

House File 2281 - Introduced

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BY KELLEY

A BILL FOR

1 An Act prohibiting employment discrimination based on a
2 person's credit score or home ownership status and making
3 penalties applicable.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 19B.2, unnumbered paragraph 1, Code
2 2011, is amended to read as follows:

3 It is the policy of this state to provide equal opportunity
4 in state employment to all persons. An individual shall not be
5 denied equal access to state employment opportunities because
6 of race, creed, color, religion, national origin, sex, age,
7 credit score, home ownership status, or physical or mental
8 disability. It also is the policy of this state to apply
9 affirmative action measures to correct deficiencies in the
10 state employment system where those remedies are appropriate.
11 This policy shall be construed broadly to effectuate its
12 purposes.

13 Sec. 2. Section 19B.11, subsection 1, Code 2011, is amended
14 to read as follows:

15 1. It is the policy of this state to provide equal
16 opportunity in school district, area education agency, and
17 community college employment to all persons. An individual
18 shall not be denied equal access to school district, area
19 education agency, or community college employment opportunities
20 because of race, creed, color, religion, national origin,
21 sex, age, credit score, home ownership status, or physical or
22 mental disability. It also is the policy of this state to
23 apply affirmative action measures to correct deficiencies in
24 school district, area education agency, and community college
25 employment systems where those remedies are appropriate. This
26 policy shall be construed broadly to effectuate its purposes.

27 Sec. 3. Section 216.2, Code 2011, is amended by adding the
28 following new subsections:

29 NEW SUBSECTION. 2A. "*Consumer reporting agency*" means
30 any person that for monetary fees, dues, or on a cooperative
31 nonprofit basis regularly engages in whole or in part in
32 the practice of assembling or evaluating consumer credit
33 information or other information on consumers for the purpose
34 of furnishing consumer reports to third parties.

35 NEW SUBSECTION. 4A. "*Credit report*" means any written,

1 oral, or other communication of information by a consumer
2 reporting agency that relates to a consumer's creditworthiness,
3 credit standing, or credit capacity.

4 NEW SUBSECTION. 4B. "*Credit score*" means a number or
5 rating that is derived from an algorithm, computer application,
6 model, or other process that is based in whole or in part on
7 information from a person's credit report.

8 NEW SUBSECTION. 10A. "*Home ownership status*" means whether
9 or not an individual owns real estate classified as residential
10 property for property taxation purposes.

11 Sec. 4. Section 216.5, subsections 6 and 8, Code 2011, are
12 amended to read as follows:

13 6. To issue such publications and reports of investigations
14 and research as in the judgment of the commission shall tend
15 to promote goodwill among the various racial, religious, and
16 ethnic groups of the state and which shall tend to minimize or
17 eliminate discrimination in public accommodations, employment,
18 apprenticeship and on-the-job training programs, vocational
19 schools, or housing because of race, creed, color, sex, sexual
20 orientation, gender identity, national origin, religion,
21 ancestry, credit score, home ownership status, or disability.

22 8. To make recommendations to the general assembly for
23 such further legislation concerning discrimination because of
24 race, creed, color, sex, sexual orientation, gender identity,
25 national origin, religion, ancestry, credit score, home
26 ownership status, or disability as it may deem necessary and
27 desirable.

28 Sec. 5. Section 216.6, subsection 1, paragraphs a through c,
29 Code 2011, are amended to read as follows:

30 a. Person to refuse to hire, accept, register, classify,
31 or refer for employment, to discharge any employee, or to
32 otherwise discriminate in employment against any applicant for
33 employment or any employee because of the age, race, creed,
34 color, sex, sexual orientation, gender identity, national
35 origin, religion, credit score, home ownership status, or

1 disability of such applicant or employee, unless based upon
2 the nature of the occupation. If a person with a disability
3 is qualified to perform a particular occupation, by reason of
4 training or experience, the nature of that occupation shall
5 not be the basis for exception to the unfair or discriminating
6 practices prohibited by this subsection.

7 *b.* Labor organization or the employees, agents, or members
8 thereof to refuse to admit to membership any applicant, to
9 expel any member, or to otherwise discriminate against any
10 applicant for membership or any member in the privileges,
11 rights, or benefits of such membership because of the age,
12 race, creed, color, sex, sexual orientation, gender identity,
13 national origin, religion, credit score, home ownership status,
14 or disability of such applicant or member.

15 *c.* Employer, employment agency, labor organization, or the
16 employees, agents, or members thereof to directly or indirectly
17 advertise or in any other manner indicate or publicize that
18 individuals of any particular age, race, creed, color,
19 sex, sexual orientation, gender identity, national origin,
20 religion, credit score, home ownership status, or disability
21 are unwelcome, objectionable, not acceptable, or not solicited
22 for employment or membership unless based on the nature of the
23 occupation.

24 (1) If a person with a disability is qualified to perform a
25 particular occupation by reason of training or experience, the
26 nature of that occupation shall not be the basis for exception
27 to the unfair or discriminating practices prohibited by this
28 subsection.

29 (2) An employer, employment agency, or their employees,
30 servants, or agents may offer employment or advertise for
31 employment to only persons with disabilities, when other
32 applicants have available to them other employment compatible
33 with their ability which would not be available to persons
34 with disabilities because of their disabilities. Any such
35 employment or offer of employment shall not discriminate among

1 persons with disabilities on the basis of race, color, creed,
2 sex, sexual orientation, gender identity, credit score, home
3 ownership status, or national origin.

4

EXPLANATION

5 This bill prohibits discriminatory employment practices
6 based upon a person's credit score or homeowner status. The
7 bill defines "consumer reporting agency", "credit report",
8 "credit score", and "homeowner status". Penalty provisions
9 for discriminatory employment practices are made applicable to
10 discrimination based on a person's credit score or homeowner
11 status.