Local Law: Sexual Orientation, Gender Identity and the Davenport Civil Rights Ordinance
Davenport Civil Rights Ordinance

• Established originally in 1962 as the Human Relations Ordinance
• Several changes over the years
• Sexual orientation added as a protected class in March 2000
• Gender Identity added as a protected class in September 2008
Jurisdiction

- Areas covered:
  - Employment
  - Housing
  - Public Accommodation
  - Credit
  - Education

- Statute of Limitations:
  - 1 year for housing
  - 300 days for employment, public accommodation, credit, education
Jurisdiction, cont.

• Occurred in Davenport

• Negative treatment

• Based on a protected class
Protected Classes

- Race
- Color
- Religion
- Creed
- Sex
- National Origin
- Age
- Sexual Orientation
- Gender Identity
- Marital Status
- Familial Status
- Mental or Physical Disability
Definitions

• Sexual Orientation:
  – “Homosexuality, heterosexuality and bisexuality”
  – Having a record of ...
  – Being perceived as being ...

• Gender Identity
  – gender-related identity of a person regardless of the person’s assigned sex at birth
Prohibited Behavior

• Housing
  – Failure to Rent or Eviction/Termination of Tenancy
  – Different Terms
  – Harassment

• Employment
  – Failure to Hire or Termination
  – Negative Treatment
  – Harassment
Statistics

• Sexual Orientation complaints filed
  – 2010: 5
  – 2011: 6
  – 2012: 2
  – 2013: 8
  – 2014: 3
• Total: 24

• Gender Identity complaints filed
  – 2012: 1

• Total: 1
Case Example #1-Employment

- Complainant is gay, worked as a cook at a restaurant. Was threatened; afraid to report it.
- Terminated
- Investigation
- Probable Cause decision issued
- Complainant obtained a right to sue. Settled before trial – confidential
Case Example #2 - Housing

• Transgendered individual who identifies as female alleges Landlord treated her differently based on sex, disability and gender identity.

• Investigation – several witnesses were contacted. Witness testimony did not support Complainant’s allegations

• No Probable Cause decision entered
Remedies under Davenport Civil Rights Ordinance

• Housing – Administrative Hearing
  – Actual Damages
  – Injunctive Relief
  – Any other Equitable Relief
  – Attorney fees
  – Civil Penalty
Remedies under Davenport Civil Rights Ordinance

- Employment – Administrative hearing
  - Actual damages, such as back pay, front pay, economic damages, emotional distress
  - Reasonable attorney fees
  - Hiring or reinstatement, restoration of privileges
  - Costs of hearing
Human Rights Campaign’s 2014 Municipal Equality Index

• Davenport scored of 90 out of 100
• 291 cities were invited to participate. Average score was 57
• Topics scored include: laws, relationship recognition, municipality services and programs, law enforcement, employer policies and personal relationship with the local LGBT community
Thank you!

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