



1 in which the real property is located, of a person or persons of a particular race, color,  
2 sex, religion, national origin, marital status, age, [OR] physical or mental disability,  
3 **sexual orientation or gender identity** including but not limited to lower property  
4 values, an increase in criminal or antisocial behavior or decline in the quality of the  
5 schools or other facilities.

6 \*\*\* \*\*

7 *Discrimination* means any direct or indirect act or practice of exclusion,  
8 distinction, restriction, segregation, limitation, refusal or denial or any other act or  
9 practice of differentiation or preference in the treatment of a person because of  
10 **actual or perceived** race, color, religion, national origin, age, sex, marital status,  
11 [OR] physical or mental disability, **sexual orientation or gender identity**, or the  
12 aiding, abetting, inciting, coercing or compelling thereof.

13 \*\*\* \*\*

14 **Gender identity** means having a self-image, appearance, or behavior  
15 **different from that traditionally associated with the sex assigned to that person**  
16 **at birth, or the expression of that gender identity, and covers pre- and post-**  
17 **operative transsexuals, as well as other persons who are transgendered and**  
18 **have a reasonably consistent gender presentation.**

19 \*\*\* \*\*

20 **Sexual orientation** means an individual's heterosexuality, homosexuality,  
21 **or bisexuality.**

22 \*\*\* \*\*

23 *Unlawful discriminatory act or practice* means an act or practice prohibited by  
24 Anchorage. **Nothing in this chapter is intended to permit any criminal act**  
25 **prohibited by federal, state, or local law.**

26 (AO No. 92-116(S); AO No. 93-99; AO No. 93-149, § 2, 10-15-93; AO No. 96-99, § 1,  
27 10-22-96; Ord. No. 2002-163, § 2, 1-7-03)

28 **Section 3.** Anchorage Municipal Code 5.20.020 is hereby amended to read as follows  
29 (language indicating no amendment is included for context only; other language is  
30 unaffected and therefore not set out):

31 **5.20.020 Unlawful practices in the sale, rental or use of real property.**

32  
33 A. **With the exception of the practices identified in AMC 5.25.030A. as "lawful**  
34 **practices,"** it is unlawful for the owner, lessor, manager, agent, brokerage  
35 service, or other person having the right to sell, lease, rent, advertise, or an  
36 owner's association having the powers of governance and operation of real  
37 property to:  
38  
39  
40  
41  
42  
43  
44  
45



1 (language indicating no amendment is included for context only; other language is  
2 unaffected and therefore not set out):  
3

4 **5.20.030 Unlawful financing practices.**  
5

6 A. It is unlawful for an insurance company, a financial institution or other  
7 commercial institution extending secured or unsecured credit, upon receiving  
8 an application for financial assistance or credit for the acquisition, construction,  
9 rehabilitation, repair or maintenance of a housing accommodation or other  
10 property or services, or the acquisition or improvement of unimproved  
11 property, or upon receiving an application for any sort of loan of money, or  
12 upon receiving an application for insurance, to permit one of its officials or  
13 employees during the execution of his or her duties to:  
14

- 15 1. Discriminate against the applicant because of race, color, sex, religion,  
16 national origin, marital status, age, [OR] physical or mental disability,  
17 **sexual orientation or gender identity** in a term, condition or privilege  
18 relating to the obtainment or use of the institution's financial assistance,  
19 insurance or credit.  
20
- 21 2. Make or cause to be made a written or oral inquiry or record of the race,  
22 color, sex, religion, national origin, marital status, age, [OR] physical or  
23 mental disability, **sexual orientation or gender identity** of a person  
24 seeking the institution's financial assistance, insurance or credit unless  
25 the inquiry is for the purpose of ascertaining the applicant's  
26 creditworthiness or insurability.  
27
- 28 3. Refuse to extend credit, issue a credit card, insure or make a loan to a  
29 single, divorced, pregnant or married person who is otherwise  
30 creditworthy, if so requested by the person **or to refuse to extend credit,**  
31 **issue a credit card, insure or make a loan to a creditworthy person**  
32 **based on that person's sexual orientation or gender identity.**  
33

34 \*\*\* \*\*

35 (CAC 8.38.020; AO No. 93-149, § 2, 10-15-93; AO No. 2002-163, § 3, 1-7-03)  
36

37 **Section 5.** Anchorage Municipal Code Chapter 5.20.040 is hereby amended to read as  
38 follows (other language is unaffected and therefore not set out):  
39

40 **5.20.040 Unlawful employment practices.**  
41

42 A. It is unlawful for:  
43

- 44 1. An employer to refuse employment to a person, or to bar him or her  
45 from employment, or to discriminate against him or her in

1 compensation, or in a term, condition or privilege of employment or to  
2 discharge, expel, reduce, suspend or demote him or her because of  
3 race, color, sex, religion, national origin, marital status, age, [OR]  
4 physical or mental disability, **sexual orientation or gender identity**  
5 unless the reason for the discrimination is a bona fide occupational  
6 qualification.

7  
8 2. A labor organization to exclude or to expel a person from its  
9 membership or to discriminate against one of its members or an  
10 employer or employee because of race, color, sex, religion, national  
11 origin, marital status, age, [OR] physical or mental disability, **sexual**  
12 **orientation or gender identity.**

13  
14 3. A person, employer or employment agency to broadcast, publish, print,  
15 circulate or cause to be broadcasted, published, printed or circulated a  
16 statement or advertisement in connection with prospective employment,  
17 or to use a form of application for employment that expresses, directly  
18 or indirectly, a limitation, specification, preference or discrimination as  
19 to race, color, sex, religion, national origin, marital status, age, [OR]  
20 physical or mental disability, **sexual orientation or gender identity.**

21 \*\*\* \*\*

22  
23 (CAC 8.40.040; AO No. 92-116(S); AO No. 93-99; AO No. 93-77; AO No. 93-149, §  
24 2, 10-15-93; AO No. 2002-163, § 3, 1-7-03)

25  
26 **Section 6.** Anchorage Municipal Code 5.20.050 is hereby amended to read as follows:

27  
28 **5.20.050 Unlawful practices in places of public accommodation.**

29  
30 A. It is unlawful for a person, whether the owner, operator, agent or employee of  
31 an owner or operator of a public accommodation, to:

32  
33 1. Refuse, withhold from or deny to a person any of its accommodations,  
34 advantages, facilities, benefits, privileges, services or goods of that  
35 place on account of race, color, sex, religion, national origin, marital  
36 status, age, [OR] physical or mental disability, **sexual orientation or**  
37 **gender identity.**

38  
39 2. Publish, circulate, issue, display, post or mail a written or printed  
40 communication, notice or advertisement which states or implies that:

41  
42 a. Any of the services, goods, facilities, benefits, accommodations,  
43 advantages or privileges of the public accommodation will be  
44 refused, withheld from or denied to a person of a certain race,  
45 color, sex, religion, national origin, marital status, age, [OR]

1 physical or mental disability, **sexual orientation or gender**  
2 **identity**; or

3  
4 b. The patronage or presence of a person belonging to a particular  
5 race, color, sex, religion, national origin, marital status, age, [OR]  
6 physical or mental disability, **sexual orientation or gender**  
7 **identity** is unwelcome, not desired, not solicited, objectionable  
8 or unacceptable.

9  
10 3. Make a written or oral inquiry concerning the race, color, sex, religion,  
11 national origin, marital status, age, [OR] physical or mental disability,  
12 **sexual orientation or gender identity** of an individual in connection  
13 with the solicitation, reservation, booking, sale or dispensing of its  
14 accommodations, advantages, facilities, benefits, privileges, services or  
15 goods.

16  
17 (CAC 8.40.020; AO No. 93-149, § 2, 10-15-93; AO No. 2002-163, § 3, 1-7-03)

18  
19 **Section 7.** Anchorage Municipal Code Chapter 5.20.060 is hereby amended to read as  
20 follows (*language indicating no amendment is included for context only*):

21  
22 **5.20.060 Unlawful practices in educational institutions.**

23  
24 A. It is unlawful for a person operating or assisting in the operation of an  
25 educational institution to:

26  
27 1. Refuse to admit or otherwise to discriminate against an individual with  
28 respect to the terms, conditions, accommodations, advantages,  
29 facilities, benefits, privileges or services of that institution on account of  
30 race, color, sex, religion, national origin, marital status, age, [OR]  
31 physical or mental disability, **sexual orientation or gender identity**.

32  
33 2. Make or use a written or oral inquiry or form of application for admission  
34 that elicits information concerning the race, color, sex, religion, national  
35 origin, marital status, age, [OR] physical or mental disability, **sexual**  
36 **orientation or gender identity** of an applicant for admission.

37  
38 3. Require or cause to be required that a photograph of an applicant for  
39 admission be submitted with an application for admission.

40  
41 4. Publish, circulate or display, or cause to be published, circulated or  
42 displayed, a written, printed, oral or visual communication,  
43 advertisement or catalog or any other form of publicity relating to  
44 admission that expresses or indicates a preference, limitation,  
45 specification or discrimination on account of the race, color, sex,

1 religion, national origin, marital status, age, [OR] physical or mental  
2 disability, **sexual orientation or gender identity** of an applicant for  
3 admission.  
4

5 5. Establish, announce or follow a policy of denial or limitation of  
6 education opportunities for members of a group on account of race,  
7 color, sex, religion, national origin, marital status, age, [OR] physical or  
8 mental disability, **sexual orientation or gender identity**.  
9

10 6. Use in the recruitment of potential applicants for admission, a service or  
11 agency that discriminates against individuals on account of race, color,  
12 sex, religion, national origin, marital status, age, [OR] physical or mental  
13 disability, **sexual orientation or gender identity**.  
14

15 (CAC 8.40.030; AO No. 93-149, § 2, 10-15-93; AO No. 2002-163, § 4, 1-7-03)  
16

17 **Section 8.** Anchorage Municipal Code Chapter 5.20.070 is hereby amended to read as  
18 follows:  
19

20 **5.20.070 Unlawful practices by municipality.**  
21

22 A. It is unlawful for the municipality or any public agency of the municipality to:  
23

24 1. 1. Refuse, withhold from or deny to a person any local, state or  
25 federal funds, services, goods, facilities, advantages or privileges  
26 because of race, color, sex, religion, national origin, marital status, age,  
27 [OR] physical or mental disability, **sexual orientation or gender**  
28 **identity**.  
29

30 2. Publish, circulate, issue, display, post or mail a written or printed  
31 communication, notice or advertisement which states or implies that  
32 any local, state or federal funds, services, goods, facilities, advantages  
33 or privileges of the office or agency will be refused, withheld from or  
34 denied to a person of a certain race, color, sex, religion, national origin,  
35 marital status, age, [OR] physical or mental disability, **sexual**  
36 **orientation or gender identity**, or that the patronage of a person  
37 belonging to a particular race, color, sex, religion, national origin,  
38 marital status, age, [OR] physical or mental disability, **sexual**  
39 **orientation or gender identity** is unwelcome, not desired or not  
40 solicited.  
41

42 **B.** **Where the provisions of this section 5.20.070 conflict with provisions of AMC**  
43 **title 7, this section 5.20.070 shall govern.**  
44

(AO No. 91-173(S); AO No. 92-116(S); AO No. 93-99; AO No. 93-149, § 2, 10-15-93;  
AO No. 2002-163, § 5, 1-7-03)

**Section 9.** Anchorage Municipal Code Chapter 5.20.080 is hereby amended to read as follows:

**5.20.080 Lawful practices.**

**A.** Notwithstanding any provision of this chapter, it shall not be unlawful for a person in connection with the sale or rental of real property, financing practices, employment practices, public accommodations, educational institutions, and practices of the municipality to make or keep records identifying race, color, sex, religion, national origin, marital status, age, [OR] physical or mental disability, **sexual orientation or gender identity**, if the purpose of the record is to comply with federal or state equal opportunity laws or regulations or in furtherance of a program designed to ensure compliance with this title.

**B. Other provisions of this chapter notwithstanding, employers or operators of public accommodations may:**

- 1. Maintain and enforce gender-segregated restrooms.**
- 2. Impose reasonable dress codes, work rules, codes of conduct, or other rules of general application.**
- 3. Require that a worker have reasonably consistent gender presentation in the workplace.**

(AO No. 93-149, § 2, 10-15-93; AO No. 2002-163, § 7, 1-7-03)

**Section 10.** Anchorage Municipal Code Chapter 5.20.090 is hereby amended to read as follows:

**5.20.090 Religious exemptions.**

**A. Religious doctrine exemption: This chapter shall not apply to the employment practices or membership requirements of a religious corporation, association, educational institution, or society which has as its primary purpose religious ritual or worship or the teaching or spreading of religious doctrine or belief.**

**B. Religious organization exemption: Under this chapter, a religious corporation, association, educational institution, or society which does not have as its primary purpose religious ritual or worship or the**



teaching or spreading of religious doctrine or belief, may uniformly require, as a condition of employment or membership, conformance with all religious tenets that such corporation, association, institution, or society declares significant. The declaration, by a religious corporation, association, educational institution or society stating which of its religious tenets are significant, shall not be subject to judicial or administrative review.

**C. Ministerial exemption:** For any religious corporation, association, educational institution, or society that is not exempt under subsection A, this chapter shall not apply with respect to the employment of individuals whose primary duties consist of teaching or spreading religious doctrine or belief, religious governance, supervision of a religious order, supervision of persons teaching or spreading religious doctrine or belief, or supervision or participation in religious ritual or worship.

**D. Religious preference exemption:** It shall be lawful for a [BONA FIDE] religious or denominational institution, organization, corporation, association, educational institution, or society, to limit, select or give preferential treatment in employment, admissions, accommodations, advantages, facilities, benefits, or services, to persons of the same religion or denomination, that is reasonably calculated to promote the religious principles for which it is established or maintained. [SUCH ORGANIZATIONS OTHERWISE REMAIN SUBJECT TO THE OTHER PROVISIONS IN THIS TITLE WITH REGARD TO RACE, COLOR, SEX, RELIGION, NATIONAL ORIGIN, MARITAL STATUS, AGE, OR PHYSICAL OR MENTAL DISABILITY.]

(AO No. 92-116(S); AO No. 93-99; AO No. 2002-163, § 4, 1-7-03)

**Section 11.** This ordinance shall become effective immediately upon its passage and approval by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this \_\_\_\_\_day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
Chair

ATTEST:  
\_\_\_\_\_  
Municipal Clerk

**Submitted by:** ASSEMBLY MEMBER FLYNN  
**Reviewed by:** Assembly Counsel  
**For reading:** August 11, 2009

FLOOR AMENDMENT TO AO 2009-64(S-2)

**Amendment #1.** Section 2, page 2, beginning line 15, AMC **5.20.010 Definitions**, is amended to add the following:

\*\*\*                    \*\*\*                    \*\*\*

*Employer* means an employer, public or private, of **five** [ONE] or more persons.

\*\*\*                    \*\*\*                    \*\*\*

DRAFT