

CHAPTER 14

HUMAN RELATIONS

Sec. 14.1. PURPOSE OF CHAPTER.

The purpose of this chapter is to implement the provision of the Iowa Civil Rights Act and to further provide for the general welfare of persons in the City of Ames, Iowa, by prohibiting certain discriminatory practices, and to establish a commission for the investigation of complaints of discrimination; and, to undertake projects of education to prevent discrimination; and, to establish procedures for the conciliation of such complaints; and to enforce the provisions hereof. [*State Law Ref. Iowa Code Sec. 216.1*] (*Ord. 3123, 3-26-91; Ord. 3377, 3-5-96*)

Sec. 14.2. DEFINITIONS.

When used in this chapter, unless the context otherwise requires:

(1) "Commission" means the Ames Human Relations Commission created by this chapter.
(2) "Commissioner" means a member of the commission.
(3) "Court" means the district court in and for any judicial district of the state of Iowa or any judge of the court if the court is not in session at that time.

(4) "Covered Multifamily Dwelling" means any of the following:

- (a) A building consisting of four or more dwelling units if the building has one or more elevators.
- (b) The ground floor units of a building consisting of four or more units.

(5) "Disability" means the physical or mental condition of a person which constitutes a substantial handicap, and the condition of a person with a positive human immunodeficiency virus test result, a diagnosis of acquired immune deficiency syndrome, a diagnosis of acquired immune deficiency syndrome-related complex, or any other condition related to acquired immune deficiency syndrome. The inclusion of a condition related to a positive human immunodeficiency virus test result in the meaning of "disability" under the provisions of this chapter does not preclude the application of the provisions of this chapter to conditions resulting from other contagious or infectious diseases.

[*State Law ref. Iowa Code Sec. 216.2*]

(6) "Employee" means any person employed by an employer.

(7) "Employer" means the state of Iowa or any political subdivision, board, commission, department, institution, or school district thereof, and every other person employing employees within the state.

(8) "Employment agency" means any person undertaking to procure employees or opportunities to work for any other person or any person holding itself to be equipped to do so.

(9) "Familial status" means one or more individuals under the age of eighteen domiciled with one of the following:

- (a) A parent or another person having legal custody of the individual or individuals.
- (b) The designee of the parent or the other person having custody of the individual or individuals, with the written permission of the parent or other person.
- (c) A person who is pregnant or is in the process of securing legal custody of the individual or individuals.

"Familial status" also means a person who is pregnant or who is in the process of securing legal custody of an individual who has not attained the age of eighteen years.

(10) "Labor organization" means any organization which exists for the purpose in whole or in part of collective bargaining, of dealing with employers concerning grievances, terms, or conditions of employment, or of other mutual aid or protection in connection with employment.

(11) "Person" means one or more individuals, partnerships, associations, corporations, legal representatives, trustees, receivers, and the state of Iowa and all political subdivisions and agencies thereof.

(12) "Public accommodation" means each and every place, establishment, or facility of whatever kind, nature, or class that caters or offers services, facilities, or goods for a fee or charge to nonmembers of any organization or association utilizing the place, establishment or facility, provided that any place, establishment, or facility that caters or offers services, facilities, or goods to the nonmembers gratuitously shall be deemed a public accommodation if the

accommodation received governmental support or subsidy. Public accommodation shall not mean any bona fide private club or other place, establishment, or facility which is by its nature distinctly private, except when such distinctly private place, establishment or facility caters or offers services, facilities, or goods to the nonmembers for fee or charge or gratuitously, it shall be deemed a public accommodation during such period.

"Public accommodation" includes each state and local government unit or tax-supported district of whatever kind, nature, or class that offers services, facilities, benefits, grants or goods to the public, gratuitously or otherwise. This paragraph shall not be construed by negative implication or otherwise to restrict any part or portion of the pre-existing definition of the term "public accommodation".

(Ord. No. 2912, 12-18-84)

(13) "Unfair practice" or "discriminatory practice" means those practices specified as unfair or discriminatory in this chapter.

(Ord. 3123, 3-26-91)

(14) "Sexual Orientation" means actual or perceived heterosexuality, homosexuality, or bisexuality. "Sexual orientation" does not include participation in acts which are prohibited by law.

(Ord. 3128, 5-28-91; Ord. 3377, 3-5-96)

Sec. 14.3. COMMISSION APPOINTED-STAFF-HEARING OFFICERS.

(1) **Commission Appointed.** The Ames Human Relations Commission shall consist of seven (7) members appointed by the Mayor with the approval of the City Council. Appointments shall take into consideration the various racial, religious, cultural and social groups and geographical areas within the City of Ames in so far as may be practicable. The term of office shall be three (3) years, and shall begin April 1 of the fiscal year of appointment, except that the Mayor may prescribe a shorter term for any appointment or reappointment in order to stagger terms. Six (6) of the members shall serve 3-year terms, and one (1) of the members shall serve a special 1-year term. Vacancies shall be filled for any unexpired term in the same manner as original appointments. Any member or all members of the Commission may be removed from office at any time by the Mayor with the approval of the City Council, for good cause. No member who has served two (2) full consecutive terms is eligible for reappointment. The Commission shall elect one of their members to be chairperson, and develop their own rules of procedure, not inconsistent with this chapter.

(Ord. No. 3820, 3-08-05; Ord. No. 3943, 2-19-08)

(2) **Staff Function, Investigation and Conciliation Officers.** With the advice of the Human Relations Commission and with the approval of the City Council, the Mayor shall appoint up to seven (7) persons as Investigation and Conciliation Officers who shall serve as unpaid staff to the Commission. Their term of office, method of appointment, method for filling vacancies and limitations on eligibility for reappointment shall be the same as prescribed for Commission members.

(Ord. No. 3943, 2-19-08)

(3) **Hearing Officers.** With the advice of the Ames Human Relations Commission and with the approval of the City Council, the Mayor shall appoint a group of persons educated in the law from among whom a hearing officer shall be drawn by lot when needed to make a "determination of probable cause" as required in this chapter, or when deemed advisable by the Commission, to conduct a hearing as provided for herein. There shall be no limit to the number of persons who may be added to said panel, but the number shall not be allowed, by declinations to serve or otherwise, to fall below three. Their term of office, method of appointment, method for filling vacancies and limitations on eligibility for reappointment shall be the same as prescribed for Commission members.

[State Law Ref. Iowa Code Sec. 216.3] (Ord. 3377, 3-5-96; Ord. No. 3943, 2-19-08)

Sec. 14.4. COMPENSATION AND EXPENSES.

The members of the Commission, the Investigation and Conciliation Officers and the persons on the hearing officer panel shall serve without salary, wages or other compensation provided that they may receive reimbursement for actual and necessary expenses incurred as allowed by the City Council pursuant to such procedures and policies for the reimbursement of expenses as shall be established by the City of Ames from time to time.

[State Law Ref. Iowa Code Sec. 216.4] (Ord. 3377, 3-5-96)

Sec. 14.5. POWERS AND DUTIES.

The Commission shall have the following powers and duties:

(1) Prescribe the duties of the Director under this chapter. The director shall be a person appointed by the Ames City Manager and serving as the affirmative action officer for the City of Ames.

(2) To receive, investigate, mediate, and finally determine the merits of complaints alleging unfair or discriminatory practices.

(3) To investigate and study the existence, character, causes, and extent of discrimination in public accommodations, employment, apprenticeship programs, on-the-job training programs, vocational schools, credit practices, and housing in this city and to attempt the elimination of such discrimination by education and conciliation.

(4) To seek a temporary injunction against a respondent when it appears that a complainant may suffer irreparable injury as a result of an alleged violation of this chapter. A temporary injunction may only be issued ex parte, if the complaint filed with the commission alleges discrimination in housing. In all other cases a temporary injunction may be issued only after the respondent has been notified and afforded the opportunity to be heard.

(5) To hold hearings upon any complaint made against a person, an employer, an employment agency, or a labor organization, or the employees or members thereof, to subpoena witnesses and compel their attendance at such hearings, to administer oaths and take the testimony of any person under oath, and to compel such person, employer, employment agency, or labor organization, or employees or members thereof to produce for examination any books and papers relating to any matter involved in such complaint. The Commission shall issue subpoenas for witnesses in the same manner and for the same purposes on behalf of the respondent upon request. Such hearings may be held by the commission, by any commissioner, or by any hearing examiner appointed by the commission. If a witness either fails or refuses to obey a subpoena issued by the commission, the commission may petition the district court having jurisdiction for issuance of a subpoena and the court shall in a proper case issue the subpoena. Refusal to obey such subpoena shall be subject to punishment for contempt.

(6) To issue such publications and reports of investigations and research as in the judgment of the commission shall tend to promote good will among the various racial, religious, and ethnic groups of the state and which shall tend to minimize or eliminate discrimination in public accommodations, employment, apprenticeship and on-the-job training programs, vocational schools, or housing because of race, creed, color, sex, national origin, religion, ancestry, disability or sexual orientation.

(Ord. 3128, 5-28-91)

(7) To prepare and transmit to the Mayor and City Council from time to time, but not less often than once each year, reports describing its proceedings, investigations, hearings conducted and the outcome thereof, decisions rendered, and the other work performed by the commission.

(8) To make recommendations to the City Council for such further legislation concerning discrimination because of race, creed, color, sex, national origin, religion, ancestry, disability or sexual orientation as it may deem necessary and desirable.

(Ord. 3128, 5-28-91)

(9) To cooperate, within the limits of any appropriations made for its operations, with other agencies or organizations, both public and private, whose purposes are consistent with those of this chapter, and on the planning and conducting of programs designed to eliminate racial, religious, cultural, and intergroup tensions.

(10) To adopt, publish, amend, and rescind regulations consistent with and necessary for the enforcement of this chapter.

(11) To receive, administer, dispense and account for any funds that may be voluntarily contributed to the commission and any grants that may be awarded the commission for furthering the purposes of this chapter with the approval of the City Council.

(12) To refer a complaint to the Iowa Civil Rights Commission under commission rules.

(13) To issue subpoenas and order discovery as provided by this section in aid of investigations and hearings of alleged unfair or discriminatory housing, real property, or other prohibited practices. The subpoenas and discovery may be ordered to the same extent and are subject to the same limitations as subpoenas and discovery in a civil action in district court.

(14) To utilize volunteers to aid in the conduct of the commission's business including case processing functions such as intake, screening, investigation, and mediation.

[State Law Ref. Iowa Code Sec. 216.5] (Ord. 3377, 3-5-96)

Sec. 14.6. UNFAIR EMPLOYMENT PRACTICES.

(1) It shall be an unfair or discriminatory practice for any:

(a) Person to refuse to hire, accept, register, classify, or refer for employment, to discharge any employee, or to otherwise discriminate in employment against any applicant for employment or any employee because of the age, race, creed, color, sex, national origin, religion, disability or sexual orientation of such applicant or employee, unless based upon the nature of the occupation. If a disabled person is qualified to perform a particular occupation, by reason of training or experience, the nature of that occupation shall not be the basis for exception to the unfair or discriminating practices prohibited by this subsection.

(b) Labor organizations or the employees, agents or members thereof to refuse to admit to membership any applicant, to expel any member, or to otherwise discriminate against any applicant for membership or any member in the privileges, rights, or benefits of such membership because of the age, race, creed, color, sex, national origin, religion, disability or sexual orientation of such applicant or member.

(c) Employer, employment agency, labor organization, or the employees, agents, or members thereof to directly or indirectly advertise or in any other manner indicate or publicize that individuals of any particular age, race, creed, color, sex, national origin, religion, disability or sexual orientation are unwelcome, objectionable, not acceptable, or not solicited for employment or membership unless based on the nature of the occupation. If a disabled person is qualified to perform a particular occupation by reason of training or experience, the nature of that occupation shall not be the basis for exception to the unfair or discriminating practices prohibited by this subsection.

An employer, employment agency, or their employees, servants or agents may offer employment or advertise for employment to only the disabled, when other applicants have available to them, other employment compatible with their ability which would not be available to the disabled because of their handicap. Any such employment or offer of employment shall not discriminate among the disabled on the basis of race, color, creed, sex, national origin or sexual orientation.

(Ord. 3128, 5-28-91)

(d) Person to solicit or require as a condition of employment of any employee or prospective employee a test for the presence of the antibody to the human immunodeficiency virus or to affect the terms, conditions, or privileges of employment or terminate the employment of any employee solely as a result of the employee obtaining a test for the presence of the antibody to the human immunodeficiency virus. An agreement between an employer, employment agency, labor organization, or their employees, agents, or members and an employee or prospective employee concerning employment, pay, or benefits to an employee or prospective employee in return for taking a test for the presence of the antibody to the human immunodeficiency virus, is prohibited. The prohibitions of this paragraph do not apply if the state epidemiologist determines and the director of public health declares through the utilization of guidelines established by the center for disease control of the United States department of health and human services, that a person with a condition related to acquired immune deficiency syndrome poses a significant risk of transmission of the human immunodeficiency virus to other persons in a specific occupation.

(2) Employment policies relating to pregnancy and childbirth shall be governed by the following:

(a) A written or unwritten employment policy or practice which excludes from employment applicants or employees because of the employees pregnancy is a prima facie violation of this chapter.

(b) Disabilities caused or contributed to by the employee's pregnancy, miscarriage, childbirth, and recovery therefrom are, for all job-related purposes, temporary disabilities and shall be treated as such under any health or temporary disability insurance or sick leave plan available in connection with employment. Written and unwritten employment policies and practices involving matters such as the commencement and duration of leave, the availability of extensions, the accrual of seniority and other benefits and privileges, reinstatement, and payment under any health or temporary disability insurance or sick leave plan, formal or informal, shall be applied to a disability due to the employee's pregnancy or giving birth, on the same terms and conditions as they are applied to other temporary disabilities.

(c) Disabilities caused or contributed to by legal abortion and recovery therefrom are, for all job-related purposes, temporary disabilities and shall be treated as such under any temporary disability or sick leave plan available in connection with employment. Written and unwritten employment policies and practices involving matters such as

the commencement and duration of leave, the availability of extensions, the accrual of seniority and other benefits and privileges, reinstatement, and payment under any temporary disability insurance or sick leave plan, formal or informal, shall be applied to a disability due to legal abortion on the same terms and conditions as they are applied to other temporary disabilities. The employer may elect to exclude health insurance coverage for abortion from a plan provided by the employer, except where the life of the mother would be endangered if the fetus were carried to term or where medical complications have arisen from an abortion.

(d) An employer shall not terminate the employment of a person disabled by pregnancy because of the employee's pregnancy.

(e) Where a leave is not available or a sufficient leave is not available under any health or temporary disability insurance or sick leave plan available in connection with employment, the employer of the pregnant employee shall not refuse to grant to the employee who is disabled by the pregnancy a leave of absence if the leave of absence is for the period that the employee is disabled because of the employee's pregnancy, childbirth, or related medical conditions, or for eight weeks, whichever is less. However, the employee must provide timely notice of the period of leave requested and the employer must approve any change in the period requested before the change is effective. Before granting the leave of absence, the employer may require that the employee's disability resulting from pregnancy be verified by medical certification stating that the employee is not able to reasonably perform the duties of employment.

(3) This section shall not prohibit discrimination on the basis of age if the person subject to the discrimination is under the age of eighteen years, unless that person is considered by law to be an adult.

(4) Notwithstanding the provisions of this section, a city, state or federal program designed to benefit a specific age classification which serves a bona fide public purpose shall be permissible.

(5) This section shall not apply to age discrimination in bona fide apprenticeship employment programs if the employee is over forty-five years of age.

(6) This section shall not apply to:

(a) Any employer who regularly employs less than four individuals. For purposes of this subsection, individuals who are members of the employer's family shall not be counted as employees.

(b) The employment of individuals for work within the home of the employer if the employer or family members reside therein during such employment.

(c) The employment of individuals to render personal service to the person of the employer or members of the employer's family.

(d) Any bona fide religious institution or its educational facility, association, corporation or society with respect to any qualifications for employment based on religion or sexual orientation when such qualifications are related to a bona fide religious purpose. A religious qualification for instructional personnel or an administrative officer, serving in a supervisory capacity of a bona fide religious educational facility or religious institution, shall be presumed to be a bona fide occupational qualification.

[State Law Ref. Iowa Code Sec. 216. 6] (Ord. 3128, 5-28-91; Ord. 3377, 3-5-96)

Sec 14.7. UNFAIR PRACTICES-ACCOMMODATIONS OR SERVICES.

(1) It shall be an unfair or discriminatory practice for any owner, lessee, sublessee, proprietor, manager, or superintendent of any public accommodation or any agent or employee thereof:

(a) To refuse or deny to any person because of race, creed, color, sex, national origin, religion, disability or sexual orientation the accommodations, advantages, facilities, services, or privileges thereof, or otherwise to discriminate against any person because of race, creed, color, sex, national origin, religion, disability or sexual orientation in the furnishing of such accommodations, advantages, facilities, services, or privileges.

(b) To directly or indirectly advertise or in any other manner indicate or publicize that the patronage of persons of any particular race, creed, color, sex, national origin, religion, disability or sexual orientation is unwelcome, objectionable, not acceptable, or not solicited.

(Ord. 3128, 5-28-91)

(2) This section shall not apply to:

(a) Any bona fide religious institution with respect to any qualifications the institution may impose based on religion when such qualifications are related to a bona fide religious purpose.

(b) The rental or leasing to transient individuals of less than six rooms within a single housing accommodation by the occupant or owner of such housing accommodation if the occupant or owner or members of the owner's family reside therein.

[State Law Ref. Iowa Code Sec. 216.7] (Ord. 3377, 3-5-96)

Sec. 14.8. UNFAIR OR DISCRIMINATORY PRACTICES - HOUSING.

It shall be an unfair or discriminatory practice for any person, owner, or person acting for an owner, of rights to housing or real property, with or without compensation, including but not limited to persons licensed as real estate brokers or salespersons, attorneys, auctioneers, agents or representatives by power of attorney or appointment, or any person acting under court order, deed of trust, or will:

(1) To refuse to sell, rent, lease, assign or sublease any real property or housing accommodation or part, portion or interest therein, to any person because of the race, color, creed, sex, religion, national origin, disability, familial status or sexual orientation of such person.

(Ord. 3128, 5-28-91; Ord. 3377, 3-5-96)

(2) To discriminate against any person because of the person's race, color, creed, sex, religion, national origin, disability, familial status or sexual orientation in the terms, conditions or privileges of the sale, rental, lease assignment or sublease of any real property or housing accommodation or any part, portion or interest in the real property or housing accommodation or in the provision of services or facilities in connection with the real property or housing accommodation.

(Ord. 3128, 5-28-91; Ord. 3377, 3-5-96)

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

(Ord. 3377, 3-5-96)

(3) To directly or indirectly advertise, or in any other manner indicate or publicize that the purchase, rental, lease, assignment, or sublease of any real property or housing accommodation or any part, portion or interest thereof, by persons of any particular race, color, creed, sex, religion, national origin, disability, familial status or sexual orientation is unwelcome, objectionable, not acceptable or not solicited.

(Ord. 3128, 5-28-91)

(4) To discriminate against the lessee or purchaser of any real property or housing accommodation or part, portion or interest of the real property or housing accommodation, or against any prospective lessee or purchaser of the property or accommodation, because of the race, color, creed, religion, sex, disability, age, national origin or sexual orientation of persons who may from time to time be present in or on the lessee's or owner's premises for lawful purposes at the invitation of the lessee or owner as friends, guests, visitors, relatives or in any similar capacity.

(Ord. 3128, 5-28-91)

[State Law Ref. Iowa Code Sec. 216.8] (Ord. No. 3123, 3-26-91; Ord. 3377, 3-5-96)

Sec. 14.8A. ADDITIONAL UNFAIR OR DISCRIMINATORY PRACTICES - HOUSING.

(1) A person shall not induce or attempt to induce another person to sell or rent a dwelling by representations regarding the entry or prospective entry into a neighborhood of a person of a particular race, color, creed, sex, religion, national origin, disability, familial status, or sexual orientation.

(2) A person shall not represent to a person of a particular race, color, creed, sex, religion, national origin, disability, familial status, or sexual orientation that a dwelling is not available for inspection, sale or rental when the dwelling is available for inspection, sale, or rental.

(3) (a) A person shall not discriminate in the sale or rental or otherwise make unavailable or deny a dwelling to a buyer or renter because of a disability of any of the following persons:

1. That buyer or renter.

- available.
2. A person residing in or intending to reside in that dwelling after it is sold, rented, or made
 3. A person associated with that buyer or renter.

(b) A person shall not discriminate against another person in the terms, conditions, or privileges of sale or rental of a dwelling or in the provision of services or facilities in connection with the dwelling because of a disability of any of the following persons:

1. That person.
2. A person residing in or intending to reside in that dwelling after it is sold, rented, or made available.

3. A person associated with that person.

(c) For the purposes of this subsection only, discrimination includes any of the following circumstances:
1. A refusal to permit, at the expense of the disabled person, reasonable modifications of existing premises occupied or to be occupied by the person if the modifications are necessary to afford the person full enjoyment of the premises.

In the case of a rental, a landlord may, where reasonable to do so, condition permission for a modification on the renter's agreement to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted.

2. A refusal to make reasonable accommodations in rules, policies, practices, or services, when the accommodations are necessary to afford the person equal opportunity to use and enjoy a dwelling.

3. In connection with the design and construction of covered multifamily dwellings for first occupancy after January 1, 1992, a failure to design and construct those dwellings in a manner that meets the following requirements:

a. The public use and common use portions of the dwellings are readily accessible to and usable by disabled persons.

b. All doors designed to allow passage into and within all premises within the dwellings are sufficiently wide to allow passage by disabled persons in wheelchairs.

c. All premises within the dwellings contain the following features of adaptive design:
1. An accessible route into and through the dwelling.
2. Light switches, electrical outlets, thermostats, and other environmental controls in accessible locations.

3. Reinforcements in bathroom walls to allow later installation of grab bars.
4. Usable kitchens and bathrooms so that a person in a wheelchair can maneuver about the space.

d. Compliance with the appropriate requirements of the American national standard for buildings and facilities providing accessibility and usability for physically handicapped people, commonly cited as "ANSI A 117.1", satisfies the requirements of paragraph (c), subparagraph "3", subparagraph subdivision "c". Investigation of compliance with ANSI A 117.1 may be assisted by any experts that the investigators can gain the assistance of. The City of Ames Inspection Division shall assist investigations when directed to do so by the city manager.

e. Nothing in this subsection requires that a dwelling be made available to a person whose tenancy would constitute a direct threat to the health or safety of other persons or whose tenancy would result in substantial physical damage to the property of others.

(4) (a) A person whose business includes engaging in residential real estate related transactions shall not discriminate against a person in making a residential real estate related transaction available or in terms or conditions of a residential real estate related transaction because of race, color, creed, sex, religion, national origin, disability, familial status, or sexual orientation.

(b) For the purpose of this subsection, "residential real estate related transaction" means any of the following:

1. To make or purchase loans or provide other financial assistance to purchase, construct, improve, repair, or maintain a dwelling, or to secure residential real estate.

2. To sell, broker, or appraise residential real estate.

(5) A person shall not deny another person access to, or membership or participation in, a multiple-listing service, real estate brokers' organization or other service, organization, or facility relating to the business of selling or renting dwellings, or discriminate against a person in terms or conditions of access, membership, or participation in such organization because of race, color, creed, sex, religion, national origin, disability, familial status, or sexual orientation.

[State Law Ref. Iowa Code Sec. 216.8A] (Ord. 3377, 3-5-96)

Sec. 14.9. UNFAIR OR DISCRIMINATORY PRACTICES - EDUCATION.

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

- (1) Exclusion of a person or persons from participation in, denial of the benefits of, or subject to discrimination in any academic, extracurricular, research, occupational training or other program or activity except athletic programs;
- (2) Denial of comparable opportunity in intramural and interscholastic athletic programs;
- (3) Discrimination among persons in employment and the conditions of employment;
- (4) On the basis of sex, the application of any rule concerning the actual or potential parental, family or marital status of a person, or the exclusion of any person from any program or activity or employment because of pregnancy or related conditions dependent upon the physician's diagnosis and certification.

For the purpose of this section 'educational institution' includes any preschool, elementary, secondary, or merged area school, area education agency, or postsecondary college or university and their governing boards. This section does not prohibit an educational institution from maintaining separate toilet facilities, locker rooms or living facilities for the different sexes so long as comparable facilities are provided. Nothing in this section shall be construed as prohibiting (1) any bona fide religious institution from imposing qualifications based on religion when such qualifications are related to a bona fide religious purpose or (2) any institution from admitting students of only one sex.

[State Law Ref. Iowa Code Sec. 216.9] (Ord. No. 2966, Sec. 1, 1-27-87, Ord. 3128, 5-28-91; Ord. 3377, 3-5-96)

Sec. 14.10. UNFAIR CREDIT PRACTICES.

It shall be an unfair or discriminatory practice for any:

- (1) Creditor to refuse to enter into a consumer credit transaction or impose finance charges or other terms or conditions more onerous than those regularly extended by that creditor to consumers of similar economic backgrounds because of age, color, creed, national origin, race, religion, marital status, sex, physical disability, familial status or sexual orientation.
- (2) Person authorized or licensed to do business in this state pursuant to Chapter 524, 533, 534, 536, or 536A, Code of Iowa, to refuse to loan or extend credit or to impose terms or conditions more onerous than those regularly extended to persons of similar economic backgrounds because of age, color, creed, national origin, race, religion, marital status, sex, physical disability, familial status or sexual orientation.
- (3) Creditor to refuse to offer credit life or health and accident insurance because of color, creed, national origin, race, religion, marital status, age, physical disability, sex, familial status or sexual orientation. Refusal by a creditor to offer credit life or health and accident insurance based upon the age or physical disability of the consumer shall not be an unfair or discriminatory practice if such denial is based solely upon bona fide underwriting considerations not prohibited by title XIII, Subtitle 1.

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

[State Law Ref. Iowa Code Sec. 216.10] (Ord. 3123, 3-26-91; Ord. 3377, 3-5-96)

Sec. 14.11. AIDING OR ABETTING.

It shall be an unfair or discriminatory practice for:

- (1) Any person to intentionally aid, abet, compel, or coerce another person to engage in any of the practices declared unfair or discriminatory by this chapter.

(2) Any person to discriminate or retaliate against another person in any of the rights protected against discrimination by this chapter because such person has lawfully opposed any practice forbidden under this chapter, obeys the provisions of this chapter, or has filed a complaint, testified, or assisted in any proceeding under this chapter.

(Ord. 3128, 5-28-91)

[State Law Ref. Iowa Code Sec. 216.11] (Ord. 3377, 3-5-96)

Sec. 14.11A. INTERFERENCE, COERCION, OR INTIMIDATION.

It shall be unlawful to coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, on account of the person having exercised or enjoyed, or on account of the person having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by section 14.8, 14.8A, or 14.15A.

[State Law Ref. Iowa Code Sec. 216.11A] (Ord. 3377, 3-5-96)

Sec. 14.12. EXCEPTIONS.

The provisions of section 14.8 and 14.8A shall not apply to:

(1) Any bona fide religious institution with respect to any qualifications it may impose based on religion, when such qualifications are related to a bona fide religious purpose, unless the religious institution owns or operates property for a commercial purpose or membership in the religion is restricted on account of race, color, or national origin.

(2) The rental or leasing of a dwelling in a building which contains housing accommodations for not more than two families living independently of each other, if the owner resides in one of such housing accommodations.

(3) The rental or leasing of less than four rooms within a single dwelling by the occupant or owner of the dwelling, if the occupant or owner resides therein.

(4) Discrimination on the basis of familial status involving dwellings provided under any state or federal program specifically designed and operated to assist elderly persons, as defined in the state or federal program that the commission determines to be consistent with determinations made by the United States secretary of housing and urban development, and housing for older persons.

As used in this subsection, "housing for older persons" means housing communities consisting of dwellings intended for either of the following:

(a) For eighty percent occupancy by at least one person fifty-five years of age or older per unit, and providing significant facilities and services specifically designed to meet the physical or social needs of the persons and the housing facility must publish and adhere to policies and procedures which demonstrate an intent by the owner or manager to provide housing for persons fifty-five years of age or older.

(b) For and occupied solely by persons sixty-two years of age or older.

(5) The rental or leasing of a housing accommodation in a building which contains housing accommodations for not more than four families living independently of each other, if the owner resides in one of the housing accommodations for which the owner qualifies for the homestead tax credit under section 425.1, Code of Iowa.

The exceptions to the requirements of sections 14.8 and 14.8A provided for dwellings specified in subsections 2, 3, and 5 do not apply to advertising related to those dwellings.

(6) Discrimination on the basis of sex involving the rental, leasing, or subleasing of a dwelling within which residents of both sexes would be forced to share a common living area.

[State Law Ref. Iowa Code Sec. 216.12] (Ord. 3377, 3-5-96)

Sec. 14.12A. ADDITIONAL HOUSING EXCEPTION.

Sections 14.8 and 14.8A do not prohibit a person engaged in the business of furnishing appraisals of real estate from taking into consideration factors other than race, color, creed, sex, religion, national origin, disability, familial status, or sexual orientation in appraising real estate.

[State Law Ref. Iowa Code Sec. 216.12A] (Ord. 3377, 3-5-96)

Sec. 14.13. SEX OR AGE PROVISIONS NOT APPLICABLE TO RETIREMENT PLANS.

(1) The provisions of this chapter relating to discrimination because of age do not apply to a retirement plan or benefit system of an employer unless the plan or system is a mere subterfuge adopted for the purpose of evading this chapter.

(Ord. No. 2912, Sec. 2, 12-18-84)

(2) However, a retirement plan or benefit system shall not require the involuntary retirement of a person under the age of seventy because of that person's age. This paragraph does not prohibit the following:

(a) The involuntary retirement of a person who has attained the age of sixty-five and has for the two prior years been employed in a bona fide executive or high policymaking position and who is entitled to an immediate, nonforfeitable annual retirement benefit from a pension, profit-sharing, savings or deferred compensation plan of the employer which equals twenty-seven thousand dollars. This retirement benefit test may be adjusted according to the regulations prescribed by the United States secretary of labor pursuant to Public Law ninety-five dash two hundred fifty-six (95-256), section three (3).

(b) The involuntary retirement of a person covered by a collective bargaining agreement which was entered into by a labor organization and was in effect on September 1, 1977. This exemption does not apply after the termination of that agreement or January 1, 1980, whichever first occurs.

(3) A health insurance program provided by an employer may exclude coverage of abortion, except where the life of the mother would be endangered if the fetus were carried to term or where medical complications have arisen from an abortion.

(4) An employee welfare plan may provide life, disability or health insurance benefits which vary by age based on actuarial differences if the employer contributes equally for all the participating employees or may provide for employer contributions differing by age if the benefits for all the participating employees do not vary by age.

[State Law Ref. Iowa Code Sec. 216.13] (Ord. 3377, 3-5-96)

Sec. 14.14. PROMOTION OR TRANSFER.

After a handicapped individual is employed, the employer shall not be required under this chapter to promote or transfer such handicapped person to another job or occupation, unless prior to such transfer, such handicapped person by training or experience is qualified for such job or occupation. Any collective bargaining agreement between an employer and labor organization shall contain this section as part of such agreement.

[State Law Ref. Iowa Code Sec. 216.14] (Ord. 3377, 3-5-96)

Sec. 14.15. COMPLAINT - HEARING.

(1) Any person claiming to be aggrieved by a discriminatory or unfair practice may, in person or by an attorney, make, sign, and file with the commission a verified, written complaint which shall state the name and address of the person, employer, employment agency, or labor organization alleged to have committed the discriminatory or unfair practice of which complained, shall set forth the particulars thereof, and shall contain such other information as may be required by the commission. The commission, a commissioner or the city attorney may in like manner make, sign and file such complaint.

(Ord. 3377, 3-5-96)

(2) A claim under this chapter shall not be maintained unless a complaint is filed with the commission within one hundred eighty days after the most recent act constituting the alleged illegal discriminatory practice.

(Ord. 3377, 3-5-96)

(3) Any place of public accommodation, employer, labor organization, or other person who has any employees or members who refuse or threaten to refuse to comply with the provisions of this chapter may file with the commission a verified written complaint in triplicate asking the commission for assistance to obtain their compliance by conciliation or other remedial action.

(4) (a) After the filing of a verified complaint, a true copy shall be served within twenty days by certified mail on the person against whom the complaint is filed. An authorized member of the commission staff shall make a prompt investigation and shall issue a recommendation to a hearing officer under the jurisdiction of the commission, who shall then issue a determination of probable cause or no probable cause.

(b) If the hearing officer concurs with the investigating official that probable cause exists regarding the allegations of the complaint, the staff of the commission shall promptly endeavor to eliminate the discriminatory or unfair practice by conference, conciliation and persuasion. If the hearing officer finds that no probable cause exists, the hearing officer shall issue a final order dismissing the complaint and shall promptly mail a copy to the complainant and to the respondent by certified mail. A finding of probable cause shall not be introduced into evidence in an action brought under Sec. 14.16.

(c) The commission staff must endeavor to eliminate the discriminatory or unfair practice by conference, conciliation and persuasion for a period of thirty days following the initial conciliation meeting between the respondent and the commission staff after a finding of probable cause. After the expiration of thirty days, the director may order the conciliation conference and persuasion procedure provided in this section to be bypassed when the director determines the procedure is unworkable by reason of past patterns and practices of the respondent, or a statement by the respondent that the respondent is unwilling to continue with the conciliation. The director must have the approval of a commissioner before bypassing the conciliation, conference and persuasion procedure. Upon the bypassing of conciliation, the director shall state in writing the reasons for bypassing.

(5) The members of the commission and its staff shall not disclose the filing of a complaint, the information gathered during investigation, or the endeavors to eliminate such discriminatory or unfair practice by mediation, conference, conciliation, and persuasion, unless such disclosure is made in connection with the conduct of such investigation.

(6) When the director is satisfied that further endeavor to settle a complaint by conference, conciliation, and persuasion is unworkable and should be bypassed, and the thirty day period provided for in subsection 3 has expired without agreement, the director with the approval of a commissioner, shall issue and cause to be served a written notice specifying the charges in the complaint as they may have been amended and the reasons for bypassing conciliation, if the conciliation is bypassed, and requiring the respondent to answer the charges of the complaint at a hearing before the commission, a commissioner, or a person designated by the commission to conduct the hearing, hereafter referred to as the hearing officer, and at a time and place to be specified in the notice.

(7) The case in support of such complaint shall be presented at the hearing by one of the commission's attorneys. The investigating official shall not participate in the hearing except as a witness nor shall the official participate in the deliberations of the commission in such case.

(8) The hearing shall be conducted in accordance with the provisions of chapter 17A, Code of Iowa for contested cases. The burden of proof in such a hearing shall be on the commission.

(9) If, upon taking into consideration all of the evidence at a hearing, the commission determines that the respondent has engaged in a discriminatory or unfair practice, the commission shall state its findings of fact and conclusions of law and shall issue an order requiring the respondent to cease and desist from the discriminatory or unfair practice and to take the necessary remedial action as in the judgment of the commission will carry out the purposes of this chapter. A copy of the order shall be delivered to the respondent, the complainant, and to any other public officers and persons as the commission deems proper.

(a) For the purposes of this subsection and pursuant to the provisions of this chapter "remedial action" includes but is not limited to the following:

1. Hiring, reinstatement or upgrading of employees with or without pay. Interim earned income and unemployment compensation shall operate to reduce the pay otherwise allowable.
2. Admission or restoration of individuals to a labor organization, admission to or participation in a guidance program, apprenticeship training program, on-the-job training program or other occupational training or retraining program, with the utilization of objective criteria in the admission of individuals to such programs.
3. Admission of individuals to a public accommodation or an educational institution.
4. Sale, exchange, lease, rental, assignment or sublease of real property to an individual.
5. Extension to all individuals of the full and equal enjoyment of the advantages, facilities, privileges, and services of the respondent denied to the complainant because of the discriminatory or unfair practice.
6. Reporting as to the manner of compliance.

7. Posting notices in conspicuous places in the respondent's place of business in form prescribed by the commission and inclusion of notices in advertising material.

8. Payment to the complainant of damages for an injury caused by the discriminatory or unfair practice which damages shall include but are not limited to actual damages, court costs and reasonable attorney fees.

(b) In addition to the remedies provided in the preceding provisions of this subsection, the commission may issue an order requiring the respondent to cease and desist from the discriminatory or unfair practice and to take such affirmative action as in the judgment of the commission will carry out the purposes of this chapter as follows:

1. In the case of a respondent operating by virtue of a license issued by the state or a political subdivision or agency, if the commission, upon notice to the respondent with an opportunity to be heard, determines that the respondent has engaged in a discriminatory or unfair practice and that the practice was authorized, requested, commanded, performed or knowingly or recklessly tolerated by the board of directors of the respondent or by an officer or executive agent acting within the scope of his or her employment, the commission shall so certify to the licensing agency. Unless the commission finding of a discriminatory or unfair practice is reversed in the course of judicial review, the finding of discrimination is binding on the licensing agency. If a certification is made pursuant to this subsection, the licensing agency may initiate licensee disciplinary procedures.

2. In the case of a respondent who is found by the commission to have engaged in a discriminatory or unfair practice in the course of performing under a contract or subcontract with the state or political subdivision or agency, if the practice was authorized, requested, commanded, performed, or knowingly or recklessly tolerated by the board of directors of the respondent or by an officer or executive agent acting within the scope of his or her employment the commission shall so certify to the contracting agency. Unless the commission's finding of a discriminatory or unfair practice is reversed in the course of judicial review, the finding of discrimination is binding on the contracting agency.

3. Upon receiving a certification made under this subsection, a contracting agency may take appropriate action to terminate a contract or portion thereof previously entered into with the respondent, either absolutely or on condition that the respondent carry out a program of compliance with the provisions of this chapter, and assist the state and all political subdivisions and agencies thereof to refrain from entering into further contracts.

(c) The election of an affirmative order under paragraph "b" of this subsection shall not bar the election of affirmative remedies provided in paragraph "a" of this subsection.

(10) The terms of a conciliation or mediation agreement reached with the respondent may require him or her to refrain in the future from committing discriminatory or unfair practices of the type stated in the agreement, to take remedial action as in the judgment of the commission will carry out the purposes of this chapter, and to consent to the entry in an appropriate district court of a consent decree embodying the terms of the conciliation or mediation agreement. Violation of such a consent decree may be punished as contempt by the court in which it is filed, upon a showing by the commission of the violation at any time within six months of its occurrence. At any time in its discretion, the commission may investigate whether the terms of the agreement are being complied with by the respondent.

Upon a finding that the terms of the conciliation or mediation agreement are not being complied with by the respondent, the commission shall take appropriate action to assure compliance.

(11) If, upon taking into consideration all of the evidence at a hearing, the commission finds that a respondent has not engaged in any such discriminatory or unfair practice, the commission shall issue an order denying relief and stating the findings of fact and conclusions of the commission, and shall cause a copy of the order dismissing the complaint to be served by certified mail on the complainant and the respondent.

(12) The commission shall establish rules to govern, expedite and effectuate the procedures established by this chapter and its own actions thereunder.

(13) The commission or a party to a complaint may request mediation of the complaint at any time during the commission's processing of the complaint. If the complainant and respondent participate in mediation, any mediation agreement may be enforced pursuant to this section. Mediation may be discounted at the request of any party or the commission

[State Law Ref. Iowa Code Sec. 216.15] (Ord. 3377, 3-5-96)

Sec. 14.15A. ADDITIONAL PROCEEDINGS - HOUSING DISCRIMINATION.

(1) (a) The commission may join a person not named in the complaint as an additional or substitute respondent if in the course of the investigation, the commission determines that the person should be alleged to have committed a discriminatory housing or real estate practice.

(b) In addition to the information required in the notice, the commission shall include in a notice to a respondent joined under this subsection an explanation of the basis for the determination under this subsection that the person is properly joined as a respondent.

(2) (a) The commission shall, during the period beginning with the filing of a complaint and ending with the filing of a charge or a dismissal by the commission, to the extent feasible, engage in mediation with respect to the complaint.

(b) A mediation agreement is an agreement between a respondent and the complainant and is subject to commission approval.

(c) A mediation agreement may provide for binding arbitration or other method of dispute resolution. Dispute resolution that results from a mediation agreement may authorize appropriate relief, including monetary relief.

(d) A mediation agreement shall be made public unless the complainant and respondent agree otherwise, and the commission determines that disclosure is not necessary to further the purposes of this chapter relating to unfair or discriminatory practices in housing or real estate.

(e) The proceedings or results of mediation shall not be made public or used as evidence in a subsequent proceeding under this chapter without the written consent of the persons who are party to the mediation.

(f) After completion of the commission's investigation, the commission shall make available to the aggrieved person and the respondent information derived from the investigation and the final investigative report relating to that investigation.

(g) When the commission has reasonable cause to believe that a respondent has breached a mediation agreement, the commission shall refer this matter to the city attorney, after authorization by the city council, with a recommendation that a civil action be filed for the enforcement of the agreement. The city attorney may commence a civil action in the appropriate district court not later than the expiration of ninety days after referral of the breach.

(3) (a) If the commission concludes, following the filing of a complaint, that prompt judicial action is necessary to carry out the purposes of this chapter relating to unfair or discriminatory housing or real estate practices, the commission may authorize a civil action for appropriate temporary or preliminary relief pending final disposition of the complaint in accordance with chapter 216.15A of the Iowa Code.

(b) A temporary restraining order or other order granting preliminary or temporary relief under this section is governed by the applicable Iowa rules of civil procedure.

(c) The filing of a civil action under this section does not affect the initiation or continuation of administrative proceedings in regard to an administrative hearing.

(4) (a) The commission shall prepare a final investigative report.

(b) A final report under this section may be amended by the commission if additional evidence is later discovered.

(5) (a) The commission shall determine based on the facts whether probable cause exists to believe that a discriminatory housing or real estate practice has occurred or is about to occur.

(b) The commission shall make its determination under paragraph (a) not later than one hundred days after a complaint is filed unless one of the following applies:

1. It is impracticable to make the determination within that time period.

2. The commission has approved a mediation agreement relating to the complaint.

(c) If it is impracticable to make the determination within the time period provided by paragraph (b), the commission shall notify the complainant and respondent in writing of the reasons for the delay.

(d) If the commission determines that probable cause exists to believe that a discriminatory housing or real estate practice has occurred or is about to occur, the commission shall immediately issue a determination unless the commission determines that the legality of a zoning or land use law or ordinance is involved.

If the commission determines that the matter involves the legality of a state or local zoning or other land use ordinance, the commission shall not issue a determination and shall immediately refer the matter to the attorney general for appropriate action.

(6) (a) A determination issued by the commission under subsection 4 shall:

1. Consist of a short and plain statement of the facts on which the commission has found probable cause to believe that a discriminatory housing or real estate practice has occurred or is about to occur.
2. Be based on the final investigative report.
3. Not be limited to the facts or grounds alleged in the complaint.

(b) Not later than twenty days after the commission issues a determination, unless it is impracticable to do so, the commission shall send a copy of the determination with information concerning the election under section 14.16A to all of the following persons:

1. Each respondent, together with a notice of the opportunity for a hearing as provided under subsection 9.
2. Each aggrieved person on whose behalf the complaint was filed.

In the event the commission is unable to send a copy of the determination within twenty days then it shall notify the parties in writing of the delay.

(7) (a) If the commission determines that no probable cause exists to believe that a discriminatory housing or real estate practice has occurred or is about to occur, the commission shall promptly dismiss the complaint.

(b) The commission shall make public disclosure of each dismissal under this section.

(8) The commission shall not issue a determination under this section regarding an alleged discriminatory housing or real estate practice after the beginning of the trial of a civil action commenced by the aggrieved party under federal or state law seeking relief with respect to that discriminatory housing or real estate practice.

(9) (a) If timely election is not made under section 14.16A, the commission shall provide an opportunity for a hearing on the charges in the complaint.

(b) Except as provided by paragraph (c), the hearing shall be conducted in accordance with Chapter 17A for contested cases.

(c) A hearing under this section shall not be continued regarding an alleged discriminatory housing or real estate practice after the beginning of the trial of a civil action commenced by the aggrieved person under federal or state law seeking relief with respect to that discriminatory housing or real estate practice.

(10) If the commission determines at a hearing under subsection 9 that a respondent has engaged or is about to engage in a discriminatory housing or real estate practice, the commission may order the appropriate relief, including actual damages, reasonable attorney's fees, court costs, and other injunctive or equitable relief. Such order may, to vindicate the public interest, assess a civil penalty against the respondent in an amount not to exceed those established by the Code of Iowa.

(11) This section applies only to the following:

- (a) Complaints which allege a violation of the prohibitions contained in section 14.8 or 14.8A.
- (b) Complaints which allege a violation of section 14.11 or 14.11A arising out of alleged violations of the prohibitions contained in section 14.8 or 14.8A.

(12) If a provision of section 14.15A applies under the terms of section 14.15A, subsection 11, and the provision of section 14.15A conflicts with a provision of section 14.15, then the provision contained within section 14.15A shall prevail. Similarly, if a provision of section 14.16A or 14.17A conflicts with a provision of section 14.16 or 14.17, then the provision contained in section 14.16A or 14.17A shall prevail.

[State Law Ref. Iowa Code Sec. 216.15A] (Ord. 3377, 3-5-96)

Sec. 14.15B. MEDIATION - CONFIDENTIALITY.

(1) For the purposes of this section, "mediator" shall be the person designated in writing by the commission to conduct mediation of a complaint filed under this chapter. The written designation must specifically refer to this section.

(2) All verbal or written information relating to the subject matter of a mediation agreement and transmitted between either the complainant or respondent and a mediator to resolve a complaint filed under this chapter, whether

reflected in notes, memoranda, or other work products, is a confidential communication except as otherwise expressly provided in this chapter. Mediators involved in a mediation under this section shall not be examined in any judicial or administrative proceeding regarding the confidential communications and are not subject to the judicial or administrative process requiring the disclosure of confidential communications. If a written confidential communication is kept by the mediator it must be kept in a mediation file which is maintained separately from the case file. The confidential communications may not be included in the commission's case file unless the person providing the information consents to its inclusion in the case file. The mediation file is not part of the file made available to the parties upon the commission's receipt of a right to sue letter. Information maintained in the mediation file and not included in the case file shall not be considered when making a recommendation or decision regarding screening, probable cause, or any issue in a contested case.

(3) A mediator who has reason to believe that a complainant or respondent has given perjured evidence concerning a confidential communication is not barred by this section from disclosing the basis for this belief to any party to a cause in which the alleged perjury occurs or to the appropriate authorities, including testifying concerning the relevant confidential communications. If a dispute regarding the existence of a mediation agreement exists, the terms of the mediation agreement, or the conduct of the mediation process itself, the mediator may be examined regarding relevant confidential communications.

(Ord. 3377, 3-5-96)

Sec. 14.16. SIXTY-DAY ADMINISTRATIVE RELEASE.

(1) A person claiming to be aggrieved by an unfair or discriminatory practice must initially seek an administrative relief by filing a complaint with the commission in accordance with Sec. 14.15. This provision also applies to persons claiming to be aggrieved by an unfair or discriminatory practice committed by the state or an agency or political subdivision of the state, notwithstanding the terms of the Iowa administrative procedure Act. A complainant after the proper filing of a complaint with the commission, may subsequently commence action for relief in the district court if all of the following conditions have been satisfied:

(a) The complainant has timely filed the complaint with the commission as provided in Sec. 14.15.

(b) The complaint has been on file with the commission for at least sixty days and the commission has issued a release to the complainant pursuant to subsection 2 of this section.

(Ord. 3377, 3-5-96)

(2) Upon a request by the complainant, and after the expiration of sixty days from the timely filing of a complaint with the commission, the commission shall issue to the complainant a release stating that the complainant has a right to commence an action in the district court. A release under this subsection shall not be issued if a finding of no probable cause has been made on the complaint by the hearing officer charged with that duty, or a conciliation agreement has been executed under Sec. 14.15, or the commission has served notice of hearing upon the respondent, or the complaint is closed as an administrative closure and two years have elapsed since the issuance date of the closure.

Notwithstanding Sec. 14.15, subsection (4), a party may obtain a copy of all documents contained in a case file where the commission has issued a release to the complainant pursuant to this subsection.

(3) An action authorized under this section is barred unless commenced within ninety days after issuance by the commission of a release under this section. If a complainant obtains a release from the commission under this section, the commission shall be barred from further action on that complaint.

(4) Venue for an action under this section shall be in the county in which the respondent resides or has its principal place of business, or in the county in which the alleged unfair or discriminatory practice occurred.

(5) The district court may grant any relief in an action under this section which is authorized by Sec. 14.15 to be issued by the commission. The district court may also award the respondent reasonable attorney's fees and court costs when the court finds that the complainant's action was frivolous.

(6) It is the legislative intent of this chapter that every complaint be at least preliminarily screened during the first one hundred twenty days.

This section does not authorize administrative closures if an investigation is warranted.

[State Law Ref. Iowa Code Sec. 216.16(6)] (Ord. 2912, Sec. 3, 12-18-84; Ord. No. 3092, Sec. 1, 8-14-90; Ord. 3377, 3-5-96)

Sec. 14.16A. CIVIL ACTION ELECTED - HOUSING.

(1) (a) A complainant, a respondent, or an aggrieved person on whose behalf the complaint was filed may elect to have the charges asserted in the complaint decided in a civil action as provided by section 14.17A.

(b) The election must be made not later than twenty days after the date of receipt by the elected person of service under section 14.15A, subsection 5, or in the case of the commission, not later than twenty days after the date the determination was issued.

(c) The person making the election shall give notice to the commission and to all other complainants and respondents to whom the election relates.

(d) The election to have the charges of a complaint decided in a civil action as provided in paragraph "a" is only available if one of the following is alleged:

1. There has been a violation of section 14.8 or 14.8A.

2. There has been a violation of section 14.11 or 14.11A arising out of an alleged violation of the prohibitions contained in section 14.8 or 14.8A.

(2) (a) An aggrieved person may file a civil action in district court not later than two years after the occurrence of the termination of an alleged discriminatory housing or real estate practice, or the breach of a mediation agreement entered into under this chapter, whichever occurs last, to obtain appropriate relief with respect to the discriminatory housing or real estate practice or breach.

(b) The two-year period does not include any time during which an administrative hearing under this chapter is pending with respect to a complaint or charge based on the discriminatory housing or real estate practice. This subsection does not apply to actions arising from a breach of a mediation agreement.

(c) An aggrieved person may file an action under this subsection whether or not a discriminatory housing or real estate complaint has been filed under section 14.15, and without regard to the status of any discriminatory housing or real estate complaint filed under that section.

(d) If the commission has obtained a mediation agreement with the consent of an aggrieved person, the aggrieved person shall not file an action under this subsection with respect to the alleged discriminatory practice that forms the basis for the complaint except to enforce the terms of the agreement.

(e) An aggrieved person shall not file an action under this subsection with respect to an alleged discriminatory housing or real estate practice that forms the basis of a charge issued by the commission if the commission has begun a hearing on the record under this chapter with respect to the charge.

(f) If an action is filed in district court under this subsection, the court may, upon a finding of discrimination, order any of the remedies provided for in section 14.17A, subsection 6.

[State Law Ref. Iowa Code Sec. 216.16(A). (Ord. 3377, 3-5-96)]

Sec. 14.17. JUDICIAL REVIEW - ENFORCEMENT.

(1) Judicial review of the actions of the commission may be sought in accordance with the terms of the Iowa administrative procedure Act. Notwithstanding the terms of said Act, the petition for judicial review may be filed in the district court in which an enforcement proceeding under subsection 2 may be brought. For purposes of the time limit for filing a petition for judicial review under the Iowa administrative procedure Act, specified by Section 17A.19, Code of Iowa, the issuance of a final decision of the commission under this chapter occurs on the date notice of the decision is mailed by certified mail, to the parties.

A petition for judicial review of no-probable-cause decisions and other final agency actions which are not of general applicability must be filed within thirty days of the issuance of the final agency action.

(Ord. 3377, 3-5-96)

(2) The commission may obtain an order of court for the enforcement of commission orders in a proceeding as provided in this section. Such an enforcement proceeding shall be brought in the district court of the district in the county in which the alleged discriminatory or unfair practice which is the subject of the commission's order was

committed, or in which any respondent required in the order to cease or desist from a discriminatory or unfair practice or to take other affirmative action, resides, or transacts business.

(3) Such an enforcement proceeding shall be initiated by the filing of a petition in such court and the service of a copy thereof upon the respondent. Thereupon the commission shall file with the court a transcript of the record of the hearing before it. The court shall have power to grant such temporary relief or restraining order as it deems just and proper, and to make and enter upon the pleadings, testimony, and proceedings set forth in such transcript an order enforcing, modifying and enforcing as so modified, or setting aside the order of the commission, in whole or in part.

(4) An objection that has not been urged before the commission shall not be considered by the court in an enforcement proceeding unless the failure or neglect to urge such objection shall be excused because of extraordinary circumstances.

(5) Any party to the enforcement proceeding may move the court to remit the case to the commission in the interests of justice for the purpose of adducing additional specified and material evidence and seeking findings thereof, providing such party shall show reasonable grounds for the failure to adduce such evidence before the commission.

(6) In the enforcement proceeding the court shall determine its order on the same basis as it would in a proceeding reviewing commission action under section 17A.19, subsection 8 of the Code of Iowa.

(7) The commission's copy of the testimony shall be available to all parties for examination at all reasonable times, without cost, and for the purpose of judicial review of the commission's orders.

(8) The commission may appear in court by its own attorney.

(9) Petitions filed under this section shall be heard expeditiously and determined upon the transcript filed without requirement for printing.

(10) If no proceeding to obtain judicial review is instituted within thirty days from the service of an order of the commission under section 14.15, the commission may obtain an order of the court for the enforcement of such order upon showing that respondent is subject to the jurisdiction of the commission and resides or transacts business within the county in which the petition for enforcement is brought.

[State Law Ref. Iowa Code Sec. 216.17] (Ord. 3377, 3-5-96)

Sec. 14.17A. CIVIL PROCEEDINGS - HOUSING.

(1) (a) If timely election is made under section 14.16A, subsection 1, the commission shall authorize, in accordance with the Code of Iowa, Chapter 216.17A, a civil action on behalf of the aggrieved person in a district court seeking relief.

(b) Venue for an action under this section is in the county in which the respondent resides or has its principal place of business, or in the county in which the alleged discriminatory housing or real estate practice occurred.

(c) An aggrieved person may intervene in the action.

(d) If the district court finds that a discriminatory housing or real estate practice has occurred or is about to occur, the district court may grant as relief any relief that a court may grant in a civil action under subsection 6.

(e) If monetary relief is sought for the benefit of an aggrieved person who does not intervene in the civil action, the district court shall not award the monetary relief if that aggrieved person has not complied with the discovery orders entered by the district court.

(2) A commission order that has been substantially affirmed by judicial review, does not affect a contract, sale, encumbrance, or lease that was consummated before the commission issued the order and involved a bona fide purchaser, encumbrancer, or tenant who did not have actual notice of the charge issued under this chapter.

(3) If the commission issues an order with respect to a discriminatory housing practice that occurred in the course of a business subject to a licensing or regulation by a governmental agency, the commission, not later than thirty days after the date of issuance of the order, shall do all of the following:

(a) Send copies of the findings and order to the governmental agency.

(b) Recommend to the governmental agency appropriate disciplinary action.

(4) If the commission issues an order against a respondent against whom another order was issued within the preceding five years under section 14.15A, subsection 10, the commission shall send a copy of each order issued under that section to the attorney general.

(5) On application by a person alleging a discriminatory housing practice or by a person against whom a discriminatory practice is alleged, the district court may appoint an attorney for the person.

(6) (a) In an action under subsection 1 and section 14.16A, subsection 2, if the district court finds that a discriminatory housing or real estate practice has occurred or is about to occur, the district court may do any of the following:

1. Award actual and punitive damages, reasonable attorney's fees, and court costs.
2. Issue, subject to subsection 7, any permanent or temporary injunction, temporary restraining order, preventive relief order, or other order, including an order enjoining the defendant from engaging in the practice or ordering appropriate affirmative action as necessary to assure the full enjoyment of the housing rights granted under this chapter.

3. To vindicate the public interest, assess a civil penalty against the respondent in an amount not to exceed those established by the Code of Iowa.

(b) A person may intervene in an action under this section if the person is any of the following:

1. An aggrieved person to the discriminatory housing or real estate practice.
2. A party to a mediation agreement concerning the discriminatory housing or real estate practice.

(7) Relief granted under this section does not affect a contract, sale, encumbrance, or lease that was consummated before the granting of relief and involved a bona fide purchaser, encumbrancer, or tenant who did not have actual notice of the filing of a complaint under this chapter or a civil action under this section.

(8) A court in a civil action brought under this section may award reasonable attorney's fees to the prevailing party and assess court costs against the nonprevailing party.

[State Law Ref. Iowa Code Sec. 216.17A] (Ord. 3377, 3-5-96)

Sec. 14.18. RULE OF CONSTRUCTION.

This chapter shall be construed broadly to effectuate its purposes.

[State Law Ref. Iowa Code Sec. 216.18] (Ord. 3377, 3-5-96)