BY AUTHORITY

ORDINANCE NO. ___________ COUNCIL BILL NO. CB20-0029
SERIES OF 2020 COMMITTEE OF REFERENCE:
Safety, Housing, Education & Homelessness

A BILL

For an ordinance amending Articles II and IV of Chapter 28 of the Revised
Municipal Code concerning, respectively, the Agency for Human Rights and
Community Partnerships and the Prohibition of Discrimination in Employment,
Housing and Commercial Space, Public Accommodations, Educational
Institutions, and Health and Welfare Services.

BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:

Section 1. That section 28-91(b), D.R.M.C., is amended by deleting the language stricken
and adding the language underlined, and that section 28-91 is further amended by the addition of a
new subsection (d), to read as follows:

“Sec. 28-91. - Intent of council.

(b) It is the intent of the council in enacting this article to eliminate within discrimination
in the city discrimination by reason of race, color, religion, national origin, ethnicity, citizenship,
immigration status, gender, age, sexual orientation, gender-variability, gender identity, gender
expression, marital status, source of income, military status, or physical or mental disability.
Discriminatory practices as defined in this article may be subject to investigation, conciliation,
administrative hearings and orders or other enforcement procedures.

(d) Any provision of this article that prohibits discrimination based on citizenship
or immigration status does not apply when any federal, state, or city law imposes citizenship or
lawful immigration status as a requirement or condition for receiving any employment, contract,
benefit, or service.”

Section 2. That Section 28-92, D.R.M.C., is amended by deleting the language stricken and
adding the language underlined, to read as follows:

“Sec. 28-92. - Definitions.

The following words and terms when used in this article shall have the following meanings:

(a) Age: A chronological age of at least forty (40) years.

(b) Agency: The agency for human rights and community relations partnerships.

(c) Director: The agency’s duly appointed executive director or the agency for human
rights and community relations.
(d) **Disability**: Has the same meaning as set forth in the federal “Americans with Disabilities Act of 1990”, 42 U.S.C. sec. 1201 et seq., and its related amendments and implementing regulations.

(e) **Educational institution**: Any private educational institution, including an academy, college, elementary or secondary school, extension course, kindergarten, nursery, school system or university and a business, nursing, professional, secretarial, technical or vocational school and includes an agent of an educational institution.

(f) **Employee**: Any individual employed by or applying for employment with an employer.

(g) **Employer**: Any person, excluding governmental entities and political subdivisions but including any agent of such entity or subdivision where the agency relationship is created by a written contract, engaged in an industry affecting commerce who has twenty (20) ten (10) or more employees for each working day in each of twenty (20) ten (10) or more calendar weeks in the current or preceding calendar year; the term shall also mean any agent of such a person.

(h) **Employment agency**: Any person regularly undertaking or attempting with or without compensation to procure employees for an employer or to procure for employees opportunities to work for an employer and includes an agent of such a person.

(i) **Gender**: The attitudes, feelings, and behaviors that a given culture associates with a person’s sex assigned at birth. One’s gender may be man, woman, genderqueer, androgynous, or other. Behavior that is compatible with cultural expectations is referred to as gender-normative; behavior that is viewed as incompatible with cultural expectations is gender non-conformity.

(j) **Gender expression**: A person’s expression of gender identity through appearance and behavior including how an individual believes that the individual is perceived by others.

(k) **Gender identity**: A person’s various individual attributes, actual or perceived, that may be in accord with, or sometimes opposed to, one’s physical anatomy, chromosomal sex, genitalia, or sex assigned at birth. A person’s sense of oneself as a man, woman, or something else. When a person’s gender identity or gender expression and sex assigned at birth are not congruent, the individual may identify along the transgender spectrum.

**Gender variance**: A persistent sense that a person’s gender identity is incongruent with the person’s biological sex, excluding the element of persistence for persons under age twenty-one (21) and including, without limitation, transitioned transsexuals.

**Genital reassignment surgery**: Surgery to alter a person’s genitals, in order to complete a program of sex reassignment treatment.
(l) **Labor organization:** Any organization, agency, employee representation committee, group, association or plan in which employees participate directly or indirectly and which exists for the purpose, in whole or in part, of dealing with employers or any agent thereof concerning grievances, labor disputes, wages, rates of pay, hours or other terms, conditions or privileges of employment and any conference, general committee, joint or system board or joint council which is subordinate to a national or international labor organization.

(m) **Marital status:** The state of being married, single, divorced, separated or widowed and the usual conditions associated therewith, including parenthood.

(n) **Military status:** Being or having been in the service of the military.

**Physical or mental disability:** A physical or mental impairment of an individual which substantially limits one (1) or more major life activities and includes a record of such impairment or being regarded as having such impairment; however, such term does not include any individual who is an alcoholic whose current use of alcohol prevents such individual from performing the duties of a job or whose current alcohol abuse would constitute a direct threat to property or the safety of others; and in the areas of public accommodations or real estate transactions, such term does not include any individual who is an alcoholic and whose unreasonable conduct as a result of use of alcohol is the basis on which a covered entity acts; and such term does not include an individual who is currently engaged in the illegal use of drugs when a covered entity acts on the basis of such use.

(o) **Place of public accommodation:**

1. As defined by section 59-2 of this Code: As specified in the Denver Zoning Code: All hostels, hotels, motels, rental rooms; lodging accommodations including without limitation bed and breakfast lodging, extended stay hotels, hotels, hostels, motels, single room occupancy (SRO) hotels, rooming and/or boarding houses; short-term rentals including without limitation vacation rentals and other short-term rental places or establishments; eating places; eating and drinking establishments; shops, and stores, and other kinds of business establishments dealing with goods or services of any kind; hospitals; and group living facilities including assisted living facilities, nursing homes, hospices, and residences for older adults; shelters: recreational facilities, public parks; theaters of all kinds, and any establishments licensed under chapter 7 (Amusements) of this Code.

2. Any establishment licensed under the Colorado Liquor Code or the Colorado Beer Code; all banks, credit information services and all other financial institutions; insurance companies and establishments of insurance brokers; clinics, dental or medical; clubs and
lodges; bathhouses and swimming pools; commercial or public garages, public transportation as well as the stations or terminals thereof; any establishment offering travel or tour services; and public areas and public elevators of buildings and structures, any place of business, services, or other kinds of establishments providing health and welfare services in accordance with Section 28-97; and any place of business, services, or other kinds of establishments engaged in or offering sales, services, facilities, privileges, advantages, or accommodations to the public that receives or is otherwise supported by money raised by taxation or public borrowing.

(p) Real estate broker or salesperson: Any person licensed as such in accordance with the provisions of the Colorado Real Estate Commission.

(q) Religious entity: A church, synagogue, mosque, temple, congregation, or other place that is principally used for religious purposes.

Religious organizations or associations: Any organization affiliated with a church, synagogue, congregation, parish, brotherhood, religious corporation or any religious society engaging in the works of education, benevolence, charity or missions.

(r) Religious organization: A religious corporation, religious institution, religious society, or other organization or association that is not organized for private profit, not supported in whole or in part by money raised by taxation or public borrowing, controlled by or operated in connection with a religious entity, and engages in the study or advancement of religion or engages in the works of education, benevolence, charity, or missions.

Sex: Biological sex, the sum of a person’s physical characteristics.

Sex reassignment treatment: Treatment to change a person’s sex, based on medically recognized treatment protocols such as that published by the Harry Benjamin International Gender Dysphoria Association.

(s) Sexual orientation: A component of a person’s identity that includes sexual and emotional attraction to another person and the behavior or social affiliation that may result from this attraction. A person may be attracted to men, women, both, neither, or to people who are genderqueer, androgynous, or have other gender identities. Individuals may identify as lesbian, gay, heterosexual, bisexual, queer, pansexual, or asexual, among others.

(t) Source of income: Any lawful, verifiable source of income or housing assistance paid to or on behalf of a renter or buyer including, but not limited, to monies from any occupation or activity, from any contract, agreement, loan or settlement, from any court-ordered payments such as child support, from payments received as gifts, bequests, annuities or life insurance policies, or from
federal, state or local payments, including disability benefits and housing choice vouchers or any
other rent subsidy or rent assistance program and related program requirements.

(u) **Transaction in real property:** Exhibiting, listing, advertising, negotiating, agreeing to
transfer or transferring, whether by sale, lease, sublease, rent, assignment or other agreement,
any interest in real property or improvements thereon.

**Transitioning transgender:** A person experiencing gender variance who is undergoing sex
reassignment treatment.

**Transitioned transgender:** A person who has completed genital reassignment surgery. “

**Section 3.** That Section 28-93, D.R.M.C., is amended by deleting the language stricken and
adding the language underlined, to read as follows:

“Sec. 28-93. - Discriminatory practices in employment.

(a) **Generally.** It shall be a discriminatory practice to do any of the following acts
based upon the race, color, religion, national origin, ethnicity, citizenship, immigration status,
gender, age, sexual orientation, gender variance, gender expression, gender identity, marital
status, military status, or physical or mental disability of any individual who is otherwise
qualified:

(1) **By an employer:** To fail or refuse to hire an applicant or to discharge any
individual or otherwise to discriminate against any individual with respect to compensation,
terms, conditions or privileges of employment, including promotion; or 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 status as an employee, but With
regard to a disability, it is not a discriminatory or an unfair employment practice for an
employer to act as provided in this paragraph (a) if there is no reasonable accommodation that
the employer can make with regard to the disability can be made, the disability actually
disqualifies the person from the job, and or the disability has a significant impact on the job;

(2) **By an employment agency:** To fail or refuse to refer for employment or to or
classify er refer for employment any individual or to otherwise to discriminate against any
individual. But With regard to a disability, it is not a discriminatory or an unfair employment
practice for an employment agency to refuse to list and properly classify for employment or to
refuse to refer an individual for employment in a known available job for which such individual
is otherwise qualified if there is no reasonable accommodation that the employer can make can
be made with regard to the disability, the disability actually disqualifies the applicant from the
job, and the disability has a significant impact on the job;
By a labor organization: To exclude or to expel remove from its membership, or
otherwise to discriminate against any individual or to limit, segregate, or classify its
membership, or fail or refuse to refer any individual to employment or to classify for
employment any individual, or to otherwise discriminate against any individual in any way that
which would deprive, limit, or adversely affect such individual of employment opportunities or
would limit such employment opportunities or otherwise adversely affect the individual's status
as an employee or as an applicant for employment; or

By an employer, employment agency, apprenticeship program, labor organization
or joint labor/management council:

a. To discriminate against any individual in admission to or employment in any
program established to provide apprenticeship or other training or retraining, including an-on-
the-job training program; but with regard to a disability, it is not a discriminatory or an unfair
employment practice to deny or withhold the right to be admitted to or participate admission or
participation in any such program if there is no reasonable accommodation that can be made
with regard to the disability, the disability actually disqualifies the applicant from the program,
and the disability has a significant impact on participation in the program; and

b. To communicate, print or publish or cause to be communicated, printed or
published any notice or advertisement or use any publication form relating to employment by
such employer or to membership in or any classification or referral for employment by such a
labor organization or to any classification or referral for employment by such an employment
agency indicating any preference, limitation, specification or distinction based on the race,
color, religion, national origin, ethnicity, citizenship, immigration status, gender, age, sexual
orientation, gender variance, gender expression, gender identity, marital status, military status
or physical or mental disability of any individual.

Women affected by pregnancy: Prohibition of discrimination – pregnancy,
childbirth, and related conditions.

(1) Discrimination on the basis of gender shall include but not be includes but is not
limited to discrimination on the basis of pregnancy, childbirth or related medical conditions.

(2) Women affected by pregnancy, childbirth or related medical conditions shall be
treated the same for all employment-related purposes, including receipt of benefits under
fringe benefit programs, as other persons not so affected but similar in their ability or inability
to work; and this requirement shall include but not be limited to a requirement that an employer
must treat an employee temporarily unable to perform the functions of her job because of
pregnancy-related condition in the same manner as it treats other temporarily disabled employees. An employer, employment agency, apprenticeship program, labor organization, or a joint labor/management council may not:

a. Treat disabilities caused or contributed to by pregnancy, miscarriage, childbirth or recovery therefrom, differently than other temporary disabilities under any health or temporary disability insurance, or sick leave plan available in connection with employment. An employer, employment agency, apprenticeship program, labor organization, or a joint labor/management council must afford pay, tenure, benefits, seniority, and re-instatement for medically necessary pregnancy-related absences in the same manner as they are for other medically necessary absences:

b. Refuse to reasonably accommodate an existing or prospective employee’s condition related to pregnancy, childbirth, or a related medical condition, including, but not limited to, the need to express breast milk for a nursing child; unless the employer can demonstrate that the accommodation presents an undue hardship on a program, enterprise, or business;

c. Require an employee to take leave if another reasonable accommodation can be provided for the employee’s condition related to pregnancy, childbirth, or a related medical condition; or

d. Deny employment opportunities to an existing or prospective employee, if such denial is based on the employer’s refusal to reasonably accommodate a current or prospective employee’s condition related to pregnancy, childbirth, or a related medical condition.

(3) For the purposes of this section 28-93(b):

a. The term “reasonably accommodate” means providing reasonable accommodations, including, but not limited to: additional or longer breaks, time off to recover from childbirth, acquisition or modification of equipment, seating, temporary transfer to a less strenuous or hazardous position, job restructuring, light duty, private non-bathroom space for expressing breast milk, assistance with manual labor, or modified work schedules, provided that:

i. No employer, employment agency, apprenticeship program, labor organization, or joint labor/management council is required by this subsection to create additional employment that would not have been created otherwise, unless the entity or program creates or would have created additional employment for other classes of employees who need
accommodation, such as those individuals who are injured on-the-job or those with disabilities and;
  ii. The employer, employment agency, apprenticeship program, labor organization, or joint labor/management council is not required to discharge or transfer any employee with more seniority, or promote any employee who is unqualified to perform the job, unless the employer does so or would do so to accommodate other classes of employees in need, such as those who are injured on-the-job or those with disabilities.

  b. Nothing in this section requires individuals with needs related to pregnancy, childbirth, or related medical conditions to accept any accommodation.

    c. The term “related conditions” includes, but is not limited to, lactation or the need to express breast milk for a nursing child.

    d. The term “undue hardship” means an action requiring significant difficulty or expense, when considered in light of the factors set forth in section 28-93(b)(3)a.

    e. The employer, employment agency, apprenticeship program, labor organization, or joint labor/management council must prove undue hardship. The factors that may be considered to determine undue hardship include without limitation:

      i. The nature and cost of the accommodation;

      ii. The overall financial resources of the employer, employment agency, apprenticeship program, labor organization, or joint labor/management council; the overall size of the entity or program by number of employees; and the number, type, and location of its facilities; and

      iii. The effect on expenses and resources or the impact otherwise of such accommodation upon the operation of the employer, employment agency, apprenticeship program, labor organization, or joint labor/management council.

    f. The fact that the employer, employment agency, apprenticeship program, labor organization, or joint labor/management council provides or is required to provide a similar accommodation to other classes of employees in need, such as those who are injured on-the-job or those with disabilities, creates a rebuttable presumption that the accommodation does not impose an undue hardship on a program, enterprise, or business.

    (4) **Notice of rights.** An employer, employment agency, apprenticeship program, labor organization, or joint labor/management council must provide written notice of the right to be free from discrimination based on pregnancy, childbirth, and related medical conditions pursuant to Sec. 28-93 (a), (b), and (c) to new employees at the commencement of
employment, and to existing employees within one hundred twenty days after the effective
date of this ordinance. Such notice may also be posted at the entity’s or program’s place of
business in a visible area that is accessible to employees.

(5) Section 28-93 (a), (b), and (c) may not be construed to affect any other provision
of law relating to gender discrimination or pregnancy, or to preempt, limit, diminish or otherwise
affect any other law that provides greater protection or specific benefits related to pregnancy,
childbirth, or a related medical condition.

(c) Exceptions.

(1) Seniority system. It shall not be considered is not a discriminatory practice for an
employer to observe the conditions of a bona fide hiring or seniority system or a bona fide or
employee benefit system, such as retirement, pension or insurance plans which that is not a
subterfuge to evade the purposes of this act, except that no such employee seniority system or
benefit plan shall excuse the failure to hire any individual because of the age of such
individual.

(2) Elderly Older adult or physically-or-mentally disabled person with a disability. It
shall not be discriminatory for employment to be limited to an older adult the elderly or to a
physically-or-mentally disabled person with a disability provided that such employment shall
not discriminate among the elderly persons based on age or with disabilities physically or
mentally disabled on the basis of other discriminatory criteria set forth in subsection (a) hereof.

(3) Bona fide occupational classifications. Any bona fide occupational qualifications
or differentiation based on factors reasonably necessary to the normal operation of the
particular employer’s normal operations shall not be deemed discriminatory.

(4) Religious organizations or entities. This article section 28-93 shall not apply to
employment or hiring by a religious organization or religious entity or associations. Nothing in
this Section 28-93 prevents a religious organization or religious entity from employing or hiring
of individuals of a particular religion to perform work connected with the carrying on of the
organization’s religious activities.

(5) Individualized agreements. Nothing in this section shall prohibit any employer
from making individualized agreements with respect to compensation or the terms, conditions,
or privileges of employment for persons suffering a disability if such individualized agreement
is part of a therapeutic or job-training program of no more that is no longer than twenty (20)
hours per week and lasting no more than eighteen (18) months.

9
(6) **Age, position Certain age and position.** It shall not be is not discriminatory to compel the retirement of any employee who is sixty-five (65) years of age or older who, for the two-year period immediately before retirement, is employed in a bona fide executive or a high policy-making position if such employee is entitled to an immediate nonforfeitable annual retirement benefit from a pension, profit-sharing, savings or deferred compensation plan or any combination of such plans of the employer of such employee and if such plan equals in the aggregate at least forty-four thousand dollars ($44,000.00).

(7) **Sexual orientation, marital status.** With respect to sexual orientation or marital status, it shall not be discriminatory for fringe benefits, insurance coverage or any other term, condition or privilege of employment to be denied where the employee seeks coverage for an individual on the basis that the individual is their spousal equivalent.

(8) **Gender variance.** Notwithstanding any other provision of this chapter, a workplace supervisor may require that a worker have reasonably consistent gender presentation in the workplace.

**Section 4.** That Section 28-94, D.R.M.C., is amended by deleting the language stricken and adding the language underlined, to read as follows:

"Sec. 28-94. - Discriminatory practices in educational institutions.

(a) **Generally.** It is a discriminatory practice for an educational institution to deny or restrict or to abridge or condition the use of or access to any of its facilities and services to any person otherwise qualified or to discriminate based on the race, color, religion, national origin, ethnicity, citizenship, immigration status, gender, age, sexual orientation, gender variance, gender expression, gender identity, marital status, military status or physical or mental disability of any individual.

(b) **Exceptions.** It shall not be is not a discriminatory practice for admissions to be limited to persons with physical or mental disabilities, or of specific religions or sex genders; except that when any of the above exempted colleges an educational institution offers a course nowhere else available in the city, opportunity for admission to that course must be open to students of both sexes all genders who otherwise meet the lawful requirements for admission."

**Section 5.** That Section 28-95, D.R.M.C., is amended by deleting the language stricken and adding the language underlined, to read as follows:

"Sec. 28-95. - Discriminatory practices in real estate transactions."
(a) Generally. It shall be is a discriminatory practice to do any of the following acts based upon the race, color, religion, national origin, ethnicity, citizenship, immigration status, gender, age, sexual orientation, gender variance, gender expression, gender identity, marital status, source of income, military status or physical or mental disability of any individual:

(1) To interrupt or terminate or refuse to initiate or conduct any transaction in real property or to require different terms for such transaction or to represent falsely that an interest in real property is not available for transaction;

(2) To include in the terms or conditions of a transaction in real property any clause, condition or restriction prohibited by this article;

(3) To refuse to lend money, guarantee a loan, accept a deed of trust or mortgage or otherwise refuse to make funds available for the purchase, acquisition, construction, alteration, rehabilitation, repair or maintenance of real property or impose different conditions on such financing or refuse to provide title or other insurance, relating to the ownership or use of any interest in real property;

(4) To refuse or restrict facilities, service, repairs or improvements for a tenant or lessee;

(5) To communicate, make, print or publish or cause to be communicated, made, printed or published any notice, statement or advertisement with respect to a transaction or proposed transaction in real property or financing related thereto, which notice, statement or advertisement indicates or attempts to indicate any preference, limitation or discrimination based on race, color, religion, national origin, ethnicity, citizenship, immigration status, gender, age, sexual orientation, gender variance, gender expression, gender identity, marital status, source of income, military status, family status or physical or mental disability of any individual;

(6) To discriminate in any financial transaction involving real property on account of the location of residence or business, i.e., to red-line;

(7) To restrict or attempt to restrict housing choices or to engage in any conduct relating to the sale or rental of a dwelling that otherwise denies the rental or sale or makes it unavailable; or

(8) To refuse to consider any source of income in the same manner as ordinary wage income in connection with an application for rental housing.

(b) Exceptions.

(1) It shall not be is not a discriminatory practice for a person to act in conformity with chapter 59 (Zoning) of this Code or any successor zoning code, and nothing in this
chapter of the Code shall supersede any provisions of chapter 59 (Zoning) of this Code or any successor zoning code.

(2) This section shall does not apply to multiple-unit dwellings of not more than two dwelling units where at least one (1) of the units is owner-occupied.

(3) Nothing in this section shall prohibit group homes, self-care elderly homes for older adults, special-care homes, or other facilities whose use is restricted to the elderly older adults or to individuals persons with physical or mental disabilities.

(4) This article shall not apply to religious organizations or associations. Nothing contained in Section 28-95 prohibits a religious organization or religious entity 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.

(5) The prohibition on discrimination on the basis of source of income set forth in this section shall become effective on January 1, 2019, and shall not apply where a person owns and makes available for renting, subrenting, leasing, or subleasing only a single unit or where the use of a particular type of assistance is prohibited by any applicable federal, state or city law or regulation or pre-existing program requirement.”

Section 6. That Section 28-96, D.R.M.C., is amended by deleting the language stricken and adding the language underlined, to read as follows:

“Sec. 28-96. - Discriminatory practices in places of public accommodation.

(a) Generally. It shall be is a discriminatory practice to do any of the following acts based upon the race, color, religion, national origin, ethnicity, citizenship, immigration status, gender, age, sexual orientation, gender variance, gender expression, gender identity, marital status, military status or physical or mental disability of any individual:

(1) To directly or indirectly deny, directly or indirectly, any person the full and equal enjoyment of the goods, services, facilities, privileges, advantages and accommodations of any place of public accommodation.

(2) To communicate, print, circulate, post or mail or otherwise cause, directly or indirectly, to be published a statement, advertisement or sign which indicates that the full and equal enjoyment of the goods, services, facilities, privileges, advantages and accommodation will be refused, withheld from or denied an individual or that an individual's patronage of or presence at a place of public accommodation is objectionable, unwelcome, unacceptable or undesirable.
(b) **Breastfeeding.** A person may breast-feed in any place that a person has a right to be.

(c) **Exceptions.**

(1) It shall not be a discriminatory practice for a person to act in conformity with chapter 59 (Zoning) of this Code, and nothing in this chapter of the Code shall supersede any provisions of chapter 59 (Zoning) of this Code.

(2) This section shall not apply to multiple-unit dwellings of not more than two dwelling units where at least one of the units is owner-occupied.

(3) Nothing in this section shall prohibit group homes, self-care elderly homes for older adults, special-care homes, or other facilities whose use is restricted to the elderly or to individuals with physical or mental disabilities.

(4) This article shall not apply to religious organizations or associations. Section 28-96 does not apply to religious entities.

(5) This article shall **not** apply to insurance risk classification.

(e) **Transitioned transsexuals.** Notwithstanding any other provision of this chapter, transitioned transsexuals may use the locker rooms and shower facilities of their new sex and shall be protected by this section from discrimination in their use of such locker rooms and shower rooms.

(d) **Transitioning transsexuals.** Notwithstanding any other provision of this chapter, transitioning transsexuals shall be granted reasonable accommodation in access to locker rooms and shower facilities.

Section 7. That Section 28-97, D.R.M.C., is amended by deleting the language stricken and adding the language underlined, to read as follows:

“Sec. 28-97. - Discriminatory practices in health and welfare services.

(a) **Generally.** It shall be a discriminatory practice to do any of the following acts based upon the race, color, religion, national origin, ethnicity, citizenship, immigration status, gender, age, sexual orientation, gender variance, gender expression, gender identity, marital status, military status or physical or mental disability; of any individual:

(1) To communicate, publish, advertise or represent or cause to be communicated, published, advertised or represented by any health and welfare agency or owner, supervisor, staff person, director, manager or officer thereof, excluding governmental entities and political subdivisions, that any of the services, programs, benefits, facilities or privileges of any health or welfare agency are withheld from or denied to any person;
(2) For any health and welfare agency or worker, supervisor, staff person, director, manager or officer thereof, excluding governmental entities and political subdivisions, to deny or refuse to provide access to any of the services, programs, benefits, facilities or privileges of any health or welfare agency.

(b) Exceptions.

(1) Section 28-97 shall not apply to religious organizations or associations religious entities.

(2) This article shall Section 28-97 does not apply to insurance risk classification.

Section 8. That Section 28-97.5, D.R.M.C., is repealed.

Sec. 28-97.5. - Gender variance exemptions. Reserved.

Competitive sports and sports-related records and sex-segregated housing for persons under age twenty-five shall be exempt from the gender-variance discrimination provisions of this chapter.

Section 9. That Section 28-17(7), D.R.M.C., is amended by adding the language underlined, to read as follows:

"(7) To exercise powers provided to the agency under article IV and article IX of this chapter."

COMMITTEE APPROVAL DATE: January 8, 2020

MAYOR-COUNCIL DATE: January 14, 2020

PASSED BY THE COUNCIL: January 27, 2020

[Signature] - PRESIDENT

APPROVED: Jan 29, 2020

[Signature] - MAYOR

ATTEST: CLERK AND RECORDER,

EX-OFFICIO CLERK OF THE

CITY AND COUNTY OF DENVER

NOTICE PUBLISHED IN THE DAILY JOURNAL: ____________________

PREPARED BY: Troy C. Bratton, Assistant City Attorney

DATE: January 16, 2020

Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to §3.2.6 of the Charter.

Kristin M. Bronson, Denver City Attorney

BY: [Signature], Assistant City Attorney

DATE: Jan 16, 2020