



CONSENT CALENDAR  
May 7, 2024

To: Honorable Mayor and Members of the City Council

From: Councilmember Taplin (Author), Councilmember Wengraf (Co-Sponsor),  
Councilmember Humbert (Co-Sponsor)

Subject: Relationship Nondiscrimination Ordinance

### RECOMMENDATION

Adopt first reading of an Ordinance amending the Berkeley Municipal Code to include non-discrimination protections based on family and relationship structure.

### SUMMARY

This ordinance aims to extend legal protections to a diverse array of family configurations and relationship structures, including polyamorous relationships, multi-parent families, step-families, and other non-nuclear family structures. It is a significant step towards recognizing and safeguarding the rights and dignity of all residents, reflecting the city's commitment to inclusivity and equality.

### CURRENT SITUATION AND ITS EFFECTS

In today's diverse society, a significant portion of households diverge from the traditional nuclear family model. Research indicates that only a minority of American households fit this normative structure, showcasing a variety of configurations including multi-partner/multi-parent families, step-families, and multi-generational households. Concurrently, consensual non-monogamy (CNM) is practiced by an estimated 5% of American adults.<sup>1</sup>

Despite this prevalence, diverse family and relationship structures lack explicit protection under current laws, leading to widespread stigma and discrimination. Nearly two-thirds of non-monogamous individuals report experiencing discrimination in critical areas such as housing, healthcare, and business services, underscoring the urgent need for legal recognition and protection.<sup>2</sup> Single parents and people who identify as asexual and/or aromantic also face legal difficulties and discrimination in many aspects of public life.<sup>3</sup>

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<sup>1</sup> Scoats, R., & Campbell, C. (2022). What do we know about consensual non-monogamy?. *Current Opinion in Psychology*, 101468. Retrieved Feb. 13, 2024 from <https://www.sciencedirect.com/science/article/pii/S2352250X22001890>

<sup>2</sup> Sheff, E. A. (2017). Polyamory at Work. *Psychology Today*. Retrieved April 27, 2023, from <https://www.psychologytoday.com/us/blog/the-polyamorists-next-door/201710/polyamory-at-work>

<sup>3</sup> European Database of Asylum Law. (2018). Netherlands: Council of State rules that asexual applicants do not fall under the exception for LGBTI people in the application of the "safe country of origin" concept. *EDAL*. Retrieved April 27, 2023 from:

The proposed ordinance in Berkeley, aiming to prohibit discrimination based on family and relationship structure, addresses this gap. By acknowledging the complexity of modern relationships and the inherent dignity of all family structures, this ordinance seeks to foster a more inclusive and empathetic community. It is a necessary step towards ensuring that all residents can live authentically without fear of discrimination, reflecting Berkeley's longstanding commitment to diversity and inclusion.

Establishing anti-discrimination protections based on family and relationship structure is a Strategic Plan Priority Project, advancing our goal to champion and demonstrate social and racial equity.

### **BACKGROUND**

A group of citizens of Berkeley originally drafted a proposal for additional language to Chapter 13.31 of Berkeley's Municipal Code in 2017. The City Council approved an item with the proposed language introduced by Councilmember Linda Maio and cosponsored by Councilmember Ben Bartlett on the December 19, 2017 Consent Calendar (see Attachment 2). However, this language was never formally adopted as an ordinance. This revised and expanded ordinance includes protections for both 'family structure' and 'relationship structure,' reflecting a comprehensive approach to safeguarding the rights of all citizens regardless of their familial or relational configurations.

### **Review of Existing Laws**

The Berkeley Municipal Code, as it currently stands, enumerates various protected categories under its nondiscrimination ordinances, safeguarding individuals from discrimination based on race, color, national origin, religion, sex, gender, sexual orientation, and disability, among others.<sup>4</sup> However, it lacks specific mention of "family and relationship structure" as protected categories. This omission leaves individuals who do not conform to traditional nuclear family models or who are part of non-monogamous relationships vulnerable to various forms of discrimination and bias.

In addressing this gap, the proposed ordinances draw upon the foundational principles of equity and inclusivity that guide the City of Berkeley's approach to civil rights. By proposing the inclusion of "family and relationship structure" within the ambit of protected categories, these ordinances seek to extend these protections to encompass the full spectrum of family and relationship dynamics present within the community.

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<https://www.asylumlawdatabase.eu/en/content/netherlands-council-state-rules-asexual-applicants-do-not-fall-under-exception-lgbti-people>

<sup>4</sup> e.g. BMC 13.20.030, 13.28.020, 13.09.020

**Alternative Actions Considered**

In considering how best to protect diverse families and relationships from discrimination, the option of revising the Berkeley Municipal Code to explicitly include "family and relationship structure" as protected categories was identified as the most effective and direct approach. This decision was made in light of the fact that there are no existing legal remedies or alternative measures within the city's current legal framework that adequately address the discrimination experienced by individuals in non-traditional family configurations or non-monogamous relationships.

Other alternatives, such as relying on broader state or federal anti-discrimination laws, were deemed insufficient due to their lack of specificity regarding the unique challenges faced by these groups. Similarly, the development of separate programs or policies outside the legal framework was considered less effective, as they would not provide the same level of enforceable protections against discrimination.

Therefore, the proposed ordinances represent a necessary and appropriate step towards ensuring that all residents, regardless of their family or relationship structure, are afforded equal protection under the law. This action underscores Berkeley's commitment to inclusivity and civil rights, ensuring that the city's legal protections evolve to reflect the diversity of its community.

**Consultation/Outreach Overview and Results**

These draft ordinances were informed by extensive consultation and collaboration with key stakeholders dedicated to advancing the rights and acceptance of non-monogamous families and relationships, including:

- The Polyamory Legal Advocacy Coalition (PLAC): This multi-disciplinary coalition of academic and legal professionals, including notable figures such as Alexander Chen, Founding Director of the Harvard Law School LGBTQ+ Advocacy Clinic; Diana Adams, Esq., founder of the Chosen Family Law Center; and Heath Schechinger, M.Ed., Ph.D., Co-Founder of PLAC and Executive Director of the Modern Family Institute. Their collective expertise in legal support, policy advocacy, and academic research on diverse family and relationship forms significantly contributed to the bill's development.
- OPEN (Organization for Polyamory and Ethical Non-monogamy): A California-based nonprofit, OPEN brought to the table its advocacy experience and extensive network, including Berkeley residents who are active in advocating for non-monogamous relationship protections. OPEN's involvement highlights the grassroots support for the ordinance and the organization's role in representing the community's voice.

- PolyActive: This Berkeley-based grassroots advocacy group played a pivotal role in the advocacy for the initial 2017 bill and continued to support the current efforts. Their local insight and community mobilization efforts underscored the immediate need for legal protections within Berkeley.
- The Berkeley City Attorney's office was consulted to ensure the proposed ordinances align with existing legal frameworks and municipal code requirements, facilitating a legally sound approach to extending protections based on family and relationship structure.

These consultations resulted in a robust and inclusive legislative proposal, reflecting a collaborative effort among legal experts, community advocates, and local government representatives. This process underscores the collective commitment to fostering a more inclusive society through meaningful legal change.

#### RATIONALE FOR RECOMMENDATION

Berkeley's commitment to inclusivity, equity, and justice demands that we recognize and protect all forms of family and relationships. The proposed ordinance responds to the evolving nature of our community by prohibiting discrimination based on family and relationship structure, ensuring that every resident, regardless of how they define family, is afforded equal rights and protections.

The initiative to safeguard diverse family and relationship structures is not new to Berkeley. In 2017, efforts began with Consent Item 27, aiming to address these very issues. Today's proposed ordinance, developed with the City Attorney's Office, builds on that work, offering broader protections that reflect our community's values.

Adopting this ordinance will make Berkeley a leader on the West Coast in recognizing the rights of non-traditional families and relationships, aligning with our city's long-standing commitment to human rights. It is a clear statement of our community's dedication to fostering an inclusive and equitable society for all residents.

#### IMPLEMENTATION, ADMINISTRATION, AND ENFORCEMENT

This ordinance provides a comprehensive framework for enforcement, ensuring that any person aggrieved by violations of its provisions has the right to seek civil action. It empowers individuals, the City Attorney, and the district attorney to take legal action against any entity that contravenes the ordinance, thereby safeguarding the interests of protected classes. Additionally, it stipulates that violators are liable for damages and legal costs, reinforcing the ordinance's deterrent effect against discrimination based on family or relationship structure. The ordinance also outlines a limitation period for actions, ensuring timely justice, and specifies its applicability in alignment with broader state and federal legal standards. Set to be effective from January 1, 2025, this

ordinance represents a significant step towards inclusive and equitable treatment for all Berkeley residents, regardless of their family or relationship structure.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

None.

FISCAL IMPACTS OF RECOMMENDATION

This ordinance is not expected to require additional Full-Time Employees (FTEs) for its implementation. The enforcement mechanism leverages current city attorney and district attorney resources without necessitating new personnel or additional General Fund impacts.

OUTCOMES AND EVALUATION

The primary outcome of implementing this ordinance is to provide legal protections for diverse families and relationships in Berkeley, ensuring they are not subject to discrimination based on their family or relationship structure. While the city may not actively monitor the number of civil suits brought forward under these protections, advocacy organizations such as the Polyamory Legal Advocacy Coalition (PLAC) and OPEN (Organization for Polyamory and Ethical Non-monogamy) are committed to tracking and evaluating the impact of these measures. By collaborating with these organizations and remaining attuned to community feedback, the city can assess the effectiveness of the ordinance in safeguarding the rights of its residents and identify any areas for improvement in enforcement or outreach efforts.

CONTACT PERSON

Terry Taplin, Councilmember, District 2, 510-981-7120

Attachments:

- 1: Ordinance
- 2: Prohibiting Discrimination on the Basis of Relationship Structure (12/19/2017)

ORDINANCE NO. ####-N.S.

ADDING CHAPTER 13.22 TO THE BERKELEY MUNICIPAL CODE TO PROHIBIT  
DISCRIMINATION ON THE BASIS OF FAMILY OR RELATIONSHIP STRUCTURE

BE IT ORDAINED by the Council of the City of Berkeley as follows:

Section 1. That Berkeley Municipal Code 13.22 is hereby added to read as follows:

**Chapter 13.22**

**DISCRIMINATION ON THE BASIS OF FAMILY OR RELATIONSHIP STRUCTURE  
PROHIBITED**

**13.22.010 Purpose**

It is the policy of the City to eliminate all forms of discrimination within the City, particularly discrimination against individuals who are a part of families or relationships that fall outside the nuclear family norm. These include single parents, multi-partner/multi-parent families and relationships, multi-generational households, consensually non-monogamous relationships, and asexual and aromantic relationships. It is the intent of the City to eliminate discrimination against individuals in such family or relationship structures in housing, public accommodations, educational institutions, and business establishments.

**13.22.020 Findings**

The City Council of the City of Berkeley finds and determines as follows:

A. Diverse family structures, including relationship structures involving more than two adults engaged in a loving and consensual relationship, are becoming increasingly common.

B. The perpetuation of nuclear definitions of "family" excludes a significant segment of the Berkeley population, such as multi-partner/multi-parent families and relationships, single parents, multi-generational households, consensually non-monogamous relationships, and consensual intimate relationships, including asexual and aromantic relationships. Individuals should not face discrimination on the basis of whom they share their homes, their hearts, and their lives.

C. People in interpersonal relationships between two or more adult individuals that involve romantic, physical, and/or emotional intimacy face discrimination in many aspects of public life due to prejudicial misunderstandings related to the validity and moral fitness of such relationships.

D. Single parents and people who identify as asexual and/or aromantic also face discrimination in many aspects of public life.

**13.22.030 Definitions**

As used in this chapter, the following words and phrases shall have the meanings ascribed to them in this subsection:

A. "Family or relationship structure" means the actual or perceived involvement or uninvolvement of an individual in an "intimate personal relationship" or relationships, as defined

in BMC Section 13.22.030(B). "Family or relationship structure" includes an individual's actual or perceived affinity, or lack thereof, for any given type of intimate personal relationship, regardless of whether the individual is currently in any intimate personal relationship(s).

B. "Intimate personal relationship" means any interpersonal relationship between two or more adult individuals that involves romantic, physical, and/or emotional intimacy, irrespective of the marital status of these individuals as defined in Part 11053 of Title 2 of the California Code of Regulations. "Intimate personal relationship" includes, but is not limited to, multi-partner/multi-parent families and relationships, and multi-generational households.

C. "Business establishment" means any entity, however organized, which furnishes goods or services to the general public. An otherwise qualifying establishment which has membership requirements is considered to furnish services to the general public if its membership requirements: (a) consist only of payment of fees; (b) consist of requirements under which a substantial portion of the residents of this City could qualify; or (c) consist of an otherwise unlawful business practice.

D. "Individual" means the same as the term "person."

E. "Person" means any natural person, firm, corporation, partnership or other organization, association or group of persons however organized.

### **13.22.040 Unlawful Activities**

A. In General. It shall be unlawful for any person or agent or employee thereof to discriminate against an individual on the basis of that individual's family or relationship structure, with respect to any of the following activities:

1. *Housing*. Any real estate transaction including but not limited to the rental thereof and/or any related terms, conditions, advertisements, communications, insurance, maintenance, rehabilitation, repairs, improvements, use or availability of facilities, or financing including loans and guarantees;

2. *Business Establishments*. The use or availability of goods, services, facilities, privileges, advantages, or accommodations from any business establishment, and/or any related terms, conditions, advertisements or communications;

4. *Educational Institutions*. Admission and the use or availability of any services, programs and facilities, and/or any related terms, conditions, advertisements or communications;

5. *City Facilities and Services*. The use or availability of any municipal service or facility.

6. *City Supported Services and Facilities*. The use or availability of any service or facility wholly or partially funded or otherwise supported by the City.

B. Exceptions.

1. *Housing*. Nothing in this chapter shall be (a) construed to apply to the rental or leasing of any housing unit in which the owner or any member of the owner's family occupies the same living unit in common with the prospective tenant; (b) deemed to permit any rental

or occupancy of any dwelling unit or commercial space otherwise prohibited by law; or  
(c) override any just cause for eviction set forth in the rental stabilization ordinance.

2. *Education*. It shall not be an unlawful discriminatory practice for a religious or denominational educational institution to limit admission to applicants of the same religion.

C. Pretext. It shall be unlawful to do any of the actions mentioned in subsections (A)(1) through (A)(6) for any reason that would not have been asserted but for an individual's family or relationship structure.

#### **13.22.050 Enforcement**

A. Any aggrieved person may enforce the provisions of this chapter by means of a civil action.

B. Any person who commits, or proposes to commit, an action in violation of this chapter may be enjoined therefrom by a court of competent jurisdiction.

C. Action for injunction under this subsection may be brought by any aggrieved person, by the City Attorney, by the district attorney, or by any person or entity which will fairly and adequately represent the interests of the protected class.

#### **13.23.060 Liability for costs and damages**

Any person who violates the provisions of this chapter shall be liable to each person injured by such violation for reasonable attorney's fees and costs as determined by the court, plus damages equaling three times the amount of actual damages or a minimum of one thousand dollars.

#### **13.23.070 Limitation on action**

Actions under this chapter must be filed within one year of the alleged discriminatory acts.

#### **13.23.080 Waiver**

The provisions of this Chapter do not apply where their application would violate or be inconsistent with state or federal laws, rules, or regulations.

#### **13.23.090 Effective date**

The effective date of this ordinance shall be January 1, 2025.

#### Section 2. Severability

If any section, subsection, sentence, clause, phrase, or word of this Ordinance, or any application thereof to any person or circumstance, is held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions or applications of this Ordinance. The Council of the City of Berkeley hereby declares that it would have passed this Ordinance and each and every section, subsection, sentence, clause, phrase, and word not declared invalid or unconstitutional without regard to whether any other portion of this Ordinance or application thereof would be subsequently declared invalid or unconstitutional.

Section 3. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.







COUNCILMEMBER LINDA MAIO  
City of Berkeley

**CONSENT CALENDAR**  
December 19, 2017

TO: Honorable Mayor and Members of the City Council  
FROM: Councilmember Linda Maio  
SUBJECT: Prohibiting Discrimination on the Basis of Relationship Structure

**RECOMMENDATION:**

That the Council refer the proposed language to the City Manager requesting that the City amend Chapter 13.31 as proposed to prohibit discrimination on the basis of relationship structure in regard to Employment, Real Estate Transactions, Business Practices, City Facilities and Services or Education on the Basis of Relationship Structure.

**BACKGROUND:**

A group of citizens of Berkeley drafted the proposed additional language to Chapter 13.31 of Berkeley's Municipal Code with a great deal of care and thoroughness. The existing laws within the City of Berkeley presently protect people against discrimination on the basis of a large number of characteristics. Local laws currently prohibit discrimination not only the basis of ethnicity, religion, and age, but also on the basis of sexual orientation. However, the current local laws do not specifically provide protection from discrimination for polyamorous people or others involved in consensually non-monogamous relationships. This proposed addition to the existing legal code seeks to remedy this situation by extending all the protections currently provided against discrimination on the basis of sexual orientation to polyamorous people. It is proposed that this be accomplished by adding a new chapter to the existing City of Berkeley law code.

The addition to Chapter 13.31 would prohibit discrimination in employment, housing, business practices, city facilities and services, or education on the basis of relationship structure. This would apply to the City of Berkeley as well as private entities. The prohibitions on discrimination in business practices and education would not apply to religious institutions.

The addition would define "relationship structure" as "the number of consenting adults involved in an intimate relationship and/or the number of intimate personal relationships in which each consenting adult is simultaneously involved." "Relationship structure" would also include an individual's "disposition" or desire for a certain relationship structure, regardless of whether that person is in that type of relationship, or any relationship. The addition would also prohibit advertising that expresses the intent to discriminate, or practice of discriminating, on the basis of relationship structure.

The addition would give any person whose rights under the measure are violated the right to sue for compensatory and punitive damages, attorneys' fees, plus not less than \$200 or more than \$400 in addition. Individuals, may also seek injunctions on behalf of themselves or others to prevent or remedy violations of the measure. The District Attorney may also seek injunctions to prevent or remedy violations of the measure.

See attachment for proposed language.

ATTACHMENTS

BMC Chapter 13.31 Proposed language.

ENVIRONMENTAL SUSTAINABILITY

No environmental sustainability impact.

FINANCIAL IMPLICATIONS

Staff time.

CONTACT

Councilmember Linda Maio, District 1, 510-981-7110

## DISCRIMINATION ON THE BASIS OF RELATIONSHIP STRUCTURE

### Section 13.31.010: Policy.

It is the policy of the City to eliminate discrimination based on relationship structure within the City.

### Section 13.31.020: Finding--Definitions.

A. Findings. Discrimination based on relationship structure poses a substantial threat to the health, safety and general welfare of this community. Such discrimination deprives the City of the fullest utilization of its capacities for development and advancement. Further, existing state and federal restraints on arbitrary discrimination are not adequate to meet the particular problems of discrimination based on relationship structure in this community, so that it is necessary and proper to enact local regulations adapted to the circumstances which exist in this City.

B. Definitions. As used in this chapter, the following words and phrases shall have the meanings ascribed to them in this subsection:

1. "Business establishment" means any entity, however organized, which furnishes goods or services to the general public. An otherwise qualifying establishment which has membership requirements is considered to furnish services to the general public if its membership requirements: (a) consist only of payment of fees; (b) consist of requirements under which a substantial portion of the residents of this City could qualify; or (c) consist of an otherwise unlawful business practice.
2. "Individual" means the same as the term "person." Wherever this chapter refers to the relationship structure of any individual, or the relationship structure of any group, the phrase shall mean the relationship structure of any member of the group.
3. "Person" means any natural person, firm, corporation, partnership or other organization, association or group of persons however organized.
4. "Relationship structure" refers to the number of consenting adults involved in an intimate personal relationship and/or the number of intimate personal relationships in which each consenting adult is simultaneously involved. It also includes an individual's disposition or desire for a certain relationship structure, regardless of whether the individual is currently in that type of, or in any, relationship.
5. Discrimination on the basis of relationship structure shall include both discrimination based on actual knowledge of relationship structure and

discrimination based on supposition or assumption of relationship structure or desired structure.

**Section 13.31.030: Employment.**

**A. Unlawful Employment Practices.**

1. **Employers--Discrimination.** It shall be an unlawful employment practice for an employer to fail or refuse to hire, or to discharge any individual, or otherwise to discriminate against any individual with respect to compensation, terms, conditions or privileges of employment on the basis of such individual's relationship structure.
2. **Employers--Segregation.** It shall be an unlawful employment practice for an employer to limit, segregate or classify employees or applicants for employment in any manner which would deprive or tend to deprive any individual of employment opportunities, or adversely affect his or her employment status on the basis of such individual's relationship structure.
3. **Employment Agencies.** It shall be an unlawful employment practice for an employment agency to fail or refuse to refer for employment any individual, or otherwise to discriminate against any individual on the basis of such individual's relationship structure.
4. **Labor Organizations.** It shall be an unlawful employment practice for a labor organization to fail or refuse to include in its membership or to otherwise discriminate against any individual; or 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 such individual of employment opportunities, or otherwise adversely affect her or his status as an employee or as an applicant for employment on the basis of such individual's relationship structure.
5. **Job Training.** It shall be an unlawful employment practice for an employer, an employment agency or a labor organization to discriminate against any individual in admission to, or employment in, any program established to provide apprenticeship or other training or retraining, including any on-the-job training program on the basis of such individual's relationship structure.
6. **Advertising.** It shall be an unlawful employment practice for an employer, employment agency or a labor organization to print, publish, advertise or disseminate in any way, any notice or advertisement with respect to employment, membership in, or any classification or referral for employment or training by any such organization, which expresses an intent to discriminate based on relationship structure.

B. Pretext. It shall be unlawful to do any of the acts mentioned in subdivisions (A)(1) through (A)(6) of this section for any reason that would not have been asserted but for the relationship structure of any individual. Bona Fide Occupational Qualification not Prohibited--Affirmative Defense.

1. Bona Fide Occupational Qualification. Nothing contained in this section shall be deemed to prohibit selection or rejection based upon a bona fide occupational qualification.
2. Affirmative Defense. In any action brought under Section 13.31.090 of this chapter (enforcement), if a party asserts that an otherwise unlawful discriminatory practice is justified as a bona fide occupational qualification, that party shall have the burden of proving: (a) that the job requires a bona fide occupational qualification of a certain relationship structure based on business necessity; and (b) that there exists no less discriminatory means of satisfying the occupational qualification.
3. Exceptions. It shall not be unlawful discriminatory practice for an employer to observe the conditions of a bona fide seniority system or a bona fide employee benefit system, provided such systems or plans are not a pretext to evade the purposes of this chapter; provided, further, that no such system shall provide an excuse for failure to hire any individual because of relationship structure.

C. Notices.

1. Requirements. Every employer with fifteen or more employees, every labor organization with fifteen or more members, and every employment agency shall post and keep posted in conspicuous places upon its premises where notices to employees, applicants for employment and members are customarily posted, the following notice: "Discrimination on the basis of relationship structure is prohibited by law. Berkeley Municipal Code, Sections 13.31.010-13.31.100."
2. Alternate Compliance. Notwithstanding the above, the provisions of this subsection may be complied with by adding the words "relationship structure" to all notices required by federal or state law, and indicating on the notice that discrimination on the basis of relationship structure is prohibited by the Berkeley Municipal Code, Sections 13.31.010 through 13.31.100.
3. Penalty for Noncompliance. Willful violations of this subsection shall be punishable by a fine of not more than fifty dollars for each offense. This is the exclusive penalty for violations of this subsection, except that individuals and organizations may also seek relief as described in **Section 13.31.080**

### **Section 13.31.040: Housing and other real estate transactions.**

A. Unlawful Real Estate Practices.

1. Transactions. Generally, it shall be an unlawful real estate practice for any person to interrupt, terminate or fail or refuse to initiate or conduct any transaction in real property, including but not limited to the rental thereof; to require different and less favorable terms for such transaction; to include in the terms or conditions of a transaction in real property any clause, condition or restriction; or falsely to represent that an interest in real property is not available for transaction, on the basis of any individual's relationship structure.
2. Credit and Insurance. It shall be an unlawful real estate practice for any person to refuse to lend money, guarantee the loan, accept a deed of trust or mortgage, or otherwise refuse to make available funds for the purchase, acquisition, construction, alteration, rehabilitation, repair or maintenance of real property; or impose different and less favorable conditions on such financing; or refuse to provide title or other insurance relating to the ownership or use of any interest in real property, on the basis of any individual's relationship structure.
3. Tenant's Services. It shall be an unlawful real estate practice for any person to refuse or restrict facilities, services, repairs or improvements for any tenant or lessee on the basis of any individual's relationship structure.
4. Advertising. It shall be an unlawful real estate practice for any person to make, print, publish, advertise or disseminate in any way, any notice, statement or advertisement with respect to a transaction or proposed transaction in real property, or with respect to financing related to any such transaction, which expressed an intent to discriminate based on relationship structure or any other prohibited basis.

B. Pretext. It shall be unlawful to do any of the actions mentioned in subdivisions (A)(1) through (A)(4) for any reason that would not have been asserted but for the relationship structure of any individual.

C. Exceptions.

1. Owner Occupied Dwellings. Nothing in this chapter shall be construed to apply to the rental or leasing of any housing unit in which the owner or lessor resides within the living unit and it is necessary for the owner or lessor to use either a bathroom or kitchen facility in common with the prospective tenant(s).
2. Effect on Other Laws. Nothing in this chapter shall be deemed to permit any rental or occupancy of any dwelling unit or commercial space otherwise prohibited by law.

**Section 13.31.050: Business establishments.**

A. Unlawful Business Practice.

1. Business Practices Generally. It shall be an unlawful business practice for any person to deny any individual the full and equal enjoyment of the goods, services, facilities, privileges, advantages and accommodations of any business establishment based on such individual's relationship structure.
2. Advertising. It shall be an unlawful business practice for any person to make, print, publish, advertise or disseminate in any way any notice, statement or advertisement with respect to any business establishment which expresses the establishment's intent to or practice of discriminating based on relationship structure or any other prohibited basis.

B. Pretext. It shall be unlawful to do any of the acts mentioned in subdivisions (A)(1) or (A)(2) of this section for any reason that would not have been asserted but for the relationship structure of any individual.

**Section: 13.31.060: City facilities and services.**

A. Unlawful Service Practices.

1. City Facilities. It shall be an unlawful service practice for any person to deny any individual the full and equal enjoyment of, or to place different terms and conditions on the availability of, the use of any City facility on the basis of such individual's relationship structure.
2. City Services. It shall be an unlawful service practice for any person to deny any individual the full and actual enjoyment of, or to impose different terms or conditions on the availability of, any City service on the basis of such individual's relationship structure.
  - a. Supported Facilities and Services. It shall be an unlawful service practice for any person to deny any individual the full and equal enjoyment of, or to impose different terms and conditions upon the availability of, any service, program or facility wholly or partially funded or otherwise supported by the City on the basis of such individual's relationship structure. This subsection shall not apply to any facility, service or program which does not receive any assistance from the City or which is not provided to the public generally.
  - b. Advertising. It shall be an unlawful service practice for any person to make, print, publish, advertise or disseminate in any way any notice, statement or advertisement with respect to any service or facility provided by either the City or an organization described in (A)(2a) of this section which expresses the City's or organizations intent to or practice of discriminating based on relationship structure or on any other prohibited basis.



B. Pretext. It shall be an unlawful discriminatory practice to do any of the acts mentioned in subdivisions (A)(1) through (A)(2) for any reason which would not have been asserted but for the relationship structure of any individual.

**Section 13.31.070: Educational institutions.**

A. Unlawful Educational Practices.

1. Admission. It shall be an unlawful educational practice for any person to deny admission, or to impose different and less favorable terms or conditions on admission, on the basis of an individual's relationship structure.
2. Services. It shall be an unlawful educational practice for any person to deny any individual the full and equal enjoyment of, or to impose different terms or conditions upon the availability of, any service or program offered by an educational institution on the basis of such individual's relationship structure.
3. Facilities. It shall be an unlawful educational practice for any person to deny any individual the full and equal enjoyment of, or to impose different and less favorable terms or conditions upon the access to any facility owned or operated by an educational institution on the basis of such individual's relationship structure.
4. Advertising. It shall be an unlawful educational practice for any person to make, print, publish, advertise or disseminate in any way any notice, statement or advertisement with respect to an educational institution which expresses the educational institution's intent to or practice of discriminating based on relationship structure or on any other prohibited basis.

B. Pretext. It shall be an unlawful discriminatory practice to do any of the acts mentioned in subdivisions (A)(1) through (A)(4) of this section for any reason which would not have been asserted but for the relationship structure of any individual.

C. Exception. It shall not be an unlawful discriminatory practice for a religious or denominational institution to limit admission, or give other preferences to applicants of the same religion.

**Section 13.31.080: Liability.**

Any person who violates any of the provisions of this chapter or who aids in the violation of any provisions of this chapter shall be liable for, and the court must award to the individual whose rights are violated, actual damages, costs, reasonable attorney's fees, and not less than two hundred dollars but not more than four hundred dollars in addition thereto. In addition, the court may award punitive damages in a proper case.

**Section 13.31.090: Enforcement.**

- A. Any aggrieved person may enforce the provisions of this chapter by means of a civil action.
- B. Any person who commits, or proposes to commit, an action in violation of this chapter may be enjoined therefrom by any court of competent jurisdiction.
- C. Action for injunction under this subsection may be brought by any aggrieved person, by the district attorney, or by any person or entity who has standing and who will fairly and adequately represent the interests of the protected class.

**Section 13.31.100: Limitation on action.**

Actions under this chapter must be filed within one year of the alleged discriminatory act(s).