

AMENDING THE CODE OF ORDINANCES FOR THE CITY OF BATON ROUGE AND PARISH OF EAST BATON ROUGE TO ENACT NEW CHAPTERS 23 AND 24 OF TITLE 9 AND TO AMEND PORTIONS OF TITLE 8, TO PROVIDE RELATIVE TO UNLAWFUL PRACTICES IN PRIVATE EMPLOYMENT, HOUSING AND REAL ESTATE, AND PUBLIC ACCOMMODATIONS.

BE IT ORDAINED, by the Metropolitan Council of the Parish of East Baton Rouge and the City of Baton Rouge that:

Section 1. Title 9, Licensing and Regulation of Trades and Occupations of the Code of Ordinances of the City of Baton Rouge and Parish of East Baton Rouge is hereby amended so as to add a new chapter 23, entitled Unlawful Employment Practices, to read as follows:

**"Section 9:1301. Unlawful Practices in Connection with Employment.**

(A) It is a prohibited, unlawful practice for an employer:

- (1) To fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, national origin, age, disability, sex, veteran's status, gender identity, or sexual orientation; or
- (2) To limit, segregate, or classify employees in any way which would deprive or tend to deprive any individual of employment opportunities

or otherwise adversely affect his status as an employee because of such individual's race, color, religion, national origin, age, disability, sex, veteran's status, gender identity, or sexual orientation.

(B) It is an unlawful practice for an employment agency to fail or refuse to refer for employment, or otherwise to discriminate against, any individual because of his or her race, color, religion, national origin, age, disability, sex, veteran's status, gender identity, or sexual orientation.

(C) It is an unlawful practice for a labor organization:

(1) To exclude or to expel from its membership or to otherwise discriminate against a member or applicant for membership because of race, color, religion, national origin, age, disability, sex, veteran's status, gender identity, or sexual orientation; or

(2) To limit, segregate, or classify its membership or to classify or fail or refuse to refer for employment any individual, in any way which would deprive or tend to deprive an individual of employment opportunities or would limit such employment opportunities or otherwise adversely affect one's status as an employee or as an applicant for employment because of such individual's race, color, religion, national origin, age, disability, sex, veteran's status, gender identity, or sexual orientation; or

(3) To cause or attempt to cause an employer to discriminate against an individual in violation of this section.

(D) It is an unlawful practice for an employer, labor organization, or joint labor-management committee, controlling apprenticeship, or other training or retraining organization, including on-the-job training programs, to discriminate against any individual because of race, color, religion, national origin, age, disability, sex, veteran's status, gender identity, or sexual orientation, in admission to or employment in, any program established to provide such apprenticeship, training, or retraining.

(E) It is an unlawful practice for any employer, labor organization, or employment agency to print or publish, or cause to be printed or published, any notice, classification, or referral for employment, or classification or limitation thereof, based on race, color, religion, national origin, age, disability, sex, veteran's status, gender identity, or sexual orientation, except that a notice or advertisement may indicate a preference, limitation, or specification based on the aforementioned classifications when such classification relates to a bona fide occupational qualification for employment.

(F) The prohibitions and restrictions described herein shall apply equally to private persons, both natural and juridical, and to the City of Baton Rouge and the Parish of East Baton Rouge, and its agencies, subsidiaries, officials, appointed or elected, bureaus, departments, offices, subdivisions, and administrative branches, and constituent parts, including political subdivisions and offices.

(G) Nothing herein shall be construed to prevent an employer from:

- (1) Enforcing a written employee dress policy; or
- (2) Designating appropriate restroom and shower facilities.

**Section 9:1302. Employment Exceptions.**

(A) Notwithstanding any other provisions of this chapter to the contrary, it shall not be an unlawful practice for:

- (1) A religious corporation, association, or society to employ an individual on the basis of his religion to perform work connected with the carrying on by such corporation, association, or society of its religious activity; or
- (2) A school, college, university, or other educational institution to hire and employ individuals of a particular religion, if the school, college, university, or other educational institution is in whole or in substantial part owned, supported, controlled, or managed by a particular religion or by a particular religious corporation, association, or society, or if the curriculum of the school, college, university, or other educational institution is directed toward the propagation of a particular religion, and the choice of employees is calculated by such organization to promote the religious principles for which it is established or maintained; or
- (3) An employer to apply different standards of compensation, or different terms, conditions, or privileges 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 the differences are not the result of an intention to discriminate because of race, color, national origin, sex, age, disability, veteran's status, gender identity, or sexual orientation, nor is it an unlawful practice for an employer to give and to act upon the results of any professionally developed ability test provided that the test, its administration, or action upon the results is not designed,

intended, or used to discriminate because of race, color, religion, national origin, sex, age, disability, veteran's status, gender identity, or sexual orientation.

(B) The provisions of chapter in regard to sexual orientation or gender identity shall not apply to a religious institution, or to an organization operated for charitable or educational purposes, that is operated, supervised, or controlled by a religious corporation, association, or society.

(C) The provisions of chapter shall not apply to an employer having fewer than ten employees.

**Section 9:1303. Violations; remedies; and definitions.**

(A) Any violation of the provisions of this chapter shall give rise to a civil cause of action, which shall be brought in the district court of East Baton Rouge Parish, seeking damages, reasonable attorney's fees, and court costs.

(B) A person who believes he has been discriminated against and who intends to pursue judicial action shall give the person who has allegedly engaged in the unlawful discriminatory practice written notice of this fact at least thirty (30) days prior to initiating such action, shall detail the alleged discrimination, and both parties shall make a good faith effort to resolve the dispute prior to initiating judicial action.

(C) Any cause of action provided for in this chapter shall be subject to a prescriptive period of one (1) year from the date of the alleged violation. However, this one (1) year period shall be suspended, but only for a six-month period, during the pendency of any administrative review or investigation of the claim conducted by the federal Equal Employment Opportunity Commission or the Louisiana Commission on Human Rights.

(D) For purposes of this chapter:

(1) "Gender identity" shall mean an individual's internal sense of gender, which may or may

not be the same as one's gender assigned at birth.

- (2) "Sexual orientation" shall mean  
heterosexuality, homosexuality, or  
bisexuality."

Section 2. Title 9, Licensing and Regulation of Trades and Occupations of the Code of Ordinances of the City of Baton Rouge and Parish of East Baton Rouge is hereby amended so as to add a new chapter 24, entitled Unlawful Practices in Public Accommodations, to read as follows:

**"Section 9:1401. Unlawful Practices in Public Accommodations.**

- (A) It shall be an unlawful discriminatory practice for any public accommodation, resort, or amusement, or for any person who is the owner, lessee, proprietor, manager, superintendent, employee, officer, or agent thereof to discriminate against any person, either directly or indirectly, by refusing, withholding, or denying to such person any of the goods, services, accommodations, advantages, facilities, or privileges offered by the public accommodation, resort, or amusement, by:

- (1) Placing or attempting to place any person in a separate class of customers, patrons, members, guests, or users or in a separate section or area of the premises or facilities of the public accommodation, resort, or amusement because of race, color, religion, national origin, age, disability, sex, veteran's status, gender identity, or sexual orientation; or
- (2) Setting different rates, charges, identification procedures, or requirements therefor, on the basis of race, color, religion, national origin, age, disability,

sex, veteran's status, gender identity, or sexual orientation; or

- (3) Publishing, circulating, issuing, displaying, posting, or mailing, either directly or indirectly, any written, oral, visual, or electronic computer based communication, notice, or advertisement to the effect that any of the services, accommodations, advantages, facilities, or privileges of any public accommodation, resort, or amusement will be refused, withheld, or denied to any person on account of race, color, religion, national origin, age, disability, sex, veteran's status, gender identity, or sexual orientation, or that the patronage of any person of a particular race, color, religion, national origin, age, disability, sex, veteran's status, gender identity, or sexual orientation, is unwelcome, objectionable, or not acceptable, desired, or solicited, or that any person is required or requested to use a separate section or area of the premises or facilities of the public accommodation, resort, or amusement, because of race, color, religion, national origin, age, disability, sex, veteran's status, gender identity, or sexual orientation.

**Section 9:1402. Exemptions.**

- (A) The provisions of this Chapter shall not prohibit the placement of persons in a separate restroom, bath, locker, room, shower, physical or medical examination or treatment facility, dressing area, or dormitory, or sleeping room used by more than one party of persons at a time, if such placement is reasonable and based on the person's sex.
- (B) Nothing contained in this section shall be construed to bar any religious or denominational institution or organization or any organization operated for charitable or educational purposes, which is operated, supervised, or controlled by or in connection with a religious organization, from limiting any of the goods, services, accommodations, advantages, facilities, or

privileges or admission to or giving preference to persons of the same religion or denomination or from making such selection as is calculated by such organization to promote the religious principles for which it is established or maintained.

**Section 9:1402. Violations; remedies; and definitions.**

- (A) Any violation of the provisions of this chapter shall give rise to a civil cause of action, which shall be brought in the district court of East Baton Rouge Parish, seeking damages, reasonable attorney's fees, and court costs.
- (B) A person who believes he has been discriminated against and who intends to pursue judicial action shall give the person who has allegedly engaged in an unlawful discriminatory practice written notice of this fact at least thirty (30) days prior to initiating such action, shall detail the alleged discrimination, and both parties shall make a good faith effort to resolve the dispute prior to initiating judicial action.
- (C) Any cause of action provided for in this chapter shall be subject to a prescriptive period of one (1) year from the date of the alleged violation. However, this one (1) year period shall be suspended, but only for a six-month period, during the pendency of any administrative review or investigation of the claim conducted by the Louisiana Commission on Human Rights.
- (D) For purposes of this chapter:

  - (1) "Gender identity" shall mean an individual's internal sense of gender, which may or may not be the same as one's gender assigned at birth.
  - (2) "Public accommodation, resort, or amusement" shall mean any place, store, or other establishment, either licensed or unlicensed, which supplies goods or services to the general public or which solicits or accepts the patronage or trade of the



general public, or which is supported directly or indirectly by government funds. However, a bona fide private club is not a place of public accommodation, resort, or amusement if its policies are determined solely by its members, and its facilities or services are available only to its members and their bona fide guests.

(3) "Sexual orientation" shall mean heterosexuality, homosexuality, or bisexuality."

Section 3. Title 8, Building Regulations, Chapter 9, Housing Declaration, Article 1, General Provisions, Section 8:1001, Declaration of Policy of the Code of Ordinances of the City of Baton Rouge and Parish of East Baton Rouge, is hereby amended and restated so as to read as follows:

**"Section 8:1001. Declaration of Policy.**

- (a) It is the policy of the city to bring about the opportunity of each person to obtain housing without regard to race, color, religion, handicap, sex, familial status, veteran's status, sexual orientation, gender identity, or national origin through fair, orderly and lawful procedures.
- (b) This policy is established upon a recognition that each individual has the inalienable right to obtain housing without regard to race, color, sex, religion, disability, familial status, veteran's status, sexual orientation, gender identity, or national origin. This policy identifies the detrimental effect that discrimination based on race, color, sex, religion, disability, familial status, veteran's status, sexual orientation, gender identity, or national origin, has on the health, safety and welfare of the inhabitants of the city and parish. The city and parish acknowledges its responsibility to use its power to prevent the denial of housing based on such considerations

because such considerations constitute an unjust denial or deprivation of inalienable rights.

- (c) For purposes of this chapter "gender identity" shall mean an individual's internal sense of gender, which may or may not be the same as one's gender assigned at birth; and "sexual orientation" shall mean heterosexuality, homosexuality, or bisexuality."

Section 4. Title 8, Building Regulations, Chapter 9, Housing Declaration, Article 1, General Provisions, Section 8:1002, Scope, Subsection (b) of the Code of Ordinances of the City of Baton Rouge and Parish of East Baton Rouge, is hereby amended and restated so as to read as follows:

**"Section 8:1002. Scope.**

- (a) To provide a procedure for investigating and settling complaints of discriminatory housing practices which: (1) are violations of state and federal law; (2) provide to aggrieved parties through local administrative resources, and (3) to provide a referral system to direct cases beyond the scope of local administrative process to the suitable state and/or federal enforcement authorities for litigation.
- (b) Even though federal law protects individuals against discrimination in housing based on race, color, religion, handicap, sex, familial status, or national origin, it is the policy of the city-parish that no person should be denied the opportunity to obtain housing on the basis of race, color, religion, handicap, sex, familial status, veteran's status, sexual orientation, gender identity, or national origin."

Section 5. Title 8, Building Regulations, Chapter 9, Housing Declaration, Article 2, Discrimination in Housing - Fair Housing Act Compliance, Division 3, Prohibitions Against

Discrimination, Section 8:1014, Discrimination in Sale or Rental of Housing, Subsection (a)(1) through (5) of the Code of Ordinances of the City of Baton Rouge and Parish of East Baton Rouge, is hereby amended so as to read as follows:

**"Section 8:1014. Discrimination in Sale or Rental of Housing.**

(a) As made applicable by section 8:1005, and except as exempted by sections 8:1005(b), 8:1006, and 8:1007, of this chapter, it is unlawful:

- (1) To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, sex, familial status, veteran's status, sexual orientation, gender identity, or national origin.
- (2) To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, religion, sex, familial status, veteran's status, sexual orientation, gender identity, or national origin.
- (3) To make, print, or publish, or cause to be made, printed, or published any notice, statement, or advertisement with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, sex, handicap, familial status, veteran's status, sexual orientation, gender identity, or national origin, or an intention to make any such preference, limitation, or discrimination.
- (4) To represent to any person because of race, color, religion, sex, handicap, familial

status, veteran's status, sexual orientation, gender identity, or national origin that any dwelling is not available for inspection, sale, or rental when such dwelling is in fact so available.

- (5) For profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, sex, handicap, familial status, veteran's status, sexual orientation, gender identity, or national origin."

Section 6. Title 8, Building Regulations, Chapter 9, Housing Declaration, Article 2, Discrimination in Housing - Fair Housing Act Compliance, Division 3, Prohibitions Against Discrimination, Section 8:1015, Residential Real Estate Related Transaction of the Code of Ordinances of the City of Baton Rouge and Parish of East Baton Rouge, is hereby amended so as to read as follows:

**"Section 8:1015. Residential Real Estate Related Transaction.**

- (a) It is unlawful for any person or other entity whose business includes engaging in residential real estate related transactions to discriminate against any person in making available such a transaction, or in the terms or conditions of such a transaction, because of race, color, religion, sex, handicap, familial status, veteran's status, sexual orientation, gender identity, or national origin.
- (b) As used in this section, the term "residential real estate related transaction" means any of the following:

- (1) The making or purchasing of loans or providing other financial assistance:
  - a. For purchasing, constructing, improving, repairing, or maintaining a dwelling.
  - b. Secured by residential real estate.
- (2) The selling, brokering, or appraising of residential real property.
- (c) Nothing in this chapter prohibits a person engaged in the business of furnishing appraisals of real property to take into consideration factors other than race, color, religion, national origin, sex, handicap, veteran's status, sexual orientation, gender identity, or familial status."

Section 7. Title 8, Building Regulations, Chapter 9, Housing Declaration, Article 2, Discrimination in Housing - Fair Housing Act Compliance, Division 3, Prohibitions Against Discrimination, Section 8:1016, Brokerage Services of the Code of Ordinances of the City of Baton Rouge and Parish of East Baton Rouge, is hereby amended and restated so as to read as follows:

**"Section 8:1016. Brokerage Services.**

It is unlawful to deny any person access to or membership or participation in any multiple-listing service, real estate brokers' organization or other service, organization, or facility relating to the business of selling or renting dwellings, or to discriminate against him in the terms or conditions of such access, membership, or participation, on account of race, color, religion, sex, handicap, familial status, veteran's status, sexual orientation, gender identity, or national origin."

Section 8. Title 8, Building Regulations, Chapter 9, Housing Declaration, Article 2, Discrimination in Housing - Fair Housing Act Compliance, Section 8:1006, Religious Organization and Private Club Exemption of the Code of Ordinances of the City of Baton Rouge and Parish of East Baton Rouge, is hereby amended and restated so as to read as follows:

**"Section 8:1006. Religious Organization, Private Club, and Other Exemptions.**

- (a) Nothing in this chapter shall prohibit a religious organization, association, or society, or any nonprofit institution or organization operated, supervised, or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental, or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color, or national origin.
- (b) The provisions of this Chapter 9 in regard to sexual orientation or gender identity shall not apply to owner-occupied, single family dwellings or to a religious institution, or to an organization operated for charitable or educational purposes, which is operated, supervised, or controlled by a religious corporation, association or society."
- (c) Nothing in this chapter shall prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members.
- (d) Nothing in this chapter limits the applicability of any reasonable local, state, or federal

restrictions regarding the maximum number of occupants permitted to occupy a dwelling."

Section 9. Title 8, Building Regulations, Chapter 9, Housing Discrimination, Article 2, Discrimination in Housing - Fair Housing Act Compliance, Division 4, Complaint, Investigation, and Administrative Action, Section 8:1030, Election of Judicial Determination of the Code of Ordinances of the City of Baton Rouge and Parish of East Baton Rouge, is hereby amended and restated so as to read as follows:

**"Section 8:1030. Election of judicial determination**

- (a) Any violation of a discriminatory housing practice pursuant to the provisions of this chapter shall, in addition to the administrative actions described herein, give rise to a civil cause of action, which shall be brought in the district court for East Baton Rouge Parish, seeking a permanent or temporary injunction, a temporary restraining order, or other order, as well as damages, reasonable attorney's fees, and court costs.
- (b) A person who believes he has been discriminated against and who intends to pursue judicial action shall give the person who has allegedly engaged in a discriminatory housing practice written notice of this fact at least thirty (30) days prior to initiating such action, shall detail the alleged discrimination, and both parties shall make a good faith effort to resolve the dispute prior to initiating judicial action.
- (c) Any cause of action provided for in this chapter shall be subject to a prescriptive period of two (2) years from the date the alleged discriminatory housing practice occurred.
- (d) Nothing in this chapter shall be seen as preventing any aggrieved person from filing suit

under municipal, state, or federal anti-discrimination laws, regardless of the findings of the office of community development. Upon the issuance of a charge by the office of community development, the aggrieved person may request that the charge and associated records be forwarded to the civil rights division of the state department of justice, or to the department of housing and urban development for review and determination of the suitability of judicial action."

Section 10. All other provisions of the Code of Ordinances for the City of Baton Rouge and Parish of East Baton Rouge not otherwise in conflict herewith remain in full force and effect.