

ORDINANCE NO. 152, 2022
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING THE DEFINITION OF DISCRIMINATION IN CITY CODE CHAPTER 13 TO
PROHIBIT DISCRIMINATION ON THE BASES OF SEXUAL ORIENTATION, GENDER
IDENTITY AND GENDER EXPRESSION

WHEREAS, Chapter 13 of the City Code prohibits discrimination on the bases of race, color, religion, national origin, sex or marital status; and

WHEREAS, the Human Relations Commission of the City of Fort Collins issued a memo to City Council recommending that the language of Chapter 13 be amended to also prohibit discrimination on the bases of sexual orientation, gender identity and gender expression; and

WHEREAS, on May 19, 2021, Governor Polis signed House Bill 21-1108, which added the terms “gender expression” and “gender identity” to numerous state statutes prohibiting discrimination against members of a protected class; and

WHEREAS, under Other Business at the Council meeting on December 6, 2022, several Councilmembers requested that City staff bring forward an ordinance amending City Code Chapter 13 as described for Council consideration; and

WHEREAS, the City Council hereby finds that amending the City Code as proposed in this Ordinance is in the best interests of the City and is necessary for the health, safety and welfare of the community.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That Chapter 13 of the Code of the City of Fort Collins is hereby amended to read as follows:

**ARTICLE I.
IN GENERAL**

Sec. 13-16. – Definitions.

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, sexual orientation, gender identity, gender expression or marital status or because of the race, color, religion, national origin, sex, sexual orientation, gender identity, gender expression 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, sexual orientation, gender identity, gender expression or marital status of the other person, or because of the race, color, religion, national origin, sex, sexual orientation, gender identity, gender expression 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.

Introduced, considered favorably on first reading and ordered published this 20th day of December, A.D. 2022, and to be presented for final passage on the 17th day of January, A.D. 2023.

Mayor

ATTEST:

City Clerk

Passed and adopted on final reading this 17th day of January, A.D. 2023.

Mayor

ATTEST:

City Clerk