

SPONSOR: Janet Venecz
Councilwoman at Large

ORDINANCE NO. 9293

**AN ORDINANCE TO CREATE A NEW SECTION OF CHAPTER 37 (CITY POLICY)
PROHIBITING DISCRIMINATION BASED UPON SEXUAL ORIENTATION AND
GENDER IDENTITY**

WHEREAS, On March 26, 2015, Indiana Governor Michael Pence signed into law Senate Enrolled Act 101, the Religious Freedom Restoration Action (RFRA); and

WHEREAS, the RFRA passed by the General Assembly and signed by the Governor allows businesses in Indiana to discriminate against Lesbian, Gay, Bisexual and Transgender (LGBT) individuals by citing to such practices being part of a religious belief system; and

WHEREAS, Legalized discrimination, in any form, does severe social and economic harm to the State of Indiana; and

WHEREAS, Since the passage of RFRA, Companies such as Angie's List have halted planned expansion in Indiana; The State of Illinois has attempted to lure Indiana Companies away from Indiana based on the law; Gen Con has cancelled its scheduled convention in Indiana; the States of Washington and Connecticut have banned tax-payer funded travel to Indiana; Seattle and San Francisco have banned tax-payer funded travel to Indiana; the music group WILCO has cancelled its May 7, 2015 concert in Indianapolis; Salesforce.com has stated the law will result in the company's reduced involvement in Indiana; Cummins Diesel Engine Company, Yelp and Pay Pal have publically criticized the bill and have indicated such actions are business un-friendly and

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will affect business decisions in the State; and the NCAA has expressed concerns about hosting future events in Indiana; and

WHEREAS, discrimination sanctioned by law is an affront to the dignity of all citizens of Hammond, as well as all of Indiana; and

WHEREAS, The City of Hammond wishes to publically and officially adopt an Ordinance which prohibits discrimination in employment, housing, services and accommodations; and

NOW, THEREFORE, BE IT ORDAINED, by the Common Council of the City of Hammond that it is the will of the Citizens of Hammond, by and through the Hammond Common Council that Chapter 37 (City Policy) be expanded as follows:

37.XX Non Discrimination Based on Sexual Orientation and Gender Identity:

In addition to the existing protections previously adopted regarding race, religion, color, sex, national origin, ancestry, and disability, it is the policy of the City of Hammond that it does not discriminate in the provision or implementation of its programs and services on the basis of sexual orientation, gender identity, or perception of same. It is the public policy of the City to provide all citizens equal opportunity for education, employment, access to public accommodations and acquisition through purchase or rental of real property, including, but not limited to: housing, and to eliminate segregation or separation based on sexual

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orientation, gender identity, or perception of same, since such segregation is an impediment to equal opportunity. Equal education and employment opportunities and equal access to and use of public accommodations and equal opportunity for acquisition of real property are hereby declared to be civil rights.

The practice of denying these rights to persons because of sexual orientation, gender identity, or perception of same is contrary to the principles of freedom and equality of opportunity and is a burden to the objectives of the public policy of the city, and shall be considered as discriminatory practices. The promotion of equal opportunity without regard to sexual orientation, gender identity, or perception of same is the purpose of this section.

It is also the public policy of the city to protect employers, labor organizations, employment agencies, property owners, real estate brokers, builders and lending institutions from unfounded charges of discrimination based upon sexual orientation, gender identity or perception of same.

It is hereby declared to be contrary to the public policy of the City and an unlawful practice to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry into the neighborhood of a person or persons of a particular, sexual orientation, gender identity, or perception of same, or to deny any such person service or accommodations at any business located in the City of Hammond. Any business violating this

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Ordinance may be subject to license revocation pursuant to Section 119 of the Hammond Municipal Code.

For purposes of this Ordinance, "Sexual orientation" means an individual's identity or practice as a lesbian woman, gay male, bisexual person or heterosexual person, whether actual or perceived.

"Gender identity" means a person's actual or perceived gender-related attributes, self-image, appearance, expression or behavior, whether or not such characteristics differ from those traditionally associated with the person's assigned sex at birth.

The Hammond Human Relations Commission is empowered to investigate, conciliate, hear complaints, enter into consent decrees and seek judicial enforcement of its orders concerning any violations of this Ordinance.

FURTHER BE IT ORDAINED The City of Hammond intends to create an enforceable Ordinance which is compliant with all Federal, State and Local laws, in the event, that this Ordinance, or any part of it, or any provision, or any classification contained therein, is found to be unconstitutional, the remaining portion will remain in effect and will be found to be valid.

ADOPTED AND APPROVED by the Common Council of the City of Hammond, Indiana, this 13th day of April, 2015.

Michael Opinker, President /s/
Hammond Common Council

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ATTEST: _____
ROBERT J. GOLEC, City Clerk /s/

PRESENTED BY ME, the undersigned City Clerk of the City of Hammond to the Mayor said City for approval on the 14th day of April, 2015.

ROBERT J. GOLEC, City Clerk /s/

The foregoing Ordinance No. 9293 consisting of five (5) typewritten pages, including this page, approved by the Mayor on the 20th day of approved, 2015.

THOMAS M. MCDERMOTT, JR., Mayor /s/
City of Hammond, Indiana

PASSED by the Common Council on the 13th day of April, 2015.

ROBERT J. GOLEC, City Clerk /s/