations, advantages, facilities, goods, products, service and privileges of any public place shall be refused, withheld, or that the patronage of such person is unwelcome, objectionable, or not acceptable, desired, or solicited. No person, persons, or entity shall discriminate or retaliate against any person or persons because of that person's opposition to any unlawful practice forbidden in this chapter or because of that person's filing of a complaint or assistance or cooperation in any investigation, attempted resolution, or other proceedings brought under this chapter.

Sec. 7-104. – Unlawful employment practices: Employers.

~~It is an unlawful employment practice for an employer:~~

~~(1) To fail or refuse to hire, to discharge, or otherwise to discriminate against an individual with respect to compensation or the terms, conditions, privileges, or responsibilities of employment, because of race, color, religion, ancestry, sex, national origin, age, place of birth, handicap, or familial status unless such action is related to a bona fide occupational qualification reasonably necessary to the normal operation of the employer's business or enterprise; or~~

- ~~(2) To limit, segregate, or classify an employee in a way which would deprive or tend to deprive an individual of employment opportunities or otherwise adversely affect the status of an employee, because of race, color, religion, ancestry, sex, national origin, age, place of birth, handicap, or familial status unless such action is related to a bona fide occupational qualification reasonably necessary to the normal operation of the employer's business or enterprise.~~

Sec. 7-105. -- Unlawful employment practices: Employment agencies.

~~It is an unlawful employment practice for an employment agency to fail or refuse to refer for employment, or otherwise to discriminate against an individual because of race, color, religion, ancestry, sex, national origin, age, place of birth, or handicap, [or familial status] or to classify or refer for employment an individual on the basis of race, color, religion, ancestry, sex, national origin, age, place of birth, handicap, or familial status.~~

Sec. 7-106. -- Unlawful employment practices: Labor organizations.

~~It is an unlawful employment practice for a labor organization:~~

- ~~(1) To exclude or to expel from membership, or otherwise to discriminate against a member or applicant for membership because of race, color, religion, ancestry, sex, national origin, age, place of birth, handicap, or familial status; or~~
- ~~(2) To limit, segregate, or classify membership, or to classify or to fail or refuse to refer for employment an individual in a way:~~
- ~~(a) Which would deprive or tend to deprive an individual of employment opportunities; or~~
- ~~(b) Which would limit employment opportunities or otherwise adversely affect the status of an employee or of an applicant for employment;~~

~~because of race, color, religion, ancestry, sex, national origin, age, place of birth, handicap, or familial status.~~

Sec. 7-107. -- Unlawful employment practices: Training programs.

~~It is an unlawful employment practice for an employer, labor organization, or joint labor-management committee controlling apprenticeship, on-the-job, or other training or retraining program, to discriminate against an individual because of race, color, religion, ancestry, sex, national origin, age, place of birth, handicap, or familial status, in admission to, or employment in, a program established to provide apprenticeship or other training.~~

~~Sec. 7-108. -- Unlawful employment practices: Retaliation.~~

~~It is an unlawful employment practice for any employer, labor organization or employment agency to discriminate against any person because of that person's opposition to any unlawful employment practice forbidden in this chapter or because of that person's filing of a complaint, or testimony, or assistance in the investigation or proceeding brought under this chapter.~~

~~Sec. 7-109. -- Unlawful employment practices: Sexual harassment.~~

- ~~(a) — It is an unlawful employment practice for any employer, labor organization or employment agency to engage in sexual harassment.~~
- ~~(b) — For purposes of this section, an employer, labor organization or employment agency has engaged in sexual harassment if:~~
 - ~~(1) — The agents and supervisory employees of an employer, labor organization or employment agency engaged in sexual harassment, regardless of whether the specific acts of sexual harassment were authorized or even forbidden, and regardless of whether the employer knew or should have known of their occurrence; or~~
 - ~~(2) — The nonsupervisory employees of an employer, labor organization or employment agency engaged in sexual harassment and the employer, labor organization or employment agency knew or reasonably should have known of the sexual harassment.~~

~~Sec. 7-110. -- Other unlawful employment practices.~~

~~It is an unlawful employment practice for an employer, labor organization, or employment agency to print or publish, or cause to be printed or published, a notice or advertisement indicating a preference, limitation, specification, or discrimination, based on race, color, religion, ancestry, sex, national origin, age, place of birth, handicap, or familial status unless such preference, limitation, specification, or discrimination is related to a bona fide occupational qualification for employment.~~

~~Sec. 7-111. -- Exceptions: Religious educational institutions.~~

~~It is not an unlawful employment practice for a school, college, university or other educational institution to hire and employ a person of a particular religion if:~~

- ~~(1) — The school, college, university or other educational institution is wholly or substantially owned, supported, controlled or managed by a particular religion, religious corporation, association, or society; or~~
- ~~(2) — The curriculum of the school, college, university or other educational institution is directed to the propagation of a particular religion.~~

~~Sec. 7-112. -- Bona fide seniority or merit systems.~~

~~Notwithstanding any other provisions of this chapter, it is not an unlawful employment practice for an employer:~~

- ~~(1) To apply differing standards of compensation, or different terms, conditions, privileges, or responsibilities, of employment pursuant to a bona fide seniority or merit system, or a system which measures earnings by quantity or quality of production, or to employees who work in different locations, if such differences are not the result of an intention to discriminate on the basis of race, color, religion, ancestry, sex, national origin, age, place of birth, handicap, or familial status.~~
- ~~(2) To give and to act on the results of a professionally developed ability test, if the test, its administration, or action upon the results is not designed, intended, or used to discriminate because of race, color, religion, ancestry, sex, national origin, age, place of birth, handicap, or familial status.~~

~~Sec. 7-113. -- Male and female employees.~~

~~Notwithstanding any other provision of this chapter, it shall not be an unlawful employment practice to differentiate in employment, compensation, terms, conditions or privileges of employment between male and female employees, when such differences are otherwise required or permitted by the laws of the State of Oklahoma, or the provisions of the Federal Civil Rights Act of 1964, as amended, or the provisions of Section 6 (d) of the Federal Fair Labor Standards Act of 1938, as amended.~~

~~Sec. 7-114. -- Affirmative action programs.~~

~~Notwithstanding any other provision of this chapter, it shall not be an unlawful employment practice for an employer to adopt and implement a plan designed to eliminate or reduce any imbalance respecting a particular race, color, sex, or national origin group, when that plan is otherwise authorized by the laws of Oklahoma or the laws of the United States.~~

~~Sec. 7-115. -- Discrimination in housing.~~

~~No person, real estate broker, or lending institution shall directly or indirectly engage in the following acts because of a person's race, color, religion, sex, ancestry, national origin, place of birth, handicap, or familial status:~~

- ~~(1) Print, publish, circulate, issue or display any communication, notice, advertisement or signs relating to the sale, rental, lease, sublease, assignment, transfer of listing of a housing accommodation which indicates any preference, limitation, specification, or discrimination.~~

- ~~(2) — Misrepresent that any housing accommodation is not available for inspection, sale, lease, sublease, rental assignment or other transfer.~~
- ~~(3) — Induce the sale, rental, or listing for sale or rental, of a housing accommodation by representing that a change has occurred, will or may occur with respect to the racial, religious, or ethnic composition of the street, block, neighborhood or area in which such housing accommodation is located.~~
- ~~(4) — Include in the terms, conditions or privileges of any lease, sublease, rental assignment or other transfer of any housing accommodations, such clause, condition, or restriction that discriminates against another person in the use or occupancy of such housing accommodation.~~
- ~~(5) — Discriminate against, segregate or assign quotas in connection with a sale, lease, sublease, rental assignment or other transfer of title, leasehold, or other interest in any housing accommodation.~~
- ~~(6) — After the making of a bona fide offer:
 - ~~(a) — Refuse to negotiate for the sale, lease, sublease, rental assignment or other transfer of a title, leasehold, or other interest in any housing accommodation.~~
 - ~~(b) — Refuse to sell, lease, sublease, rent, assign, or otherwise transfer a title, leasehold, or other interest in any housing accommodation.~~
 - ~~(c) — Deny or otherwise withhold any housing accommodation.~~~~
- ~~(7) — Utilizing any form or application for financial assistance, (for the purchase, lease, acquisition, construction, rehabilitation, repair or maintenance of any housing accommodation) or making any record or inquiry in connection with such application, which indicates or makes any limitation, specification, or discrimination.~~
- ~~(8) — Discriminating in the granting, withholding, extending, modifying, or renewing, or in the rates, terms, conditions or privileges of any application for financial assistance for the purchase, lease, acquisition, construction, rehabilitation, repair, or maintenance of any housing accommodation after the making of a bona fide offer, or in the extension of services in connection therewith.~~

~~Sec. 7-116. — Exceptions to discriminatory housing practices.~~

The provisions of section 7-115 of this Code shall not apply to those situations wherein:

- ~~(1) — A religious or sectarian institution or organization, or a charitable or educational organization (which is operated, supervised or controlled by or in connection with a religious organization), or any bona fide private or fraternal organization:
 - ~~(a) — Limits admission to, or gives preference to persons of the same religion or sect, or to members of such private or fraternal organization; or~~
 - ~~(b) — Makes such selection as a calculated [effort] by that organization to promote the religious or sectarian principles or the aims, purposes, or fraternal principles for which it is established or maintained.~~~~

- ~~(2) An owner privately offers property or gives preference to prospective tenants or buyers, as long as those reasons for the private offer or preference are based upon other than race, color, religion, sex, national origin, handicap, or familial status.~~
- ~~(3) An owner rents a portion of a dwelling containing accommodations for not more than four (4) families, and one of those accommodations is the residence of the owner.~~
- ~~(4) An owner sales or rents a single family house, provided that:~~
 - ~~(a) The private individual owner does not own more than three (3) such single family houses at any one time; and~~
 - ~~(b) The private individual owner resided in that house was the most recent resident prior to that sale (if the private individual owner did not so reside or was not the most recent resident, the exemption granted by this subsection shall apply only to one such sale within any twenty four month period; and~~
 - ~~(c) Such bona fide owner does not own any interest in, nor is there owned or reserved on his behalf, under any express or voluntary agreement, title to or any right to all or a portion of the proceeds from the sale or rental of more than three (3) such single family houses at any one time; and~~
 - ~~(d) Such sale or rental was:~~
 - ~~1. Without the use of the sales or rental facilities or services of any real estate broker, agent, employee, or any other person in the business of selling or renting dwellings; and~~
 - ~~2. Without the publication, posting, or mailing, after notice of advertisement or written notice in violation of item of section 7-115 of this Code.~~
 - ~~(e) Nothing contained herein shall prohibit the use of attorneys, escrow agents, abstracters, title companies, and such other professional assistance as is necessary to perfect or transfer the title.~~

Sec. 7-117. -- Discrimination in public accommodations.

~~No owner, proprietor, or superintendent of any public accommodation shall engage in the following acts because of another person's race, color, religion, ancestry, national origin, sex, place of birth, handicap, or familial status:~~

- ~~(1) Refuse, withhold from or deny to any person any of the accommodations, advantages, facilities, services or privileges, products or goods of such place of public accommodation, resort, or amusement;~~
- ~~(2) Publish, circulate, issue, display, post or mail any written or printed communication, notice or advertisement to the effect that any of the accommodations, advantages, facilities, goods, products, services and privileges of any such place shall be refused, withheld, or that the patronage of such person is unwelcome, objectionable, or not acceptable, desired or solicited.~~

Sec. 7-118. – Disclosure prohibitions.

- ~~(1) No commissioner, employee, or other elected or appointed official of the City of Norman shall make public the fact of a filing of a complaint, the information gathered during the investigation, or conciliation efforts except at a subsequent public hearing or in conjunction with the filing of a petition for injunctive relief or unless otherwise required by law.~~
- ~~(2) No commissioner, employee, or other elected or appointed official of the City of Norman shall allow access to the records, files, or reports of the commission except as elsewhere authorized or except in cases where such records, files or reports are part of the public record of the commission.~~
- ~~(3) Reports of investigating officials or conciliators made to the commission on the question of reasonable cause for public hearing or injunctive relief or on efforts at conciliation, shall be done in such manner as to reasonably protect the identity of parties involved.~~

Sec. 7-105 – Exceptions.

For purposes of this chapter, the following exceptions shall not constitute unlawful discrimination or retaliation:

(1) Employment Exceptions:

(a) Religious educational institutions: It is not an unlawful employment practice for a school, college, university, or other educational institution to hire and employ a person of a particular religion if:

(1) The school, college, university, or other educational institution is wholly or substantially owned, supported, controlled, or managed by a particular religion, religious corporation, association, or society; or

(2) The curriculum of the school, college, university, or other educational institution is directed to the propagation of a particular religion.

(b) Bona fide seniority or merit systems: Notwithstanding any other provisions of this chapter, it is not an unlawful employment practice for an employer:

(1) To apply differing standards of compensation, or different terms, conditions, privileges, or responsibilities, of employment pursuant to a bona fide seniority or merit system, or a system which

measures earnings by quantity or quality of production, or to employees who work in different locations, if such differences are not the result of an intention to discriminate on the basis of race, color, religion, ancestry, national origin, age, place of birth, disability, sex, sexual orientation, gender identity or expression, familial status, or marital status, including marriage to a person of the same sex.

(2) To give and to act on the results of a professionally developed ability test, if the test, its administration, or action upon the results is not designed, intended, or used to discriminate because of race, color, religion, ancestry, national origin, age, place of birth, disability, sex, sexual orientation, gender identity or expression, familial status, or marital status, including marriage to a person of the same sex.

(c) Bona fide occupational qualifications: Notwithstanding any other provision of this chapter, it shall not be an unlawful employment for an employer to consider bona fide occupational qualifications that are reasonably necessary as to the normal operation of that particular business or enterprise as allowed under Title VII of the Civil Rights Act of 1964 and interpreted by federal and state law.

(d) Affirmative action programs: Notwithstanding any other provision of this chapter, it shall not be an unlawful employment practice for an employer to adopt and implement a plan designed to eliminate or reduce any imbalance respecting a particular race, color, sex, or national origin group, when that plan is otherwise authorized by the laws of Oklahoma or the laws of the United States.

(2) Housing Exceptions: Notwithstanding any other provision of this chapter, the following shall not be an unlawful discriminatory housing practice in situations wherein:

(a) Religious or Sectarian Institutions: A religious or sectarian institution or organization or a charitable or educational organization (which is operated, supervised, or controlled by or in connection with a religious organization), or any bona fide private or fraternal organization:

(1) Limits admission to, or gives preference to persons of the same religion or sect or to members of such private or fraternal organization; or

- (2) Makes such selection as a calculated effort by that organization to promote the religious or sectarian principles or the aims, purposes, or fraternal principles for which it is established or maintained.
- (b) Private offers: An owner privately offers property or gives preference to prospective tenants or buyers, as long as those reasons for the private offer or preference are not based upon race, color, religion, ancestry, national origin, age, place of birth, disability, sex, sexual orientation, gender identity or expression, familial status, or marital status, including marriage to a person of the same sex.
- (c) Senior Living: With respect to age only, the sale, rental, or lease of housing accommodations meeting the requirements of federal, state, or local housing programs for senior citizens, or accommodations otherwise intended, advertised, designed, or operated for the bona fide purpose of providing housing accommodations for persons fifty (50) years of age or older.
- (d) Immediate Family: In regards to the rental of housing accommodations in a building which contains housing accommodations for not more than two families living independently of each other if the owner or a member of the owner's immediate family resides in one of the housing accommodations, or to the rental of a room or rooms in a single-family dwelling by a person if the lessor or a member of the lessor's immediate family resides in the dwelling.
- (e) State or Federal Exceptions: Any other situation wherein state or federal law and/or agencies charged with enforcement of those laws provide other exceptions.

Sec. 7-11906. - Filing complaints.

- (a) A person claiming to be aggrieved by a discriminatory practice or act of retaliation (hereinafter referred to as the Complainant) may file in the City Clerk's Office a written complaint on a form approved by the City of Norman Human Rights Commission. with the commission a The written complaint stating that a discriminatory practice has occurred been committed, and shall setting forth the facts upon which the complaint is based, and shall include the name, mailing address, electronic mail address, and telephone number of the Complainant and the person(s) or entity against whom the allegations are made (hereinafter referred to as the Respondent) as well as the location, date, and description of the alleged violation of this chapter. and setting forth facts sufficient to enable the Commission to identify the person charged, hereinafter called the respondent. The Commission, by majority

~~vote, may also initiate investigation and processing of a complaint filed by a member of the Commission. The complaint must be filed within ninety (90) days after the alleged discriminatory practice occurs. Reasonable accommodations to assist in the filing of complaints shall be provided to individuals with disabilities upon request in accordance with the policies and procedures outlined in the City's Americans with Disabilities Act Accessibility and Inclusion Statement.~~

- (b) ~~A copy of the complaint The Commission or members of the Commission or staff shall be promptly furnished to the Respondent along with a notice of the date and time of the Commission meeting at which the complaint will be heard. with a copy of the complaint.~~
- (c) ~~The complaint must be filed within ninety (90) days after the alleged discriminatory practice occurs.~~

Sec. 7-12007. - ~~Investigation~~ Administrative review of complaints.

- (a) ~~Upon timely filing of a complaint, the Commission shall review and discuss the complaint at its next regularly scheduled or special meeting that is at least thirty (30) days after receipt of the complaint. or members of the Commission shall promptly investigate the allegations of the discriminatory practice set forth in the complaint according to investigatory procedures established by the Commission.~~
- (b) ~~Prior to the Commission's administrative review of the complaint, the City Attorney, the Commission Chair, and/or their designees may contact the Complainant and the Respondent to attempt facilitation of mediation or other informal resolution of the complaint. If the complaint is resolved prior to the administrative review date, administrative review of the complaint may be cancelled. During investigation of the complaint and any subsequent hearing, the Commission shall have the power to require answers to interrogatories, under the procedures established by 12 Oklahoma Statutes,~~
- (c) ~~The Complainant may appear at the administrative review in person with or without an attorney and/or additional witnesses and present information for the Commission's consideration, including, but not limited to, documents, photographs, or any other information in support of the allegations in the complaint.~~

~~At the conclusion of the investigation, the complaint, together with the report of such investigation, shall be referred to the Commission and shall be considered by the Commission at its next meeting, either regular or special, subject to the restrictions of section 7-118.~~

- (d) ~~The Respondent may file a written response to the complaint, appear at the administrative review in person with or without an attorney and/or additional witnesses, and present information for the Commission's consideration, including, but not limited to, documents, photographs, or any other information responsive to the allegations in the complaint.~~

~~Any member of the Commission who is designated to investigate the initial complaint shall not preside at any subsequent hearing and may not participate in any subsequent deliberation of the Commission concerning the case.~~

Sec. 7-~~121~~08. - Dismissal of complaints. Resolution of complaints.

The Commission shall review, discuss, and consider the complaint, response, and the information provided during the administrative review and then make a recommendation as to the merits of the complaint and whether further action is warranted. The Commission may work with the Complainant and Respondent to seek an amicable resolution by mediation or other alternative dispute resolution. If the Commission determines by majority vote that the complaint is unfounded, that further action is not warranted, or that the issue has been resolved, it shall dismiss the complaint. If by a majority vote of the Commission, the Commission recommends that further action is warranted, the Commission shall provide a copy of the complaint, the response, and any other supporting information along with a written recommendation to the City Attorney for further investigation and, if appropriate, further action, including, but not limited to:

- (1) Referral of the Complainant to other local, state, or federal entities;
- (2) Mediation of the matter between the involved parties;
- (3) Prosecution of the Respondent in Municipal Court;
- (4) Filing of injunctive relief in state or federal district court; or
- (5) Determination that no further action should be taken.

~~If it is determined by the Commission that there is no reasonable cause to believe that the respondent has engaged in a discriminatory practice, the Commission shall dismiss the complaint, and shall furnish a copy of the order dismissing the complaint to the complainant, the respondent, the City Attorney and such other public officers and persons as the Commission deems proper.~~

- ~~(b) The Commission shall have no authority to reconsider a complaint after it has been dismissed.~~

Sec. 7-122. -- Conciliation.

~~If the Commission determines after investigation that there is reasonable cause to believe the allegations of the complaint, the commission shall attempt to effect compliance with the policy of the City of Norman by means of conference, negotiation and conciliation with the respondent. The commission shall not make public the details of such informal proceedings unless otherwise required by law.~~

Sec. 7-123. -- Complaints of housing discrimination: Preliminary injunctive relief.

~~If the Commission determines that a housing accommodation or housing accommodations involved in a complaint of an unlawful housing practice under section 7-115 of this Code may be sold, rented, or otherwise disposed of, before a determination of the case has been made, and if the Commission believes that there is reasonable cause to believe the allegations of the complaint, the Commission may request the City Attorney to seek an injunction restraining the sale, rental, or other disposition of the housing accommodation or housing accommodations.~~

~~Sec. 7-124. -- Commission authority after determination of reasonable cause.~~

~~If the Commission has determined that there is reasonable cause to believe the allegations of the complaint, and if the Commission is unable to resolve the complaint by means of conciliation or other informal proceedings, the Commission may:~~

- ~~(1) Hold a public hearing to determine whether or not unlawful practice has been committed; or~~
- ~~(2) Without holding a public hearing, certify the case to the City Attorney; or~~
- ~~(3) Without holding a public hearing, refer the complaint to the Human Rights Commission of Oklahoma pursuant to 25 Oklahoma Statutes, Section 1706 (a).~~

~~Sec. 7-125. -- Public hearings.~~

- ~~(1) When a public hearing is ordered, the Commission shall designate one member as hearing officer, who shall conduct the hearing.~~
- ~~(2) The Commission shall serve the respondent with the complaint, any amended complaint, and the report of the Commission's investigation, and a notice of hearing which shall identify the time and place of the hearing.~~
- ~~(3) The respondent may also inspect, upon request, all material statements taken by the commission during the course of the investigation, and such other documents or information material to the complaint.~~
- ~~(4) The hearing shall be held not less than ten (10) days after the service of the complaint and notice.~~
- ~~(5) The respondent shall have the right to:~~
 - ~~(a) File an answer to the statement of charges;~~
 - ~~(b) Appear at the hearing in person;~~
 - ~~(c) Be represented by an attorney;~~
 - ~~(d) Examine and cross-examine witnesses;~~
 - ~~(e) Present to the Commission the respondent's case in defense against the allegations of the complaint, subject to reasonable procedures established by the Commission or the Presiding Officer.~~
- ~~(6) The complainant shall also have the right to:~~
 - ~~(a) Appear at the hearing in person;~~

- ~~(b) — Be represented by an attorney;~~
- ~~(c) — Examine and cross-examine witnesses;~~
- ~~(d) — Present to the Commission the complainant's case in support of the allegations of the complaint, subject to reasonable procedures established by the Commission or the Presiding Officer.~~
- ~~(7) — The Commission shall not be bound by the strict rules of evidence prevailing in a court of law or equity.~~
- ~~(8) — The testimony taken at the hearing shall be under oath and shall be transcribed.~~
- ~~(9) — No formal action by the Commission shall be taken in any matter pending before it except upon the affirmative majority vote of the commission.~~
- ~~(10) — If upon all evidence presented, the Commission finds that the respondent has not engaged in any unlawful practice, it shall state its findings of fact in writing and dismiss the complaint.~~

~~Sec. 7-126. — Commission orders and remedies.~~

- ~~(a) — If upon all the evidence presented, the Commission finds that the respondent has engaged or is engaging in an unlawful practice, it shall state its findings of fact in writing and shall issue such order in writing as the facts warrant to effectuate the purposes of chapter 7 of the Code of the City.~~
- ~~(b) — Such order may require the respondent to cease and desist from such unlawful practice and to take such affirmative action, including but not limited to, the hiring, reinstatement or upgrading of employees, with or without back pay, admission or restoration to membership in any respondent labor organization, the selling, renting, or leasing of a housing accommodation or housing accommodations upon equal terms and conditions and with such equal facilities, services, and privileges, the tendering of money, whether or not secured by mortgage or otherwise for the requisition, construction, rehabilitation, repair or maintenance of any housing accommodation, the granting, permitting, selling, or admission to any of the accommodations, advantages, facilities, services or privileges, products or goods of any respondent place of public accommodation, resort, recreation or amusement, upon such equal terms and conditions to any person discriminated against or to all persons as, in the judgement of the Commission, will effectuate the purposes of this chapter and are warranted by the facts presented at the hearing, including a requirement for a report or reports of the manner of compliance.~~
- ~~(c) — Copies of the order shall be served on all parties.~~

~~Sec. 7-127. — Prosecution.~~

~~In the event the respondent refuses or fails to comply with any order of the Commission or violates any of the provisions of this chapter, the Commission shall certify the case and the entire record of its proceedings to the City Attorney who shall invoke the aid of an appropriate court to secure enforcement or compliance with the order or to impose the penalties set forth in section 7-128 of this Code, or both.~~

Sec. 7-~~128~~09. - Penalties.

Any person convicted of violating any section or subsection of this chapter shall be punished by a monetary fine in an amount of not less than fifty dollars (\$50.00) nor more than seven hundred fifty dollars (\$750.00), or by imprisonment for a period not to exceed sixty (60) days, or by both such fine and imprisonment.

Sec. 7-110. – Private Civil Action.

Nothing in this chapter shall preclude Complainant’s right to pursue other administrative remedies and/or a private civil action for appropriate injunctive relief, damages, or both against the Respondent.

§ 3. Severability. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance, except that the effective date provision shall not be severable from the operative provisions of the ordinance.

ADOPTED this _____ day
of _____, 2019.

NOT ADOPTED this _____ day
of _____, 2019.

Breea Clark, Mayor

Breea Clark, Mayor

ATTEST:

Brenda Hall, City Clerk