

Senate File 427 - Introduced

SENATE FILE _____
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO SF 224)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the Iowa civil rights Act and discrimination
2 based upon a person's sexual orientation or gender identity.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 2215SV 82
5 rh/cf/24

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1 1 Section 1. Section 216.2, Code 2007, is amended by adding
1 2 the following new subsections:
1 3 NEW SUBSECTION. 9A. "Gender identity" means a
1 4 gender-related identity, appearance, expression, or behavior
1 5 of a person, regardless of the person's assigned sex at birth.
1 6 NEW SUBSECTION. 12A. "Sexual orientation" means actual or
1 7 perceived heterosexuality, homosexuality, or bisexuality.
1 8 Sec. 2. Section 216.5, subsections 6 and 8, Code 2007, are
1 9 amended to read as follows:
1 10 6. To issue such publications and reports of
1 11 investigations and research as in the judgment of the
1 12 commission shall tend to promote goodwill among the various
1 13 racial, religious, and ethnic groups of the state and which
1 14 shall tend to minimize or eliminate discrimination in public
1 15 accommodations, employment, apprenticeship and on-the-job
1 16 training programs, vocational schools, or housing because of
1 17 race, creed, color, sex, sexual orientation, gender identity,
1 18 national origin, religion, ancestry, or disability.
1 19 8. To make recommendations to the general assembly for
1 20 such further legislation concerning discrimination because of
1 21 race, creed, color, sex, sexual orientation, gender identity,
1 22 national origin, religion, ancestry, or disability as it may
1 23 deem necessary and desirable.
1 24 Sec. 3. Section 216.6, subsection 1, paragraphs a, b, and
1 25 c, Code 2007, are amended to read as follows:
1 26 a. Person to refuse to hire, accept, register, classify,
1 27 or refer for employment, to discharge any employee, or to
1 28 otherwise discriminate in employment against any applicant for
1 29 employment or any employee because of the age, race, creed,
1 30 color, sex, sexual orientation, gender identity, national
1 31 origin, religion, or disability of such applicant or employee,
1 32 unless based upon the nature of the occupation. If a person
1 33 with a disability is qualified to perform a particular
1 34 occupation, by reason of training or experience, the nature of
1 35 that occupation shall not be the basis for exception to the
2 1 unfair or discriminating practices prohibited by this
2 2 subsection.
2 3 b. Labor organization or the employees, agents, or members
2 4 thereof to refuse to admit to membership any applicant, to
2 5 expel any member, or to otherwise discriminate against any
2 6 applicant for membership or any member in the privileges,
2 7 rights, or benefits of such membership because of the age,
2 8 race, creed, color, sex, sexual orientation, gender identity,
2 9 national origin, religion, or disability of such applicant or
2 10 member.
2 11 c. Employer, employment agency, labor organization, or the
2 12 employees, agents, or members thereof to directly or
2 13 indirectly advertise or in any other manner indicate or
2 14 publicize that individuals of any particular age, race, creed,
2 15 color, sex, sexual orientation, gender identity, national
2 16 origin, religion, or disability are unwelcome, objectionable,
2 17 not acceptable, or not solicited for employment or membership

2 18 unless based on the nature of the occupation. If a person
2 19 with a disability is qualified to perform a particular
2 20 occupation by reason of training or experience, the nature of
2 21 that occupation shall not be the basis for exception to the
2 22 unfair or discriminating practices prohibited by this
2 23 subsection.

2 24 An employer, employment agency, or their employees,
2 25 servants, or agents may offer employment or advertise for
2 26 employment to only persons with disabilities, when other
2 27 applicants have available to them other employment compatible
2 28 with their ability which would not be available to persons
2 29 with disabilities because of their disabilities. Any such
2 30 employment or offer of employment shall not discriminate among
2 31 persons with disabilities on the basis of race, color, creed,
2 32 sex, sexual orientation, gender identity, or national origin.

2 33 Sec. 4. Section 216.6, subsection 6, paragraph d, Code
2 34 2007, is amended to read as follows:

2 35 d. Any bona fide religious institution or its educational
3 1 facility, association, corporation, or society with respect to
3 2 any qualifications for employment based on religion, sexual
3 3 orientation, or gender identity when such qualifications are
3 4 related to a bona fide religious purpose. A religious
3 5 qualification for instructional personnel or an administrative
3 6 officer, serving in a supervisory capacity of a bona fide
3 7 religious educational facility or religious institution, shall
3 8 be presumed to be a bona fide occupational qualification.

3 9 Sec. 5. Section 216.7, subsection 1, paragraphs a and b,
3 10 Code 2007, are amended to read as follows:

3 11 a. To refuse or deny to any person because of race, creed,
3 12 color, sex, sexual orientation, gender identity, national
3 13 origin, religion, or disability the accommodations,
3 14 advantages, facilities, services, or privileges thereof, or
3 15 otherwise to discriminate against any person because of race,
3 16 creed, color, sex, sexual orientation, gender identity,
3 17 national origin, religion, or disability in the furnishing of
3 18 such accommodations, advantages, facilities, services, or
3 19 privileges.

3 20 b. To directly or indirectly advertise or in any other
3 21 manner indicate or publicize that the patronage of persons of
3 22 any particular race, creed, color, sex, sexual orientation,
3 23 gender identity, national origin, religion, or disability is
3 24 unwelcome, objectionable, not acceptable, or not solicited.

3 25 Sec. 6. Section 216.7, subsection 2, paragraph a, Code
3 26 2007, is amended to read as follows:

3 27 a. Any bona fide religious institution with respect to any
3 28 qualifications the institution may impose based on religion,
3 29 sexual orientation, or gender identity when such
3 30 qualifications are related to a bona fide religious purpose.

3 31 Sec. 7. Section 216.8, subsections 1 through 4, Code 2007,
3 32 are amended to read as follows:

3 33 1. To refuse to sell, rent, lease, assign, sublease,
3 34 refuse to negotiate, or to otherwise make unavailable, or deny
3 35 any real property or housing accommodation or part, portion,
4 1 or interest therein, to any person because of the race, color,
4 2 creed, sex, sexual orientation, gender identity, religion,
4 3 national origin, disability, or familial status of such
4 4 person.

4 5 2. To discriminate against any person because of the
4 6 person's race, color, creed, sex, sexual orientation, gender
4 7 identity, religion, national origin, disability, or familial
4 8 status, in the terms, conditions, or privileges of the sale,
4 9 rental, lease assignment, or sublease of any real property or
4 10 housing accommodation or any part, portion, or interest in the
4 11 real property or housing accommodation or in the provision of
4 12 services or facilities in connection with the real property or
4 13 housing accommodation.

4 14 For purposes of this section, "person" means one or more
4 15 individuals, corporations, partnerships, associations, labor
4 16 organizations, legal representatives, mutual companies, joint
4 17 stock companies, trusts, unincorporated organizations,
4 18 trustees, trustees in cases under Title 11 of the United
4 19 States Code, receivers, and fiduciaries.

4 20 3. To directly or indirectly advertise, or in any other
4 21 manner indicate or publicize that the purchase, rental, lease,
4 22 assignment, or sublease of any real property or housing
4 23 accommodation or any part, portion, or interest therein, by
4 24 persons of any particular race, color, creed, sex, sexual
4 25 orientation, gender identity, religion, national origin,
4 26 disability, or familial status is unwelcome, objectionable,
4 27 not acceptable, or not solicited.

4 28 4. To discriminate against the lessee or purchaser of any

4 29 real property or housing accommodation or part, portion, or
4 30 interest of the real property or housing accommodation, or
4 31 against any prospective lessee or purchaser of the property or
4 32 accommodation, because of the race, color, creed, religion,
4 33 sex, sexual orientation, gender identity, disability, age, or
4 34 national origin of persons who may from time to time be
4 35 present in or on the lessee's or owner's premises for lawful
5 1 purposes at the invitation of the lessee or owner as friends,

5 2 guests, visitors, relatives, or in any similar capacity.
5 3 Sec. 8. Section 216.8A, subsections 1 and 2, Code 2007,
5 4 are amended to read as follows:

5 5 1. A person shall not induce or attempt to induce another
5 6 person to sell or rent a dwelling by representations regarding
5 7 the entry or prospective entry into a neighborhood of a person
5 8 of a particular race, color, creed, sex, sexual orientation,
5 9 gender identity, religion, national origin, disability, or
5 10 familial status.

5 11 2. A person shall not represent to a person of a
5 12 particular race, color, creed, sex, sexual orientation, gender
5 13 identity, religion, national origin, disability, or familial
5 14 status that a dwelling is not available for inspection, sale,
5 15 or rental when the dwelling is available for inspection, sale,
5 16 or rental.

5 17 Sec. 9. Section 216.8A, subsection 4, paragraph a, Code
5 18 2007, is amended to read as follows:

5 19 a. A person whose business includes engaging in
5 20 residential real estate related transactions shall not
5 21 discriminate against a person in making a residential real
5 22 estate related transaction available or in terms or conditions
5 23 of a residential real estate related transaction because of
5 24 race, color, creed, sex, sexual orientation, gender identity,
5 25 religion, national origin, disability, or familial status.

5 26 Sec. 10. Section 216.8A, subsection 5, Code 2007, is
5 27 amended to read as follows:

5 28 5. A person shall not deny another person access to, or
5 29 membership or participation in, a multiple-listing service,
5 30 real estate brokers' organization or other service,
5 31 organization, or facility relating to the business of selling
5 32 or renting dwellings, or discriminate against a person in
5 33 terms or conditions of access, membership, or participation in
5 34 such organization because of race, color, creed, sex, sexual
5 35 orientation, gender identity, religion, national origin,
6 1 disability, or familial status.

6 2 Sec. 11. Section 216.9, unnumbered paragraph 1, Code 2007,
6 3 is amended to read as follows:

6 4 It is an unfair or discriminatory practice for any
6 5 educational institution to discriminate on the basis of race,
6 6 creed, color, sex, sexual orientation, gender identity,
6 7 national origin, religion, or disability in any program or
6 8 activity. Such discriminatory practices shall include but not
6 9 be limited to the following practices:

6 10 Sec. 12. Section 216.9, unnumbered paragraph 2, Code 2007,
6 11 is amended to read as follows:

6 12 For the purpose of this section, "educational institution"
6 13 includes any preschool, elementary, secondary, or community
6 14 college, area education agency, or postsecondary college or
6 15 university and their governing boards. This section does not
6 16 prohibit an educational institution from maintaining separate
6 17 toilet facilities, locker rooms, or living facilities for the
6 18 different sexes so long as comparable facilities are provided.
6 19 Nothing in this section shall be construed as prohibiting any
6 20 bona fide religious institution from imposing qualifications
6 21 based on religion, sexual orientation, or gender identity when
6 22 such qualifications are related to a bona fide religious
6 23 purpose or any institution from admitting students of only one
6 24 sex.

6 25 Sec. 13. Section 216.10, Code 2007, is amended to read as
6 26 follows:

6 27 216.10 UNFAIR CREDIT PRACTICES.

6 28 It shall be an unfair or discriminatory practice for any:

6 29 1. Creditor to refuse to enter into a consumer credit
6 30 transaction or impose finance charges or other terms or
6 31 conditions more onerous than those regularly extended by that
6 32 creditor to consumers of similar economic backgrounds because
6 33 of age, color, creed, national origin, race, religion, marital
6 34 status, sex, sexual orientation, gender identity, physical
6 35 disability, or familial status.

7 1 2. Person authorized or licensed to do business in this
7 2 state pursuant to chapter 524, 533, 534, 536, or 536A to
7 3 refuse to loan or extend credit or to impose terms or
7 4 conditions more onerous than those regularly extended to

7 5 persons of similar economic backgrounds because of age, color,
7 6 creed, national origin, race, religion, marital status, sex,
7 7 sexual orientation, gender identity, physical disability, or
7 8 familial status.

7 9 3. Creditor to refuse to offer credit life or health and
7 10 accident insurance because of color, creed, national origin,
7 11 race, religion, marital status, age, physical disability, sex,
7 12 sexual orientation, gender identity, or familial status.
7 13 Refusal by a creditor to offer credit life or health and
7 14 accident insurance based upon the age or physical disability
7 15 of the consumer shall not be an unfair or discriminatory
7 16 practice if such denial is based solely upon bona fide
7 17 underwriting considerations not prohibited by title XIII,
7 18 subtitle 1.

7 19 The provisions of this section shall not be construed by
7 20 negative implication or otherwise to narrow or restrict any
7 21 other provisions of this chapter.

7 22 Sec. 14. Section 216.12, subsection 1, Code 2007, is
7 23 amended to read as follows:

7 24 1. Any bona fide religious institution with respect to any
7 25 qualifications it may impose based on religion, sexual
7 26 orientation, or gender identity, when the qualifications are
7 27 related to a bona fide religious purpose unless the religious
7 28 institution owns or operates property for a commercial purpose
7 29 or membership in the religion is restricted on account of
7 30 race, color, or national origin.

7 31 Sec. 15. Section 216.12A, Code 2007, is amended to read as
7 32 follows:

7 33 216.12A ADDITIONAL HOUSING EXCEPTION.

7 34 Sections 216.8 and 216.8A do not prohibit a person engaged
7 35 in the business of furnishing appraisals of real estate from
8 1 taking into consideration factors other than race, color,
8 2 creed, sex, sexual orientation, gender identity, religion,
8 3 national origin, disability, or familial status in appraising
8 4 real estate.

8 5 EXPLANATION

8 6 This bill defines "sexual orientation" and "gender
8 7 identity" and prohibits discriminatory employment, public
8 8 accommodation, housing, education, and credit practices based
8 9 upon a person's sexual orientation or gender identity.
8 10 However, the bill does allow for the imposition of
8 11 qualifications by bona fide religious institutions based upon
8 12 sexual orientation or gender identity if related to a bona
8 13 fide religious purpose.

8 14 LSB 2215SV 82

8 15 rh:rj/cf/24