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December 1, 2022

Human Relations Commission
c/o Rachael Johnson, Staff Liaison
PO Box 580
Fort Collins, CO 80522

Dear Chair Jaeger and Board Members:

On behalf of City Council, thank you for providing us with the November 30, 2022 memorandum regarding "Request for Modification of Anti-Discrimination Language in Municipal Code, Chapter 13, Article II" wherein you summarized the Board's recommendation to include sexual orientation, gender identity and gender expression in the discrimination language to match the State of Colorado's language and protect community members from acts of discrimination.

Thank you for the expertise and perspectives that you bring to the Board and share with City Council.

Best Regards,

A handwritten signature in black ink, appearing to read "Jeni Arndt", written in a cursive style.

Jeni Arndt
Mayor

/sek

cc: City Council Members
Kelly DiMartino, City Manager



DATE: November 30, 2022

TO: Mayor Jeni Arndt
City Councilmembers

CC: Sarah Kane
Claudia Menendez
Rachael Johnson

FROM: The Human Relations Commission

RE: Request for Modification of Anti-Discrimination Language in Municipal Code,
Chapter 13, Article II

To advance the City of Fort Collins' vision to be a safe and welcoming community for all, the Human Relations Commission (HRC) recommends that City Council modify its current discrimination language in the City's Municipal Code, Chapter 13, Article II, to include "sexual orientation, gender identity and gender expression." Absent this new language, our residents in these classes feel unprotected from discrimination, resulting in not including "all" in our growing community.

The State of Colorado has already modified its discrimination language to include these protected classes. In fact, on May 19, 2021, Governor Polis signed into law HB21-1108, the Gender Identity Expression Anti-Discrimination Act, that amended the current definition of sexual orientation with adding gender identity and gender expression into 48 areas of state law that prohibit discrimination against members of a protected class.

As an example of one of these 48 areas of State of Colorado law that has been modified, below is the language describing discriminatory practices in places of public accommodation:

"It is a discriminatory practice and unlawful for a person, directly or indirectly, to refuse, withhold from, or deny to an individual or a group, because of ***disability, race, creed, color, sex, sexual orientation, gender identity, gender expression, marital status, national origin, or ancestry***, the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of a place of public accommodation or, directly or indirectly, to publish, circulate, issue, display, post, or mail any written, electronic, or printed communication, notice, or advertisement that indicates that the full and equal enjoyment of the goods, services, facilities,

privileges, advantages, or accommodations of a place of public accommodation will be refused, withheld from, or denied an individual or that an individual's patronage or presence at a place of public accommodation is unwelcome, objectionable, unacceptable, or undesirable because of ***disability, race, creed, color, sex, sexual orientation, gender identity, gender expression, marital status, national origin, or ancestry.***"

In the Fort Collins Municipal Code, Chapter 13, Article II, Section 13, the following definition of discrimination appears:

"Discriminate and discriminate against, discriminatory reason or reason of discrimination shall mean under the given circumstances, a person makes a limitation or specification as to another because of the latter person's ***race, color, religion, national origin, sex or marital status*** or because of the ***race, color, religion, national origin, sex or marital status*** of the other person's friends or associates. The term discriminatory reason or reason of discrimination may be used to have the following sense or meaning and at the same time save repeated use of the term based upon or because of the ***race, color, religion, national origin, sex or marital status of the other person, or because of the race, color, religion, national origin, sex or marital status*** of such other person's friends or associates. The foregoing terms will include the phrase age between forty (40) and seventy (70) when used in the area of employment under § 13-17. The foregoing shall include discrimination against a disabled individual, as defined herein, when used in the areas of housing under § 13-18, employment under § 13-17 and public accommodations under § 13-19 of the Code."

The HRC respectfully requests that the City's Municipal Code, Chapter 13, Article II, be amended to include "sexual orientation, gender identity or gender expression," which would not only match the State's non-discrimination language but, more importantly, protect these significant members of our community from acts of discrimination. Therefore, the proposed new protected class language would read: ***"...race, color, religion, national origin, sex, sexual orientation, gender identity, gender expression or marital status...."***

We appreciate City Council's consideration of the HRC's request. Please let us know if more information is required.