

House File 277 - Introduced

HOUSE FILE 277

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A BILL FOR

1 An Act relating to the Iowa civil rights Act and discrimination
2 based upon a person's status as a veteran.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 216.2, Code 2011, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 16. "*Veteran*" means the same as defined in
4 section 35.1.

5 Sec. 2. Section 216.5, subsections 6 and 8, Code 2011, are
6 amended to read as follows:

7 6. To issue such publications and reports of investigations
8 and research as in the judgment of the commission shall tend
9 to promote goodwill among the various racial, religious, and
10 ethnic groups of the state and which shall tend to minimize or
11 eliminate discrimination in public accommodations, employment,
12 apprenticeship and on-the-job training programs, vocational
13 schools, or housing because of race, creed, color, sex, sexual
14 orientation, gender identity, national origin, religion,
15 ancestry, ~~or~~ disability, or veteran status.

16 8. To make recommendations to the general assembly for
17 such further legislation concerning discrimination because of
18 race, creed, color, sex, sexual orientation, gender identity,
19 national origin, religion, ancestry, ~~or~~ veteran
20 status as it may deem necessary and desirable.

21 Sec. 3. Section 216.6, subsection 1, paragraphs a through c,
22 Code 2011, are amended to read as follows:

23 a. Person to refuse to hire, accept, register, classify,
24 or refer for employment, to discharge any employee, or to
25 otherwise discriminate in employment against any applicant for
26 employment or any employee because of the age, race, creed,
27 color, sex, sexual orientation, gender identity, national
28 origin, religion, ~~or~~ disability, or veteran status of such
29 applicant or employee, unless based upon the nature of the
30 occupation. If a person with a disability is qualified to
31 perform a particular occupation, by reason of training or
32 experience, the nature of that occupation shall not be the
33 basis for exception to the unfair or discriminating practices
34 prohibited by this subsection.

35 b. Labor organization or the employees, agents, or members

1 thereof to refuse to admit to membership any applicant, to
2 expel any member, or to otherwise discriminate against any
3 applicant for membership or any member in the privileges,
4 rights, or benefits of such membership because of the age,
5 race, creed, color, sex, sexual orientation, gender identity,
6 national origin, religion, ~~or~~ disability, or veteran status of
7 such applicant or member.

8 c. Employer, employment agency, labor organization, or the
9 employees, agents, or members thereof to directly or indirectly
10 advertise or in any other manner indicate or publicize that
11 individuals of any particular age, race, creed, color, sex,
12 sexual orientation, gender identity, national origin, religion,
13 ~~or~~ disability, or veteran status are unwelcome, objectionable,
14 not acceptable, or not solicited for employment or membership
15 unless based on the nature of the occupation.

16 (1) If a person with a disability is qualified to perform a
17 particular occupation by reason of training or experience, the
18 nature of that occupation shall not be the basis for exception
19 to the unfair or discriminating practices prohibited by this
20 subsection.

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

31 Sec. 4. Section 216.6A, subsection 1, paragraph a,
32 unnumbered paragraph 1, Code 2011, is amended to read as
33 follows:

34 The general assembly finds that the practice of
35 discriminating against any employee because of the age,

1 race, creed, color, sex, sexual orientation, gender identity,
2 national origin, religion, ~~or~~ disability, or veteran status
3 of such employee by paying wages to such employee at a rate
4 less than the rate paid to other employees does all of the
5 following:

6 Sec. 5. Section 216.6A, subsection 1, paragraph b, Code
7 2011, is amended to read as follows:

8 b. The general assembly declares that it is the policy
9 of this state to correct and, as rapidly as possible, to
10 eliminate, discriminatory wage practices based on age, race,
11 creed, color, sex, sexual orientation, gender identity,
12 national origin, religion, ~~and~~ disability, and veteran status.

13 Sec. 6. Section 216.6A, subsection 2, paragraph a, Code
14 2011, is amended to read as follows:

15 a. It shall be an unfair or discriminatory practice for any
16 employer or agent of any employer to discriminate against any
17 employee because of the age, race, creed, color, sex, sexual
18 orientation, gender identity, national origin, religion, ~~or~~
19 disability, or veteran status of such employee by paying wages
20 to such employee at a rate less than the rate paid to other
21 employees who are employed within the same establishment for
22 equal work on jobs, the performance of which requires equal
23 skill, effort, and responsibility, and which are performed
24 under similar working conditions. An employer or agent of an
25 employer who is paying wages to an employee at a rate less than
26 the rate paid to other employees in violation of this section
27 shall not remedy the violation by reducing the wage rate of any
28 employee.

29 Sec. 7. Section 216.6A, subsection 3, paragraph d, Code
30 2011, is amended to read as follows:

31 d. Pay differential is based on any other factor other than
32 the age, race, creed, color, sex, sexual orientation, gender
33 identity, national origin, religion, ~~or~~ disability, or veteran
34 status of such employee.

35 Sec. 8. Section 216.7, subsection 1, paragraphs a and b,

1 Code 2011, are amended to read as follows:

2 *a.* To refuse or deny to any person because of race, creed,
3 color, sex, sexual orientation, gender identity, national
4 origin, religion, ~~or~~ disability, or veteran status the
5 accommodations, advantages, facilities, services, or privileges
6 thereof, or otherwise to discriminate against any person
7 because of race, creed, color, sex, sexual orientation, gender
8 identity, national origin, religion, ~~or~~ disability, or veteran
9 status in the furnishing of such accommodations, advantages,
10 facilities, services, or privileges.

11 *b.* To directly or indirectly advertise or in any other
12 manner indicate or publicize that the patronage of persons of
13 any particular race, creed, color, sex, sexual orientation,
14 gender identity, national origin, religion, ~~or~~ disability, or
15 veteran status is unwelcome, objectionable, not acceptable, or
16 not solicited.

17 Sec. 9. Section 216.8, subsection 1, paragraphs a through d,
18 Code 2011, are amended to read as follows:

19 *a.* To refuse to sell, rent, lease, assign, sublease, refuse
20 to negotiate, or to otherwise make unavailable, or deny any
21 real property or housing accommodation or part, portion, or
22 interest therein, to any person because of the race, color,
23 creed, sex, sexual orientation, gender identity, religion,
24 national origin, disability, veteran status, or familial status
25 of such person.

26 *b.* To discriminate against any person because of the
27 person's race, color, creed, sex, sexual orientation, gender
28 identity, religion, national origin, disability, veteran
29 status, or familial status, in the terms, conditions,
30 or privileges of the sale, rental, lease assignment, or
31 sublease of any real property or housing accommodation or any
32 part, portion, or interest in the real property or housing
33 accommodation or in the provision of services or facilities in
34 connection with the real property or housing accommodation.

35 *c.* To directly or indirectly advertise, or in any other

1 manner indicate or publicize that the purchase, rental,
2 lease, assignment, or sublease of any real property or housing
3 accommodation or any part, portion, or interest therein, by
4 persons of any particular race, color, creed, sex, sexual
5 orientation, gender identity, religion, national origin,
6 disability, veteran status, or familial status is unwelcome,
7 objectionable, not acceptable, or not solicited.

8 *d.* To discriminate against the lessee or purchaser of any
9 real property or housing accommodation or part, portion, or
10 interest of the real property or housing accommodation, or
11 against any prospective lessee or purchaser of the property or
12 accommodation, because of the race, color, creed, religion,
13 sex, sexual orientation, gender identity, disability, age, or
14 national origin, or veteran status of persons who may from time
15 to time be present in or on the lessee's or owner's premises
16 for lawful purposes at the invitation of the lessee or owner
17 as friends, guests, visitors, relatives, or in any similar
18 capacity.

19 Sec. 10. Section 216.8A, subsections 1 and 2, Code 2011, are
20 amended to read as follows:

21 1. A person shall not induce or attempt to induce another
22 person to sell or rent a dwelling by representations regarding
23 the entry or prospective entry into a neighborhood of a person
24 of a particular race, color, creed, sex, sexual orientation,
25 gender identity, religion, national origin, disability, veteran
26 status, or familial status.

27 2. A person shall not represent to a person of a particular
28 race, color, creed, sex, sexual orientation, gender identity,
29 religion, national origin, disability, veteran status,
30 or familial status that a dwelling is not available for
31 inspection, sale, or rental when the dwelling is available for
32 inspection, sale, or rental.

33 Sec. 11. Section 216.8A, subsection 4, paragraph a, Code
34 2011, is amended to read as follows:

35 *a.* A person whose business includes engaging in residential

1 real estate related transactions shall not discriminate
2 against a person in making a residential real estate
3 related transaction available or in terms or conditions of
4 a residential real estate related transaction because of
5 race, color, creed, sex, sexual orientation, gender identity,
6 religion, national origin, disability, veteran status, or
7 familial status.

8 Sec. 12. Section 216.8A, subsection 5, Code 2011, is amended
9 to read as follows:

10 5. A person shall not deny another person access to,
11 or membership or participation in, a multiple-listing
12 service, real estate brokers' organization or other service,
13 organization, or facility relating to the business of selling
14 or renting dwellings, or discriminate against a person in
15 terms or conditions of access, membership, or participation in
16 such organization because of race, color, creed, sex, sexual
17 orientation, gender identity, religion, national origin,
18 disability, veteran status, or familial status.

19 Sec. 13. Section 216.9, subsection 1, unnumbered paragraph
20 1, Code 2011, is amended to read as follows:

21 It is an unfair or discriminatory practice for any
22 educational institution to discriminate on the basis of
23 race, creed, color, sex, sexual orientation, gender identity,
24 national origin, religion, ~~or~~ disability, or veteran status in
25 any program or activity. Such discriminatory practices shall
26 include but not be limited to the following practices:

27 Sec. 14. Section 216.10, subsection 1, paragraphs a through
28 c, Code 2011, are amended to read as follows:

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

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1 discriminatory practice under Code chapter 216 (Iowa's civil
2 rights Act) may file a complaint with the Iowa civil rights
3 commission. If the commission determines a respondent has
4 violated the civil rights Act, the commission has the authority
5 to order certain relief including back pay and interest, actual
6 expenses, an order to cease discriminatory practices, damages
7 based on emotional distress, and reasonable attorney fees.