

**ASSEMBLY STANDING COMMITTEE
COMMITTEE OF THE WHOLE
THE CITY AND BOROUGH OF JUNEAU, ALASKA**
July 25, 2016, 6:00 PM.
Municipal Building - Assembly Chambers

Assembly Work Session - No Public Testimony

I. ROLL CALL

II. APPROVAL OF AGENDA

III. APPROVAL OF MINUTES

A. June 27, 2016 Committee of the Whole Minutes

IV. AGENDA TOPICS

A. Ordinance 2016-23 An Ordinance Amending the City and Borough of Juneau Code to Add a New Title on Equal Rights.

This ordinance would make discrimination based on race, color, age, religion, sex, familial status, disability, sexual orientation, gender identity, or national origin unlawful. By policy, CBJ finds such discrimination a threat to the health, safety and general welfare of the citizens of the City and Borough.

The Assembly introduced this ordinance at the June 13, 2016 meeting and referred the matter to the Committee of the Whole. The committee held a public hearing on June 21 and agreed to hold the matter in committee at that time.

The packet includes a memo from City Attorney Amy Mead and a revised version (b) of Ordinance 2016-23 for the Assembly's consideration.

B. Energy Plan

This packet includes the executive summary of the DRAFT Juneau Community Energy Plan. The full plan can be found on-line at:

<http://www.juneau.org/clerk/boards/Sustainability/documents/CBJEnergyPlanDRAFTv3.26June102016.pdf>

V. EXECUTIVE SESSION

A. CLIAA Lawsuit Update

VI. ADJOURNMENT

ADA accommodations available upon request: Please contact the Clerk's office 72 hours prior to any meeting so arrangements can be made to have a sign language interpreter present or an audiotape containing the Assembly's agenda made available. The Clerk's office telephone number is 586-5278, TDD 586-5351, e-mail: city.clerk@juneau.org

**ASSEMBLY STANDING COMMITTEE
COMMITTEE OF THE WHOLE
THE CITY AND BOROUGH OF JUNEAU, ALASKA
MINUTES**

June 27, 2016, 6:00 PM.
Municipal Building - Assembly Chambers

Assembly Work Session - No Public Testimony

I. ROLL CALL

Deputy Mayor Jesse Kiehl called the meeting to order at 6:00 p.m. in the Assembly Chambers.

Assemblymembers Present: Mary Becker, Jamie Bursell, Maria Gladziszewski, Loren Jones, Jesse Kiehl, Ken Koelsch, Jerry Nankervis (telephonic), Kate Troll and Debbie White.

Assemblymembers Absent: None.

Staff present: Rorie Watt, City Manager; Amy Mead, Municipal Attorney, Mila Cosgrove, Deputy City Manager; Laurie Sica, Municipal Clerk; Kirk Duncan, Parks and Recreation Director; Dallas Hargrave, HRRM Director; Clinton Singletary, Sales Tax Administrator; Chuck Bill, BRH CEO; Sally Schneider, BRH Chief Behavioral Officer.

II. APPROVAL OF AGENDA

Hearing no objection, the agenda was approved as presented.

III. APPROVAL OF MINUTES

A. June 21, 2016 Committee of the Whole Minutes

Hearing no objection, the minutes of the June 21, 2016 Committee of the Whole meeting were approved.

IV. AGENDA TOPICS

A. Process Discussion regarding Manager and Attorney Evaluations

Mayor Koelsch said the City Manager's annual evaluation was due April 17, 2017. Hearing no objection from the Assembly, Mayor Koelsch and Deputy Mayor Kiehl will outline a process for the Assembly to review.

Mayor Koelsch said that the City Attorney's annual evaluation was due, and by Friday, July 1, Ms. Mead will provide a report on the goals set out for her office for the Assembly. Using that information, the Assembly can look at last year's goals, the achievements towards those goals and any new information, and be ready for a discussion at the July 11, 2016 regular Assembly meeting in an executive session. Mayor Koelsch said that he did not believe a "360 review," coordinated by the HRRM Department, was needed each year. The Assembly was generally supportive of this plan.

B. Child and Adolescent Mental Health Unit (CAMHU) Update

Sally Schneider, Chuck Bill and Mark Johnson, Chair of the AdHoc CAMHU committee from the Bartlett Regional Hospital (BRH) Board were present to speak to the Assembly. In addition BRH

Board President Nancy Davis and Board members Brenda Knapp, Bob Storer and Linda Thomas were present.

Chuck Bill said significant progress had been made on this topic since the Board's last visit with the Assembly. In 2004, the BRH board brought in consultants to look at a focused child and adolescent mental health unit, and the first report was prepared in 2005 by the Diamond Group. The second report was prepared in 2009. The community surveys done on an annual basis consistently supported the need for service in this area. In 2012, CBJ voted support for such a facility in the 1% sales tax. The McDowell Group, in 2015, did a gap and needs analysis for the Southeast Alaska area, which was followed up in 2016 by Moss Adams doing a feasibility study. Through that effort it became obvious that an acute care in-patient hospital bed unit was not financially feasible from a volume standpoint, but it also brought our attention to an alternative model of care that is a level 5 residential treatment unit that Ms. Schneider would outline in a presentation for the Assembly.

Mark Johnson spoke about his work for the past two years as chair of the AdHoc CAMHU Committee for the BRH board. There has been a lot of research and meetings with people at the state level and the result has been a slight change in focus, but the plan before the Board now is the appropriate approach.

Sally Schneider spoke about clinical options for a psychiatric residential treatment center. This care modality has crisis stabilization beds attached so that the great majority of children who visit BRH for interventions and trauma, that have issues within the school system and those picked up by law enforcement can have their needs met within the facility. The average length of stay can be 3 - 6 months and then the crisis stabilization beds average length of stay are 7 - 10 days. Alaska has close to 150 children in out of state placement now and there are currently 85 beds in Alaska, none of which are in Southeast Alaska. The State of Alaska Dept. of Health and Social Services has a website called Qualis that inventories the beds and services offered within and outside of Alaska. She spoke about the Adverse Childhood Experiences Survey (ACES), a screening tool for individuals and suicide statistics. She said at a treatment center, individuals are evaluated by a psychiatrist and provided psychological treatments, activities, therapies and children are taught good interaction and life skills in a stabilized home-like environment. The goal is to get children back to home and school as soon as possible. Children with suicidal thoughts, drugs and alcohol, trauma exposed children, developmental disabilities, sexual acting out, aggressive acting out from ages 4 - 17 are the target population. They work with the juvenile justice system. It is different than a hospital setting and spoke about the environment and activities. They are looking at a 28 bed facility with crisis stabilization beds. Who runs the program is a variable and Bartlett would contract these services out yet remain connected through services including a management fee and providing physicians. She said that in choosing a partner contractor, it would be important to have a no eject/no reject policy. Their next steps are to continue the feasibility study and assess the operation variables, solicit letters of interest from interested partners, evaluate land and facility options and obtain a certificate of need. They have seen some promising numbers and will report back to the Assembly in September. The earlier the intervention, the more likely there will be good outcomes for children.

Ms. Becker asked about 28 beds, would there be a breakdown from Juneau, the rest of southeast. Ms. Schneider said 4 crisis stabilization beds would be for Juneau and about 14 beds from the total would be for Juneau.

Ms. Troll asked about how many children had been sent out of state and of those, how many were from Southeast. Ms. Schneider said she was not sure but about 5 children a month are referred to Anchorage. Ms. Troll would like to see data on the need in Juneau and Southeast. Ms. Troll asked about the facility and Mr. Bill said there was not room now on the hospital campus so he was working with the city manager on option. Ms. Troll asked if there was an issue due to the facility being different that was described on the ballot and Ms. Mead said no, the ballot language is only intent language, not binding, and the Assembly was not precluded from spending the funds as they became available for any project.

Mayor Koelsch asked what happened on the project in 2012 - 2015 regarding moving the project forward. Nancy Davis, Board President, said that in 2012, BRH left Quorum management and began to become more of a CBJ facility with CBJ employees and there was a period of stabilization of the hospital leadership and ensuring that the hospital functions were functioning well. This project had to be put on hold. We didn't have strong confidence in the Diamond study that was done earlier and we needed to update the information and come up with the best plan for the community. She said the CAMHU committee has worked full bore since Mr. Johnson started and she believes this is a better plan.

Mayor Koelsch asked for a timeline and Ms. Schneider said she thought within three months they could have letters of interest solicited and be ready to move ahead very quickly.

Mr. Jones asked how such a facility would relate to services offered at Juneau Youth Services. Ms. Schneider said this facility would offer more intense therapy at a higher level than JYS and explained the levels of care. Mr. Jones said he would like to see more hard numbers regarding facility construction and operating expenses.

Ms. Gladyszewski asked for more information on how children would be referred to this facility, what need it filled and who it would help. Ms. Schneider said that there were 31 bed days in April with teenagers that were suicidal that had to wait on the med-surg floor to get beds in other facilities outside of Southeast that could not be treated in the adult psychiatric unit. They come from the emergency room, through law enforcement interventions and several of the school counselors would like a facility to refer students.

Mr. Jones asked about the definitions for diagnosis that varied between the Department of Education, Department of Health and Social Services, and medicaid regarding admission in order to pay for care. Ms. Schneider explained the difference between crisis intervention and level five treatment and a psychiatric diagnosis is required for admission - these were complicated admissions. Mr. Jones asked if BRH was working with the schools regarding potential patients continuing their education. Ms. Schneider said yes, they would contract with the local school district and any patient from outside of Juneau would work with their school district. Mr. Powers said the stakeholder work group included the school district.

Ms. White spoke to the need for the program and questioned if 28 beds were enough. She appreciated the work on this effort.

Mr. Kiehl asked about the cost of the facility and funding sources. Mr. Bill said he estimated a cost of \$850 per square foot of facility and with \$5 million set aside by BRH and \$4 million in sales tax they did not see a need to go to the Mental Health Trust for funding. Land was a key component and BRH thought they could finance the vast majority off the facility with existing funds. Mr. Kiehl asked about the ability to staff the facility and Ms. Schneider was confident that it would be easy to recruit staff.

Ms. Troll thanked the BRH Board for reanalyzing the project, taking a different approach in order to fill the needs in the community and said it was important to ensure the right sized facility for Juneau and Southeast.

Mr. Kiehl thanked BRH for its presentation.

C. Aquatics Board Update

Max Mertz, Aquatics Board Chair, was present to speak for the Board and he referred to the annual report in the packet. Other board members present included Greg Williams and Tom Rutecki, and he thanked Pat Watt for her work on writing the annual report. He said the board has a good relationship with the management - Kirk Duncan has a great skill set in developing a client service based approach. Julie Jackson is going in the right direction with staff. They have a long to do list, which is broken up by operations and governance. The pools desperately need better

marketing. The new rate policy was well received. They are up 38% on revenue. They will need a few more years to understand if they are headed in the right direction. DPAC was built for food service and they have attempted to get a vendor in there. There is a grant from the Gaguine Foundation to give away passes to disadvantaged children and 100 out of 150 passes have been given out. There will soon be a family day at the pool. Corporate use for employees is another area to develop. The rate policy will be reviewed and they are monitoring the financial results and looking at the proper staffing levels. They appreciate the support from the Assembly.

Mr. Jones said he appreciated the full cost allocation and maintenance costs and he asked about future CIP costs - what are the plans to work with engineering to evaluate the needs list. Mr. Mertz said he has reviewed the Jensen Yorba Lott report about the actual needs for the facilities and we are looking at a future CIP as a potential source of money. We need to protect our assets.

Ms. Becker said the board's report was very interesting and thorough, and the effort to combine the two pools as one unit and having passes work at both pools was a good idea. Mr. Mertz said the single pass adds value.

Mayor Koelsch asked about the actual sales figures predicted in the report. Mr. Mertz said they were anticipating ticket sales of annual passes, and hoping for growth in those sales. Mayor Koelsch asked if it was a realistic goal and Mr. Mertz said it was achievable with work. Mr. Watt said that staff would be closely monitoring expenditures with revenues and Mr. Duncan was working to get cost reporting to ensure a close harmony with revenues and expenditures. Ms. Troll said the board could be applauded for the level of progress that had been made and thanked the board. Pools are never self-sustaining and asked if getting to 50% cost recovery was attainable. Mr. Mertz said that cost recovery was based on direct revenue and direct expenses. They can't control some of the overhead costs, but they can control direct revenue and direct expenses and that was the way it has been judged. 50% is achievable but there has to be continued work and it will change the way the pools operate.

Ms. Troll asked about facility rentals. Mr. Duncan said this has been a growth area. Mr. Mertz said the hybrid board has been working well due to Mr. Duncan's abilities. It is to be determined if you had a different person in that position and it should be evaluated in two years at the board's sunset review.

Ms. Becker asked about direct sales of equipment. Mr. Mertz said there is a small supply for sale. He has thought about what additional offerings on the dry land side of the pool that would not go into competition with other facilities in the area, they will continue to look.

Mr. Kiehl thanked Mr. Mertz and the board members for their work and said it all looks to be going well.

D. Sales Tax on Food

Mr. Watt said that two ordinances, one to extend 3% sales tax and one to make the 3% sales tax permanent, had been introduced and forwarded to the Assembly and a side discussion had asked for more information on exempting sales tax on food. The Finance Department provided a memo in the packet that answered some of the questions and Mr. Singletary was present to answer any questions.

Ms. Gladyszewski asked about the assumptions on consumption and what data was used for the response. Mr. Watt said that when vendors provide information, we don't get a clear picture, with the exception of those selling only food. We don't have the systems in place in the stores to audit this.

In response to a question from Ms. Gladyszewski about the accuracy of the numbers in his report, Mr. Singletary explained the difficulty of getting accurate information. Three stores had specific splits for food and non-food items and with the other stores with no split they went with a high

percent of their sales as groceries. He said there was still not a clear definition of food, the numbers provided in the memo were a conservative assumption. Ms. Gladziszewski asked how sure Mr. Singletary was that a tax rate of 5.7% on other goods would make up for a loss of revenue if sales tax were removed from food sales and he said he was not very sure at all.

Ms. White said she understood the Assembly had sent staff on a "mission impossible." There is no way to get good numbers. He agreed.

Ms. Becker asked about stores still requiring food and non-food sales to be separated. There is one major store that has still not separated sales and she would be surprised if they ever would even though the Assembly was told they would be ready.

Ms. Troll asked about a fractional rate of sales tax and Mr Singletary said it was possible to program into a store's point of sale system, however, for cash sales it was generally easier to make transactions with whole numbers. Mr. Watt said fractional sales taxes are done and programmed into the computers - it falls apart on cash sales and there it can be confusing and annoying. It is not easy to describe to the public in a way that gives them confidence.

Mr. Troll asked about offsetting the cost for some stores in requiring them to change their point of sale system and Mr. Watt said that would be a slippery slope and applying it unequally could get out of control. It would not be a public purpose and it could be unconstitutional according to Ms. Mead.

Ms. Bursell asked if the food data included cooked and prepared food Mr. Singletary said no.

Mr. Kiehl asked if the research included studies about whether changes to the rate affected demand. Mr. Singletary said he did not do that type of research.

Mayor Kiehl asked how the SNAP program was calculated into the evaluation and Mr. Singletary said SNAP items were already exempt so were not a factor.

The Assembly held a general discussion on the issue of separating food and non-food items at the point of sale.

Ms. White said she was not comfortable with any more drastic changes and said that the 3% sales tax could be at risk on the ballot if the matter was presented the wrong way. She understood the principle but we are rolling the dice without understanding the repercussions of our decision.

Ms. Troll said that there is a greater principle at stake - the taxing of food is regressive - and we have a large number of residents that struggle to make ends meet. There is resistance to change, and if we took it off food for everyone it might make it easier. The seniors still benefit by not tinkering with the exemptions. I would still support putting a 6% sales tax with food sales exempted on the ballot and make it known our intent is to make it revenue neutral.

Ms. Gladziszewski said after seeing the uncertainty in the numbers, she supported the program suggested by the Chamber of Commerce in the past of a 6% sales tax with food sales exempted for everyone. I think our citizens can figure this out. She supported putting this question on the ballot.

Ms. Becker said this change would make a big difference to seniors - it helps everyone else but now seniors have to go from a 5% - 6% tax.

Ms. Bursell said the changes to the taxes were difficult for the seniors and this proposal at 6% would be difficult and they would wonder why that demographic was being targeted the most. She was not in favor of the change and was not sure if the Chamber of Commerce was still in favor of the change due to the changes to the taxes last year.

Ms. Troll said this was only to ask the citizens the question on the ballot. She was willing to let the voters decide if this is too much of a shift for them. We are not making the decision for the community but putting this on the ballot.

Ms. Mead said she needed more information about how to formulate the question for the ballot and the ballot questions can not conflict.

Mayor Koehl said one of the main goals of the Economic Plan was to support the senior economy - this does not support the senior economy. They are paying sales tax on a growing list of items that they did not used to pay taxes on. He does not want to put a 6% tax on the ballot. We are going to have to be very careful to get the 3% tax from the voters. If they are angry or confused they will vote against everything. He reminded the Assembly of the ballot question regarding adding an additional 3% sales tax to marijuana.

Mr. Keihl suggested a question, "shall the the permanent sales tax be increased to 2% in order to remove sales tax on all grocery sales in the borough." Ms. Mead said that could work.

Mr. Troll said Mayor Koelsch made a good point about the complicated ballot and asked if 2017 had a sales tax question. Ms. Mead said yes, the temporary 1% tax would be on the ballot.

Mr. Watt suggested that if there was a question to raise the permanent tax from 1% to 2% on the ballot at the same time as an extension of the 3% sales tax he would not recommend adding the question about the permanent nature of the 3% tax. Even though there are good policy goals, now would not be the time to ask too many questions.

Mr. Kiehl spoke about the importance of lowering the grocery bill for the poor in the community.

***MOTION**, by Gladziszewski, to draft a ballot question that would change the 1% permanent sales tax to a 2% rate with the intention of exempting the tax on food.*

Following further discussion, roll call:

Aye: Gladziszewski, Kiehl, Troll

Nay: Becker, Bursell, Jones, Nankervis, White, Koelsch.

Motion failed, 3 ayes, 6 nays.

E. Informational Item - DRAFT Energy Plan

Mr. Watt said that the plan was being introduced to the Assembly and would appear on its July 25 Committee of the Whole agenda for further discussion. Ms. Troll asked about community workshops on the plan and Mr. Watt said that he had asked CBJ staff to work with the Juneau Commission on Sustainability on a plan. There will be a lot of community interest in this topic.

V. COMMITTEE MEMBER / LIAISON COMMENTS AND QUESTIONS

Mr. Jones reminded the Assemblymember of the full Assembly sitting as the Human Resources Committee on Wed., June 29 at 5 p.m. for interviewing candidates for the Eaglecrest Board.

Ms. Gladziszewski said she asked the Clerk about the Assembly Committee and Liaison assignment sheet being out of date on the website and was provided with an updated assignment sheet for Assembly review. She asked about appointment of a fourth member for the Human Resources Committee and Ms. Becker volunteered, making her the first Assemblymember to serve on every Assembly standing committee in recent years. Mayor Koelsch thanked Ms. Becker for her service.

VI. ADJOURNMENT

There being no further business to come before the committee, the meeting was adjourned at: 8:11 p.m.

Submitted by Laurie Sica, Municipal Clerk



**Law Department
City & Borough of Juneau**

MEMORANDUM

TO: Borough Assembly
FROM: Amy Gurton Mead, Municipal Attorney 
DATE: July 21, 2016
SUBJECT: 2016-23 Version B

This memo provides answers to the questions asked at the last meeting, and explains the changes that appear in version b of the ordinance.

1. 41.05.035(3) was deleted as it was relevant to an earlier version.
2. I was asked whether the “aiding, abetting, or coercing a violation” provision at CBJ 41.05.040 exists in any other civil rights acts? It does: *see* AS 18.80.260 and AMC 5.20.075.
3. I added references to “gender expression,” along with a definition.
4. There was a question about why, in CBJ 41.05.015(b)(1), the ordinance only requires restoration of the interior of the premises.

This language is similar to existing language in the Federal Fair Housing Act (and Anchorage code). Federal law provides that if requested, reasonable modifications must be allowed, but the landlord may (if it’s reasonable to do so), condition permission on the renter agreeing to restore only to the interior.

Here’s the federal regulation on this issue (which tracks the same language in the federal statute at 42 USC § 3604, Discrimination in the sale or rental of housing and other prohibited practices.)

24 CFR 100.203 Reasonable modifications of existing premises.

- (a) It shall be unlawful for any person to refuse to permit, at the expense of a handicapped person, reasonable modifications of existing premises, occupied or to be occupied by a handicapped person, if the proposed modifications may be necessary to afford the handicapped person full enjoyment of the premises of a dwelling. In the case of a rental, the landlord may, where it is reasonable to do so, condition permission for a modification on the renter agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted. The landlord may not increase for handicapped persons any customarily required security deposit.

However, where it is necessary in order to ensure with reasonable certainty that funds will be available to pay for the restorations at the end of the tenancy, the landlord may negotiate as part of such a restoration agreement a provision requiring that the tenant pay into an interest bearing escrow account, over a reasonable period, a reasonable amount of money not to exceed the cost of the restorations. The interest in any such account shall accrue to the benefit of the tenant.

(b) A landlord may condition permission for a modification on the renter providing a reasonable description of the proposed modifications as well as reasonable assurances that the work will be done in a workmanlike manner and that any required building permits will be obtained.

(c) The application of paragraph (a) of this section may be illustrated by the following examples:

Example (1):

A tenant with a handicap asks his or her landlord for permission to install grab bars in the bathroom at his or her own expense. It is necessary to reinforce the walls with blocking between studs in order to affix the grab bars. It is unlawful for the landlord to refuse to permit the tenant, at the tenant's own expense, from making the modifications necessary to add the grab bars. However, the landlord may condition permission for the modification on the tenant agreeing to restore the bathroom to the condition that existed before the modification, reasonable wear and tear excepted. It would be reasonable for the landlord to require the tenant to remove the grab bars at the end of the tenancy. The landlord may also reasonably require that the wall to which the grab bars are to be attached be repaired and restored to its original condition, reasonable wear and tear excepted. However, it would be unreasonable for the landlord to require the tenant to remove the blocking, since the reinforced walls will not interfere in any way with the landlord's or the next tenant's use and enjoyment of the premises and may be needed by some future tenant.

Example (2):

An applicant for rental housing has a child who uses a wheelchair. The bathroom door in the dwelling unit is too narrow to permit the wheelchair to pass. The applicant asks the landlord for permission to widen the doorway at the applicant's own expense. It is unlawful for the landlord to refuse to permit the applicant to make the modification. Further, the landlord may not, in usual circumstances, condition permission for the modification on the applicant paying for the doorway to be narrowed at the end of the lease because a wider doorway will not interfere with the landlord's or the next tenant's use and enjoyment of the premises.

5. I was asked to try and simplify the ordinance. If you look at the table comparing the proposed ordinance with Anchorage's and the State's, you'll see that there isn't much room for simplifying. In order to pare it down, it would require removing substantive pieces or narrowing its focus. I would need a more direction from the Assembly to move forward.

Presented by: The Manager
Introduced:
Drafted by: A. G. Mead

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2016-23(b)

An Ordinance Amending the City and Borough of Juneau Code to Add a New Title on Equal Rights.

BE IT ENACTED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

Section 1. Classification. This ordinance is of a general and permanent nature and shall become a part of the City and Borough of Juneau Municipal Code.

Section 2. New Title. A new title is added to the City and Borough of Juneau Code, entitled: Title 41 - Equal Rights, to read:

Title 41

Equal Rights

41.05.005 Policy.

It is the policy of the City and Borough of Juneau to eliminate unlawful discrimination based on race, color, age, religion, sex, familial status, disability, sexual orientation, gender identity, gender expression, or national origin. Such discrimination poses a threat to the health, safety and general welfare of the citizens of the City and Borough.

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41.05.010 Discrimination in employment.

(a) It shall be a prohibited discriminatory employment practice:

(1) For an employer to fail or refuse to hire, to discharge, bar from employment, or to otherwise to discriminate against any individual with respect to compensation or the terms, conditions, or privileges of employment because of race, color, age, religion, sex, familial status, disability, sexual orientation, gender identity, gender expression, or national origin;

(2) For a labor organization to exclude or expel from membership, or otherwise to discriminate against any applicant or member, because of race, color, age, religion, sex, familial status, disability, sexual orientation, gender identity, gender expression, or national origin of any applicant or member;

(3) For an employment agency to fail or refuse to refer for employment, or otherwise to discriminate against any individual because of race, color, age, religion, sex, familial status, disability, sexual orientation, gender identity, gender expression, or national origin of said individual;

(4) For an employer, labor organization, or employment agency to print or circulate or cause to be printed or circulated any statement, advertisement, or publication, or to make any inquiry in connection with prospective employment, which expresses directly or indirectly a preference, limitation, specification, or discrimination because of race, color, age, religion, sex, familial status, disability, sexual orientation, gender identity, gender expression, or national origin, unless based upon a bona fide occupational qualification;

(5) For an academic, professional or vocational school to exclude or expel from enrollment, or otherwise to discriminate against any applicant or student, because of the

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2 student's race, color, religion, familial status, disability, sexual orientation, gender
3 identity, gender expression, or national origin;

4 (6) For an academic, professional or vocational school to print or circulate or cause to
5 be printed or circulated, a statement, advertisement or publication, or to use any form of
6 application for admission to said school, or to make any inquiry in connection with
7 prospective enrollment in said school, which expresses directly or indirectly a preference,
8 limitation, specification, or discrimination because of race, color, religion, sexual
9 orientation, gender identity, gender expression, familial status, disability, or national
10 origin;
11

12 (b) Nothing in this chapter shall be interpreted to require an employer, employment
13 agency, labor organization, or joint labor-management committee subject to this ordinance to
14 grant or accord preferential treatment to an individual or group because of the race, color,
15 religion, sexual orientation, gender identity, gender expression, familial status, disability, or
16 national origin of such individual or group because of an imbalance that may exist with respect
17 to the total number or percentage of persons of any race, color, religion, sexual orientation,
18 gender identity, gender expression, familial status, disability, or national origin employed by an
19 employer, referred or classified for employment by an employment agency or labor
20 organization, admitted to membership or classified by a labor organization, or admitted to or
21 employed in an apprenticeship or other training program in comparison with the total number
22 or percentage of persons of such race, color, religion, sexual orientation, gender identity, gender
23 expression, familial status, disability, or national origin in this community or in the available
24 work force in this community.
25

41.05.015 Discrimination in the provision of housing or realty.

(a) It shall be a prohibited housing or realty practice:

(1) For a person, including a banking, money lending, credit securing or other financial institution, or an officer, agent or employee thereof, to discriminate against an individual because of race, color, age, religion, sex, familial status, disability, sexual orientation, gender identity, gender expression, or national origin, with respect to the granting or withholding of credit or financial assistance, or modifying of rates, terms, conditions, privileges or other provisions of credit or financial assistance, in connection with the transfer or prospective transfer of any interest whatsoever in realty, or in connection with the construction, repair, improvement, or rehabilitation of realty;

(2) For a real estate broker, salesperson, or agent, or an employee thereof, or any other person seeking financial gain thereby, directly or indirectly to induce or solicit, or attempt to induce or solicit, the transfer of any interest whatsoever in realty, by making or distributing, or causing to be made or distributed, a statement or representation concerning the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, age, religion, sex, familial status, disability, sexual orientation, gender identity, gender expression, or national origin, or with a particular source of lawful income;

(3) For a person to refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate the sale or rental of, or otherwise make unavailable or deny a dwelling to a person because of race, color, age, religion, sex, familial status, disability, sexual orientation, gender identity, gender expression, national origin, or a particular source of lawful income;

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2 (4) For a person to discriminate against another person in the terms, conditions, or
3 privileges of sale or rental of a dwelling, or in the provision of services or facilities in
4 connection therewith, because of race, color, age, religion, sex, familial status, disability,
5 sexual orientation, gender identity, gender expression, national origin, or a particular
6 source of lawful income;

7
8 (5) For a person to make, print, or publish, or cause to be made, printed, or
9 published a notice, statement, or advertisement with respect to the sale or rental of a
10 dwelling that indicates any preference, limitation, or discrimination based on race, color,
11 age, religion, sex, familial status, disability, sexual orientation, gender identity, gender
12 expression, national origin, or lawful source of income, or an intention to make any such
13 preference, limitation, or discrimination;

14 (6) For a person to represent to another person because of race, color, age, religion,
15 sex, familial status, disability, sexual orientation, gender identity, gender expression,
16 national origin, or lawful source of income that a dwelling is not available for inspection,
17 sale, or rental when such dwelling is, in fact, available for such purpose; and

18
19 (7) For a person to deny another person access to or membership or participation in
20 a multiple-listing service, real estate brokers' organization, or other service, organization,
21 or facility relating to the business of selling or renting dwellings, or to discriminate against
22 another person in the terms or conditions of such access, membership or participation on
23 account of race, color, age, religion, sex, familial status, disability, sexual orientation,
24 gender identity, gender expression, or national origin.

25 (b) For purposes of this section, with respect to persons with disabilities, the term
prohibited discriminatory practices includes:

(1) Refusal to permit, at the expense of a person with a disability, or another person on behalf of a person with a disability, reasonable modification of existing premises occupied by or to be occupied by the person with disabilities if the modification may be necessary or desirable to afford the person with a disability full enjoyment of the premises, except that, in the case of a rental unit the landlord may, where it is reasonable to do so, condition permission for a modification on the renter agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted; and

(2) A refusal to make reasonable accommodations in rules, policies, practices, or services, when accommodation may be necessary to afford the person an equal opportunity to use and enjoy a dwelling.

41.05.020 Discrimination in public accommodations.

It shall be a prohibited discriminatory public accommodation practice for any person, including any owner, lessee, manager, proprietor, custodian, agent, or employee of a place of public accommodation to discriminate against any individual because of race, color, age, religion, sex, familial status, disability, sexual orientation, gender identity, gender expression, or national origin, with respect to the terms, conditions, and privileges of access to or with respect to the uses, services, and enjoyment of a place of public accommodation.

41.05.025 Discrimination in public activities or programs.

No person shall, on the ground of race, color, age, religion, sex, familial status, disability, sexual orientation, gender identity, gender expression, or national origin, be excluded from

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2 participation in, be denied the benefits of, or be subjected to discrimination under a program or
3 activity receiving funding or other financial assistance or relief directly or indirectly from the
4 City and Borough of Juneau.

5
6 **41.05.030 Lawful practices.**

7 (a) Nothing in this chapter shall be construed to preempt federal law with respect to a
8 federally recognized Tribe granting preference in employment or housing to Tribal members.
9

10 (b) The provisions of 41.05.015(a) shall not apply to rental of a room or rooms in a dwelling
11 unit actually occupied by the owner as the owner's residence, or actually occupied by a member
12 of the owner's immediate family as the family member's residence. For purposes of this section,
13 "immediate family member" means the owner's spouse, minor child, dependent, or a regular
14 member of the owner's household, provided that the owner rents not more than three rooms
15 within the residence.

16 (c) The provisions of 41.05.015(a) and 41.05.025 regarding age and familial status shall not
17 apply with respect to housing for older persons.

18 (d) Nothing in this chapter prohibits a religious organization, association, or society, or a
19 nonprofit institution or organization operated, supervised, or controlled by a religious
20 organization, association, or society, from limiting the sale, rental or occupancy of dwellings it
21 owns or operates for other than a commercial purpose to persons of the same religion, or from
22 giving preference to such a person. Neither shall anything in this chapter prohibit a private
23 club not in fact open to the public, which as an incident to its primary purpose or purposes
24 provides lodgings which it owns or operates for club purposes and not for profit, from limiting
25

the rental or occupancy of such lodgings to its members or from giving preference to its members.

(e) It shall not be an unlawful employment practice for a school, college, university or other educational institution, which is in whole or in substantial part, owned, controlled, or managed by a particular religion, or by a particular religious corporation, association, or society, if the curriculum of the school, college, university or other educational institution is substantially directed toward the propagation or teaching of a particular religion, to consider the religion of an applicant in making a hiring decision for a teaching or counseling position, a professorship, or a position involving supervision of teachers, counselors or professors if the duties required by those positions consist primarily of teaching or spreading religious doctrine.

(f) Nothing in this chapter shall be construed to diminish the protections afforded employees of the City and Borough of Juneau under CBJ 44.05.020.

41.05.035 Unlawful intimidation or retaliation.

It shall be a prohibited discriminatory practice for a person, directly or indirectly, to discriminate, coerce, intimidate, threaten, interfere with, or retaliate against a person because the person has:

- (1) opposed any practice made unlawful by this chapter; or
- (2) exercised the person's rights, or encouraged another to exercise his or her rights under this chapter.
- ~~(3) filed a complaint, cooperated with an investigation of an alleged prohibited discriminatory practice, testified at a hearing held under, or otherwise assisted in any proceeding under this chapter.~~

41.05.040 Aiding, abetting, or coercing a violation.

It is unlawful for any person to aid, abet, incite, compel, or coerce the doing of an act forbidden under this chapter or to attempt to do so.

41.05.045 Cause of action.

(a) A person aggrieved by a discriminatory practice prohibited under this chapter may, within 300 days of any violation of this chapter, petition in court to enjoin a violation of this chapter or seek remedy for a violation.

(b) Remedy may include such relief as the court deems just and proper, and may include one or more of the following:

- (1) requiring training concerning discriminatory practices;
- (2) an accommodation for a person with a disability;
- (3) removal of or changes to a personnel record;
- (4) posting of signs;
- (5) back pay;
- (6) the hiring, reinstatement, or upgrading of an employee with or without back pay;
- (7) the payment of front pay for a period of not more than one year if hiring, reinstatement, or upgrading of an employee is inappropriate because a vacancy does not exist, the employer's discriminatory practice rendered the employee incapable of returning to work, or the relationship between the employer and employee has so deteriorated as to make working conditions intolerable;
- (8) restoration to membership in a labor organization;

(9) admission to or participation in an apprenticeship training program, on-the-job training program, or other retraining program;

(10) restoration of seniority;

(11) the sale, lease, or rental of the housing accommodation to the aggrieved person if it is still available, or the sale, lease, or rental of a like accommodation owned by the respondent if one is still available, or the sale, lease, or rental of the next vacancy in a like accommodation, owned by the respondent; and

(12) actual damages incurred as a result of the unlawful practice or violation.

(c) An order for back pay or front pay under (b)(5)-(7) of this section must be reduced by the amount the employee could have earned or could earn by making reasonably diligent efforts to obtain similar employment.

41.05.050 Definitions.

For purposes of this chapter:

Disability means, with respect to a person:

(1) a physical or mental impairment which substantially limits one or more of a person's major life activities;

(2) a record of having such impairment; or

(3) being regarded as having such an impairment. "Disability" does not include current, illegal use of or addiction to a controlled substance in violation of applicable state law. However, a person may be considered to be disabled if that person:

(A) has successfully completed a supervised drug rehabilitation program, and

(i) is no longer engaging in the illegal use of a controlled substance;

(ii) is not currently addicted to a controlled substance; or

(iii) has otherwise been rehabilitated successfully and is no longer engaging in use of a controlled substance and is not currently addicted;

(B) is participating in a supervised rehabilitation program and is no longer engaging in illegal use of controlled substances; or

(C) Is erroneously regarded as currently illegally using, or being addicted to, a controlled substance.

Employer includes any person who employs four or more persons exclusive of that person's parents, spouse or children.

Employment agency includes any person undertaking for compensation to procure opportunities to work or to procure, recruit, refer or place employees.

Familial status means marital status, changes in marital status, pregnancy, or parenthood.

Financial institution means bank, banking organization, mortgage company, insurance company, investment company, or other lender to whom application is made for financial assistance for the purchase, lease, acquisition, construction, rehabilitation, repair, maintenance, or improvement of real property, or an individual employed by or acting on behalf of or as agent of any of these.

Gender identity means a person's gender-related self-identity appearance, expression, or behavior, regardless of the person's assigned sex at birth. A person's gender identity may be shown by evidence of medical history, care or treatment of the gender identity, consistent and uniform assertion of the gender identity, or other evidence that the gender identity is sincerely held, core to a person's gender-related self-identity, and not being asserted for an improper purpose.

Gender expression means the external appearance of one's gender identity, usually expressed through behavior, clothing, haircut or voice, and which may or may not conform to socially defined behaviors and characteristics typically associated with being either masculine or feminine.

Housing for older persons means housing:

- (1) provided under any state or federal program that the Secretary of the United States Department of Housing and Urban Development has determined is specifically designed and operated to assist elderly persons;
- (2) intended for, and solely occupied by, persons 55 years of age or older; or
- (3) intended and operated for occupancy by at least one person 55 years of age or older per unit.

Individual means one or more individuals.

Labor organization includes any organization which exists for the purpose, in whole or in part, of collective bargaining or of dealing with employers concerning grievances, terms or conditions of employment, or for other mutual aid or protection in relation to employment.

National origin includes ancestry.

Person includes one or more individuals, partnerships, associations, unincorporated organizations, corporations, mutual companies, joint-stock companies, legal representatives, trusts, trustees, trustees in bankruptcy, and receivers.

Place of public accommodation means all places or businesses offering or holding out to the general public services or facilities for the comfort, health and safety of the general public, including public places providing food, shelter, recreation and amusement.

1
2 *Sexual orientation* means actual or perceived heterosexuality, homosexuality, bisexuality, or
3 asexuality.
4

5 **Section 3. Effective Date.** This ordinance shall be effective 30 days after its
6 adoption.
7

8 Adopted this _____ day of _____, 2016.
9

10 _____
11 Kendell D. Koelsch, Mayor

12 Attest:

13 _____
14 Laurie J. Sica, Municipal Clerk
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I. EMPLOYMENT

A. Prohibited Acts

CBJ	Anchorage	State
For an employer to - fail or refuse to hire, - discharge, bar from employment, - discriminate against any individual with respect to compensation or the terms, conditions, or privileges of employment because of race, color, age, religion, sex, familial status, disability, sexual orientation, gender identity, or national origin. CBJ 41.05.010(a)(1)	An employer to - refuse employment to a person, - bar him or her from employment, - discriminate against him or her in compensation, or in a term, condition or privilege of employment or - discharge, expel, reduce, suspend or demote him or her because of race, color, sex, sexual orientation, gender identity, religion, national origin, marital status, age, or physical or mental disability, unless the reason for the discrimination is a bona fide occupational qualification. AMC 5.20.040(a)(1)	An employer to - refuse employment to a person, - bar a person from employment, - discriminate against a person in compensation or in a term, condition, or privilege of employment because of the person's race, religion, color, or national origin, or because of the person's age, physical or mental disability, sex, marital status, changes in marital status, pregnancy, or parenthood when the reasonable demands of the position do not require distinction on the basis of age, physical or mental disability, sex, marital status, changes in marital status, pregnancy, or parenthood. AS 18.80.220(a)(1)
For a labor organization to - exclude or expel from membership - discriminate against any applicant or member, because of race, color, age, religion, sex, familial status, disability, sexual orientation, gender identity, or national origin of any applicant or member. CBJ 41.05.010(a)(2)	A labor organization to - exclude or to expel a person from its membership - discriminate against one of its members or an employer or employee because of race, color, sex, sexual orientation, gender identity, religion, national origin, marital status, age, or physical or mental disability. AMC 5.20.040(a)(2)	A labor organization to - exclude or to expel a person from its membership, - discriminate in any way against one of its members or an employer or an employee. because of a person's sex, marital status, changes in marital status, pregnancy, parenthood, age, race, religion, physical or mental disability, color, or national origin. AS 18.80.220(a)(2)
For an employment agency to - fail or refuse to refer for employment - discriminate against any individual because of race, color, age, religion, sex, familial status, disability, sexual orientation, gender identity, or national origin of said individual. CBJ 41.05.010(a)(3)		

For an employer, labor organization, or employment agency to • print or circulate or cause to be printed or circulated any statement, advertisement, or publication • make any inquiry in connection with prospective employment, which expresses directly or indirectly a preference, limitation, specification, or discrimination because of race, color, age, religion, sex, familial status, disability, sexual orientation, gender identity, or national origin, unless based upon a bona fide occupational qualification. CBJ 41.05.010(a)(4)	A person, employer or employment agency to • broadcast, publish, print, circulate or cause to be broadcasted, published, printed or circulated a statement or advertisement in connection with prospective employment • use a form of application for employment that expresses, directly or indirectly, a limitation, specification, preference or discrimination as to race, color, sex, sexual orientation, gender identity, religion, national origin, marital status, age, or physical or mental disability. AMC 5.20.040(a)(3)	An employer or employment agency to • print or circulate or cause to be printed or circulated a statement, advertisement, or publication • use a form of application for employment or to make an inquiry in connection with prospective employment, that expresses, directly or indirectly, a limitation, specification, or discrimination as to sex, physical or mental disability, marital status, changes in marital status, pregnancy, parenthood, age, race, creed, color, or national origin, or an intent to make the limitation, unless based upon a bona fide occupational qualification. AS 18.80.220(a)(3) A person to • print, publish, broadcast, or otherwise circulate a statement, inquiry, or advertisement in connection with prospective employment that expresses directly a limitation, specification, or discrimination as to sex, physical or mental disability, marital status, changes in marital status, pregnancy, parenthood, age, race, religion, color, or national origin, unless based upon a bona fide occupational qualification. AS 18.80.220(a)(6)
<i>Generally provided for in 41.05.010(a)(1), making it unlawful for an employer to discriminate against any individual with respect to compensation</i>	A person to • discriminate in the payment of wages as between sexes, • employ a person of one sex in an occupation at a salary or wage rate less than that paid to a person of another sex for work of comparable character or work in the same operation, business or type of work in the same locality. AMC 5.20.040(a)(4)	An employer to • discriminate in the payment of wages as between the sexes • to employ a female in an occupation in this state at a salary or wage rate less than that paid to a male employee for work of comparable character or work in the same operation, business, or type of work in the same locality. AS 18.80.220(a)(5)

	For an employer, labor organization or employment agency to discharge, expel, retaliate or to otherwise discriminate against a person because the person has opposed any practice forbidden under sections 5.20.010 through 5.20.070, or because he or she has filed a complaint, testified or assisted in a proceeding under this title. AMC 5.20.040(A)(5)	For an employer, labor organization, or employment agency to discharge, expel, or otherwise discriminate against a person because the person has opposed any practices forbidden under AS 18.80.200-18.80.280 or because the person has filed a complaint, testified, or assisted in a proceeding under this chapter AS 18.80.220(a)(4)
For an academic, professional or vocational school to - exclude or expel from enrollment - discriminate against any applicant or student because of the student's race, color, religion, familial status, disability, sexual orientation, gender identity, or national origin. CBJ 41.05.010(a)(5)		
For an academic, professional or vocational school to - print or circulate or cause to be printed or circulated, a statement, advertisement or publication - use any form of application for admission to said school - make any inquiry in connection with prospective enrollment in said school which expresses directly or indirectly a preference, limitation, specification, or discrimination because of race, color, religion, sexual orientation, gender identity, familial status, disability, or national origin. CBJ 41.05.010 (a)(6)		

B. Employment - exceptions

Nothing in this chapter shall be interpreted to require an employer, employment agency, labor organization, or joint labor-management committee subject to this ordinance to grant or accord preferential treatment to an individual or group because of the race, color, religion, sexual orientation, gender identity, familial status, disability, or national origin of such individual or group because of an imbalance that may exist with respect to the total number or percentage of persons of any race, color, religion, sexual orientation, gender identity, familial status, disability, or national origin employed by an employer, referred or classified for employment by an employment agency or labor organization, admitted to membership or classified by a labor organization, or admitted to or employed in an apprenticeship or other training program in comparison with the total number or percentage of persons of such race, color, religion, sexual orientation, gender identity, familial status, disability, or national origin in this community or in the available work force in this community. CBJ 41.05.010(b)		
Nothing in this chapter shall be construed to preempt federal law with respect to a federally recognized Tribe granting preference in employment or housing to Tribal members. CBJ 41.05.030(a)		
Not unlawful employment practice for a school, college, university or other educational institution, which is in whole or in substantial part, owned, controlled, or managed by a particular religion, or by a particular religious corporation, association, or society, if the	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,	

curriculum of the school, college, university or other educational institution is substantially directed toward the propagation or teaching of a particular religion, to consider the religion of an applicant in making a hiring decision for a teaching or counseling position, a professorship, or a position involving supervision of teachers, counselors or professors if the duties required by those positions consist primarily of teaching or spreading religious doctrine. CBJ 41.05.030(e)	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, sexual orientation, gender identity, religion, national origin, marital status, age, or physical or mental disability. AMC 5.20.090 This chapter shall not apply with respect to the employment of individuals whose positions would fall within the "ministerial exemption" as described by the United States Supreme Court in Hosanna-Tabor Evangelical Lutheran Church and School v. EEOC, 132 S. Ct. 694 (2012). AMC 5.20.090(B)	
	The prohibitions against discrimination based on sexual orientation and gender identity in this chapter do not prohibit an employer or an operator of a place of public accommodation from: • Maintaining and enforcing gender-segregated restrooms, locker-rooms or dressing rooms, provided that persons are allowed to use such facilities consistent with their gender identity and nothing in this chapter shall be deemed to require the provision of special facilities to accommodate any person(s) based upon sexual orientation or gender identity. • Imposing reasonable dress codes and grooming standards, provided that persons are allowed to dress or groom consistent with their gender identity. AMC 5.20.080(B)	
		an employer may

		- provide greater health and retirement benefits to employees who have a spouse or dependent children than are provided to other employees; a labor organization may - negotiate greater health and retirement benefits for employees of an employer who have a spouse or dependent children than are provided to other employees of the employer. AS 18.80.220(c)
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II. Housing and Realty/Financing

A. Prohibited Acts:

For a person, including a banking, money lending, credit securing or other financial institution, or an officer, agent or employee thereof, to - discriminate against an individual with respect to the granting or withholding of credit or financial assistance - modify rates, terms, conditions, privileges or other provisions of credit or financial assistance, in connection with the transfer or prospective transfer of any interest whatsoever in realty, or in connection with the construction, repair, improvement, or rehabilitation of realty. because of race, color, age, religion, sex, familial status, disability, sexual orientation, gender identity, or national origin, CBJ 41.05.015(a)(1)	For an insurance company, a financial institution or other commercial institution extending secured or unsecured credit, upon receiving an application for financial assistance or credit for the acquisition, construction, rehabilitation, repair or maintenance of a housing accommodation or other property or services, or the acquisition or improvement of unimproved property, or upon receiving an application for any sort of loan of money, or upon receiving an application for insurance, to permit one of its officials or employees during the execution of his or her duties to Discriminate against the applicant in a term, condition or privilege relating to the obtainment or use of the institution's financial assistance, insurance or credit because of race, color, sex, sexual orientation, gender identity, religion, national origin, marital status, age, or physical or mental disability, AMC 5.20.030(A)(1)	For financial institution or other commercial institution extending credit to - discriminate against the applicant in a term, condition, or privilege relating to the obtainment or use of the institution's financial assistance or credit, except to the extent of a federal statute or regulation applicable to a transaction of the same character because of sex, physical or mental disability, marital status, changes in marital status, pregnancy, parenthood, race, religion, color, or national origin. AS 18.80.250(a)(1) - refuse to extend credit, issue a credit card, or make a loan to a married person or a person with a physical or mental disability, who is otherwise creditworthy, if so requested by the person. AS 18.80.250(a)(3) - refuse to issue a credit card to a married person in that person's name, if so
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	• Refuse to extend credit, issue a credit card, insure or make a loan to a single, divorced, pregnant or married person who is otherwise creditworthy, if so requested by the person, or to refuse to extend credit, issue a credit card, insure or make a loan to a creditworthy person based on that person's sexual orientation or gender identity. ACM 5.20.030(A)(3) • Refuse to insure or to issue a credit card to a married person in that person's name, if so requested by the person, provided, however, that the person so requesting a card may be required to open an account in that name if so requested by that person 5.20.030(A)(4) For any person whose business includes granting mortgage loans or engaging in residential real estate transactions to: • discriminate against any person in the granting of, refusal to grant, in making available, refusing to make available, or in the terms or conditions of a loan or transaction because of race, color, sex, religion, national origin, marital status, age, physical or mental disability, or familial status. AMC 5.25.025(A)(9) For any person or other entity whose business includes engaging in residential real estate-related transactions to • discriminate against any person in making available such a transaction, or in the terms or conditions of such a transaction because of race, color, sex, religion, national origin, marital status, age, physical or mental	requested by the person, provided, however, that the person so requesting a card may be required to open an account in that name. AS 18.80.250(4)
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	disability, or familial status. AMC 5.25.025(A)(10)	
For a real estate broker, salesperson, or agent, or an employee thereof, or any other person seeking financial gain thereby, directly or indirectly to induce or solicit, or attempt to induce or solicit, the transfer of any interest whatsoever in realty, by making or distributing, or causing to be made or distributed, a statement or representation concerning the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, age, religion, sex, familial status, disability, sexual orientation, gender identity, or national origin, or with a particular source of lawful income. CBJ 41.05.015(a)(2)	For the owner, lessor, manager, agent, brokerage service, or other person having the right to sell, lease, rent or advertise real property to OR For the owner, lessor, manager, agent, brokerage service, or other person having the right to sell, lease, rent, advertise, or an owner's association having the powers of governance and operation of real property to Engage in blockbusting for profit. (Blockbusting defined as: any effort, for profit, to induce or attempt to induce a person to sell or rent a dwelling based on representations that a change has occurred, or will or may occur regarding the entry into a block, neighborhood or area, in which the real property is located, of a person or persons of a particular race, color, sex, sexual orientation, gender identity, religion, national origin, marital status, age, or physical or mental disability, including but not limited to lower property values, an increase in criminal or antisocial behavior or decline in the quality of the schools or other facilities.) AMC 5.20.020(A)(6); 5.25.025(A)(6)	For owner, lessee, manager, or other person having right to sell, lease or rent property to: engage in blockbusting AS 18.80.240(6)
For a person to - refuse to sell or rent after the making of a bona fide offer, - refuse to negotiate the sale or rental of, - make unavailable or deny a dwelling to a person because of race, color, age, religion, sex, familial status, disability, sexual orientation, gender identity, national origin, or a particular source of	For the owner, lessor, manager, agent, brokerage service, or other person having the right to sell, lease, rent, advertise, or an owner's association having the powers of governance and operation of real property to: Refuse to sell, lease or rent, or to otherwise make unavailable, the real property to a person because of race, color, sex, sexual orientation,	For owner, lessee, manager, or other person having right to sell, lease or rent property to refuse to sell, lease, or rent the real property to a person because of sex, marital status, changes in marital status, pregnancy, race, religion, physical or mental disability, color, or national origin; however, nothing in this paragraph prohibits the sale, lease, or rental of classes of real property

lawful income. CBJ 41.05.015(a)(3)	gender identity, religion, national origin, marital status, age, or physical or mental disability. AMC 5.20.020(A)(1) - Refuse to sell, lease or rent or otherwise make unavailable the real property to a person because of race, color, sex, religion, national origin, marital status, age, physical or mental disability, or familial status. AMC 5.20.025(A)(1) For the owner, lessor, manager, agent, brokerage service, or other person having the right to sell, lease, rent or advertise real property to - Expel a person from occupancy of real property due to a term, condition or privilege relating to the use, sale, lease or rental of real property because of race, color, sex, religion, national origin, marital status, age, physical or mental disability, or familial status. AMC 5.25.025(A)(2)	commonly known as housing for “singles” or “married couples” only. AS 18.80.240(1)
For a person to 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 therewith because of race, color, age, religion, sex, familial status, disability, sexual orientation, gender identity, national origin, or a particular source of lawful income. CBJ 41.05.015(a)(4)	For the owner, lessor, manager, agent, brokerage service, or other person having the right to sell, lease, rent, advertise, or an owner's association having the powers of governance and operation of real property to: - Discriminate against a person in a term, condition or privilege relating to the use, sale, lease or rental of real property because of race, color, sex, sexual orientation, gender identity, religion, national origin, marital status, age, or physical or mental disability AMC 5.20.020(A)(2) - discriminate against any person in the terms, conditions, or privileges of the sale or rental of a dwelling, or in the provision of services or facilities in	For owner, lessee, manager, or other person having right to sell, lease or rent property to discriminate against a person in a term, condition, or privilege relating to the use, sale, lease, or rental of real property because of sex, marital status, changes in marital status, pregnancy, race, religion, physical or mental disability, color, or national origin except nothing in this paragraph prohibits the sale, lease, or rental of classes of real property commonly known as housing for “singles” or “married couples” only. AS 18.80.240(2)

	connection with such dwelling because of a disability of that person, or a person residing in or intending to reside in that dwelling after it is so sold, rented, or made available, or any person associated with that person. AMC 5.20.020(A)(8) discriminate against any 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 such dwelling because of a disability of that person; or a person residing in or intending to reside in that dwelling after it is so sold, rented, or made available; or any person associated with that person. AMC 5.20.025(A)(8)	
For a person to make, print, or publish, or cause to be made, printed, or published a notice, statement, or advertisement with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, age, religion, sex, familial status, disability, sexual orientation, gender identity, national origin, or lawful source of income, or an intention to make any such preference, limitation, or discrimination. CBJ 41.05.015(a)(5)	For the owner, lessor, manager, agent, brokerage service, or other person having the right to sell, lease, rent, advertise, or an owner's association having the powers of governance and operation of real property to: - Offer, solicit, accept, use or retain a listing of real property with the understanding that a person may be discriminated against in a real estate transaction or in the furnishing of facilities or sources in connection therewith because of a person's race, color, sex, sexual orientation, gender identity, religion, national origin, marital status, age, or physical or mental disability. AMC 5.20.020 (A)(4) For the owner, lessor, manager, agent, brokerage service, or other person having the right to sell, lease, rent or advertise real property to - Offer, solicit, accept, use or retain a	For owner, lessee, manager, or other person having right to sell, lease or rent property to: - offer, solicit, accept, use, or retain a listing of real property with the understanding that a person may be discriminated against in a real estate transaction or in the furnishing of facilities or sources in connection therewith because of a person's sex, marital status, changes in marital status, pregnancy, race, religion, physical or mental disability, color, national origin, or age. AS 18.80.240(3) For owner, lessee, manager, or other person having right to sell, lease or rent property to: - make, print, or publish, or cause to be made, printed, or published, any notice, statement, or advertisement with respect to the sale or rental of real property that indicates any preference, limitation, or

	listing of real property with the understanding that a person may be discriminated against in a real estate transaction or in the furnishing of facilities or sources in connection therewith because of a person's race, color, sex, religion, national origin, marital status, age, physical or mental disability, or familial status. AMC 5.25.025(A)(4) For the owner, lessor, manager, agent, brokerage service, or other person having the right to sell, lease, rent, advertise, or an owner's association having the powers of governance and operation of real property to: • Circulate, issue or display, make, print or publish, or cause to be made or displayed, printed or published, any communication, sign, notice, statement or advertisement with respect to the use, sale, lease or rental of real property that indicates any preference, limitation, specification or discrimination based on race, color, sex, sexual orientation, gender identity, religion, national origin, marital status, age, or physical or mental disability. AMC 5.20.020(A)(7) For the owner, lessor, manager, agent, brokerage service, or other person having the right to sell, lease, rent or advertise real property to • Circulate, issue or display, make, print or publish, or cause to be made or displayed, printed or published, any communication, sign, notice, statement or advertisement with respect to the use, sale, lease or rental of real property that indicates any preference, limitation, specification or discrimination	discrimination based on race, color, religion, physical or mental disability, sex, or national origin, or an intention to make the preference, limitation, or discrimination. AS 18.80.240(7)
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	based on race, color, sex, religion, national origin, marital status, age, physical or mental disability, or familial status. AMC 5.25.025(A)(7)	
For a person to represent to another person that a dwelling is not available for inspection, sale, or rental when such dwelling is, in fact, available for such purpose. because of race, color, age, religion, sex, familial status, disability, sexual orientation, gender identity, national origin, or lawful source of income CBJ 41.05.015(a)(6)	For the owner, lessor, manager, agent, brokerage service, or other person having the right to sell, lease, rent, advertise, or an owner's association having the powers of governance and operation of real property to: - Represent to a person that real property is not available for inspection, sale, rental or lease when in fact it is available - refuse a person the right to inspect real property because of the race, color, sex, sexual orientation, gender identity, religion, national origin, marital status, age, or physical or mental disability of that person or because of any person associated with that person. AMC 5.20.020(A)(5) For the owner, lessor, manager, agent, brokerage service, or other person having the right to sell, lease, rent or advertise real property to - Represent to a person that real property is not available for inspection, sale, rental or lease when in fact it is available - refuse a person the right to inspect real property because of the race, color, sex, religion, national origin, marital status, age, physical or mental disability, or familial status of that person or because of any person associated with that person. AMC 5.25.025(A)(5)	For owner, lessee, manager, or other person having right to sell, lease or rent property to: - represent to a person that real property is not available for inspection, sale, rental, or lease when in fact it is so available - refuse to allow a person to inspect real property because of the race, religion, physical or mental disability, color, national origin, age, sex, marital status, change in marital status, or pregnancy of that person or of any person associated with that person. AS 18.80.240(5)
For a person to deny another person access to or membership or participation in a multiple-listing service, real estate	For the owner, lessor, manager, agent, brokerage service, or other person having the right to sell, lease, rent or advertise real property to: deny any person access to, or	

brokers' organization, or other service, organization, or facility relating to the business of selling or renting dwellings, to discriminate against another person in the terms or conditions of such access, membership or participation on account of race, color, age, religion, sex, familial status, disability, sexual orientation, gender identity, or national origin. CBJ 41.05.015(a)(7)	membership or participation in, any multiple-listing service, real estate brokers' organization, or other service, organization, or facility relating to the business of selling or renting dwellings, discriminate against any person in the terms or conditions of such access, membership, or participation on account of race, color, sex, religion, national origin, physical or mental disability, or familial status. AMC 5.25.025(A)(11)	
	For the owner, lessor, manager, agent, brokerage service, or other person having the right to sell, lease, rent, advertise, or an owner's association having the powers of governance and operation of real property to: - Make a written or oral inquiry or record of the race, color, sex, sexual orientation, gender identity, religion, national origin, marital status, age, or physical or mental disability of a person seeking to buy, lease or rent real property. AMC 5.20.020(A)(3) - Make or cause to be made a written or oral inquiry or record of the race, color, sex, sexual orientation, gender identity, religion, national origin, marital status, age, or physical or mental disability, of a person seeking the institution's financial assistance, insurance or credit unless the inquiry is for the purpose of ascertaining the applicant's creditworthiness or insurability. AMC 5.20.030(A)(2) For the owner, lessor, manager, agent, brokerage service, or other person having the right to sell, lease, rent or advertise real property to: - Make a written or oral inquiry or record	For owner, lessee, manager, or other person having right to sell, lease or rent property to: - make a written or oral inquiry or record of the sex, marital status, changes in marital status, race, religion, physical or mental disability, color, or national origin of a person seeking to buy, lease, or rent real property. AS 18.80.240(3) For financial institution or other commercial institution extending credit to - make or cause to be made a written or oral inquiry or record of the sex, physical or mental disability, marital status, changes in marital status, pregnancy, parenthood, race, religion, color, or national origin of a person seeking the institution's financial assistance or credit, unless the inquiry is for the purpose of ascertaining the creditor's rights and remedies applicable to the particular extension of credit and is not made or used in order to discriminate in a determination of creditworthiness. AS 18.80.250(a)(2)

	of the race, color, sex, religion, national origin, marital status, age, physical or mental disability, or familial status of a person seeking to buy, lease or rent real property. AMC 5.25.025(A)(3)	
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B. Housing/Realty/Financing – exceptions:

Provisions don't apply to • rental of a room or rooms in a dwelling unit actually occupied by the owner as the owner's residence, • rental of a room or rooms in a dwelling unit actually occupied by a member of the owner's immediate family as the family member's residence. For purposes of this section, "immediate family member" means the owner's spouse, minor child, dependent, or a regular member of the owner's household, provided that the owner rents not more than three rooms within the residence. CBJ 41.05.030(b)	Provisions don't apply where the renter or lessee shares common living areas in an individually or privately owned home or dwelling unit with the owner, lessor, manager, agent or other person and the owner, lessor, manager, agent actually occupies the home or dwelling unit as a resident. AMC 5.20.020(B) Anchorage's Fair Housing Act does not apply to: • Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently of each other, if the owner, lessor, manager, or agent, actually maintains and occupies one of such living quarters as his or her residence • Where the renter or lessee shares common living areas in an individually or privately owned home or dwelling unit with the owner, lessor, manager, agent or other person and the owner, lessor, manager or agent actually occupies the home or dwelling unit as a resident. AMC 5.25.030(A)(1 – 2)	
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Nothing in this chapter shall be construed to preempt federal law with respect to a federally recognized Tribe granting preference in employment or housing to Tribal members. CBJ 41.05.030(a)		
The provisions regarding age and familial status shall not apply with respect to housing for older persons CBJ 41.05.030(c)	AMC Fair Housing Act does not apply to: • Establishment of government-sponsored housing programs operated either directly by government agencies or indirectly through government subsidization and regulation, which are determined by the commission to be specifically designed to assist elderly persons, the disabled, or economically disadvantaged individuals, provided that such programs shall not discriminate among elderly persons, the disabled, or economically disadvantaged on the basis of race, color, sex, religion, national origin, marital status, or familial status. • The establishment of housing set aside for, or limited to, elderly persons or the disabled, provided that such establishment shall not discriminate among elderly persons or disabled on the basis of race, color, sex, religion, national origin, marital status, physical or mental disability, or familial status AMC 5.25.025(A)(6) – (7)	
No prohibition against a religious organization, association, or society, or a nonprofit institution or organization operated, supervised, or controlled by a religious organization, association, or society, from limiting the sale, rental or occupancy of dwellings it owns or operates for other than a commercial purpose to persons of the same religion, or from giving	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	

preference to such a person. Neither shall anything in this chapter prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodgings which it owns or operates for club purposes and not for profit, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members. CBJ 41.05.030(d)	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, sexual orientation, gender identity, religion, national origin, marital status, age, or physical or mental disability. AMC 5.20.090 The Anchorage Fair Housing Act does not apply to • a religious organization, association, or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color, sex, national origin, marital status, age, physical or mental disability, or familial status. • The leasing, rental, or other provision with or without a fee, of a space within a church, temple, synagogue, religious school, or other facility used for other than a commercial purpose, to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color, sex, national origin, marital status, age, physical or mental disability or familial status. AMC 5.25.030(A)(3) - (4)	
	Fair Housing Act does not apply to:	

	• Lodging provided by a private club, not open to the public, that as an incident to its primary purpose, provides lodging that it owns or operates for other than a commercial purpose from limiting the rental or occupancy of that lodging to its members or from giving preference to its members. • The establishment of same-sex dormitories or portions thereof by educational facilities, provided that such establishment shall not discriminate among its residents on the basis of race, color, religion, national origin, marital status, age, physical or mental disability, or familial status. AMC 5.25.030(A)(8) • The establishment of a hospital, convent, monastery, shelter, asylum, or residential facility for the care and lodging of persons in need of special medical, rehabilitative, social, or psychological support, including, but not limited to half-way houses, drug treatment centers, detoxification facilities, and shelters for the homeless. AMC 5.25.030(A)(5),(8),(9)	
		The activities of a nonprofit and noncommercial organization on a nonremunerative basis in aiding minority group members to obtain housing opportunities so as to further the purpose of this chapter are not considered a violation of AS 08.88.161 (prohibiting real estate/broker from doing certain acts). AS 18.80.210
	Any practice permitted by federal or state law applicable to financial or credit transactions of the same character as those covered by this section does not constitute discrimination under this section. AMC 5.20.030(A)(5)	Any practice permitted by federal statute or regulation applicable to financial or credit transactions of the same character as those covered by this section does not constitute discrimination under this section. AS

		18.80.250(b)
		An action by a financial institution or other commercial institution extending credit taken in compliance with (a) of this section, including the extension of credit or the making of a loan, is not a violation of AS 06.20.240 (loans for the purpose of obtaining higher interest), unless done with the intent or purpose of obtaining a higher rate of interest than would otherwise be permitted by AS 06.20.230 (maximum interest permitted). AS 18.80.250(c)
	No prohibition against a financial institution described in subsection 1 of this section from refusing to contract with a person if the person lacks the legal capacity to contract or if the institution is reasonably in doubt about the person's legal capacity to contract. 5.20.030(A)(6)	A financial institution or other commercial institution extending credit not prohibited from refusing to contract with a person if the person lacks the legal capacity to contract or if the institution is reasonably in doubt about the person's legal capacity to contract. AS 18.80.250(d)

III. Public Accommodations

A. Prohibited Acts:

For any person, including any owner, lessee, manager, proprietor, custodian, agent, or employee of a place of public accommodation to: discriminate against any individual with respect to the terms, conditions, and privileges of access to or with respect to the uses, services, and enjoyment of a place of public accommodation because of race, color, age, religion, sex, familial status, disability, sexual orientation, gender identity, or national origin, CBJ 41.05.020	For a person, whether the owner, operator, agent or employee of an owner or operator of a public accommodation to: Refuse, withhold from or deny to a person any of its accommodations, advantages, facilities, benefits, privileges, services or goods of that place on account of race, color, sex, sexual orientation, gender identity, religion, national origin, marital status, age or physical or mental disability. AMC 5.20.050(A)(1)	For the owner, lessee, manager, agent, or employee of a public accommodation to: refuse, withhold from, or deny to a person any of its services, goods, facilities, advantages, or privilege because of sex, physical or mental disability, marital status, changes in marital status, pregnancy, parenthood, race, religion, color, or national origin. AS 18.80.230(a)(1)
	For a person, whether the owner, operator, agent or employee of an owner or operator of a public accommodation to:	For the owner, lessee, manager, agent, or employee of a public accommodation to: publish, circulate, issue, display, post, or

	- Publish, circulate, issue, display, post or mail a written or printed communication, notice or advertisement which states or implies that: - Any of the services, goods, facilities, benefits, accommodations, advantages or privileges of the public accommodation will be refused, withheld from or denied to a person of a certain race, color, sex, sexual orientation, gender identity, religion, national origin, marital status, age, or physical or mental disability, or - The patronage or presence of a person belonging to a particular race, color, sex, sexual orientation, gender identity, religion, national origin, marital status, age, or physical or mental disability is unwelcome, not desired, not solicited, objectionable or unacceptable. AMC 5.20.050(A)(2)	mail a written or printed communication, notice, or advertisement that states or implies: - that any of the services, goods, facilities, advantages, or privileges of the public accommodation will be refused, withheld from, or denied to a person of a certain race, religion, sex, physical or mental disability, marital status, color, or national origin or because of pregnancy, parenthood, or a change in marital status, or - that the patronage of a person belonging to a particular race, creed, sex, marital status, color, or national origin or who, because of pregnancy, parenthood, physical or mental disability, or a change in marital status, is unwelcome, not desired, or solicited. AS 18.80.230(a)(2)
	For a person, whether the owner, operator, agent or employee of an owner or operator of a public accommodation to: make a written or oral inquiry concerning the race, color, sex, sexual orientation, gender identity, religion, national origin, marital status, age, or physical or mental disability of an individual in connection with the solicitation, reservation, booking, sale or dispensing of its accommodations, advantages, facilities, benefits, privileges, services or goods. AMC 5.20.050(A)(3)	

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B. Public Accommodations – Exceptions:

		A physical fitness facility may limit public accommodation to only males or only females to protect the privacy interests of its users. Public accommodation may be limited under this subsection only to those rooms in the facility that are primarily used for weight loss, aerobic, and other exercises, or for resistance weight training. Public accommodation may not be limited under this subsection to rooms in the facility primarily used for other purposes, including conference rooms, dining rooms, and premises licensed under AS 04.11. This subsection does not apply to swimming pools or golf courses. AS 18.80.230(b)
	The prohibitions against discrimination based on sexual orientation and gender identity in this chapter do not prohibit an employer or an operator of a place of public accommodation from: • Maintaining and enforcing gender-segregated restrooms, locker-rooms or dressing rooms, provided that persons are allowed to use such facilities consistent with their gender identity and nothing in this chapter shall be deemed to require the provision of special facilities to accommodate any person(s) based upon sexual orientation or gender identity. • Imposing reasonable dress codes and grooming standards, provided that persons are allowed to dress or groom consistent with their gender identity.	

	AMC 5.20.080(B)	
	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, sexual orientation, gender identity, religion, national origin, marital status, age, or physical or mental disability. AMC 5.20.090	

IV. Public activities or programs

A. Prohibited Acts:

No person shall be • excluded from participation in • be denied the benefits of • be subjected to discrimination under a program or activity receiving funding or other financial assistance or relief directly or indirectly from the CBJ on the ground of race, color, age, religion, sex, familial status, disability, sexual orientation, gender identity, or national origin CBJ 41.05.025	For a person operating or assisting in the operation of an educational institution to • Refuse to admit • discriminate against an individual with respect to the terms, conditions, accommodations, advantages, facilities, benefits, privileges or services on account of race, color, sex, sexual orientation, gender identity, religion, national origin, marital status, age, or physical or mental disability. AMC 5.20.060(A)(1)	
	For a person operating or assisting in the operation of an educational institution to: • Make or use a written or oral inquiry or	

	form of application for admission that elicits information concerning race, color, sex, sexual orientation, gender identity, religion, national origin, marital status, age, or physical or mental disability, of an applicant for admission. AMC 5.20.060(A)(2)	
	For a person operating or assisting in the operation of an educational institution to: • require or cause to be required that a photograph of an applicant for admission be submitted with an application for admission. AMC 5.20.060(A)(3)	
	For a person operating or assisting in the operation of an educational institution to: • publish, circulate or display, or cause to be published, circulated or displayed, a written, printed, oral or visual communication, advertisement or catalog or any other form of publicity relating to admission that expresses or indicates a preference, limitation, specification or discrimination on account of the race, color, sex, sexual orientation, gender identity, religion, national origin, marital status, age, or physical or mental disability, of an applicant for admission. AMC 5.20.060(A)(4)	
	For a person operating or assisting in the operation of an educational institution to: • establish, announce or follow a policy of denial or limitation of education opportunities for members of a group on account of race, color, sex, sexual orientation, gender identity, religion, national origin, marital status, age, or physical or mental disability. AMC 5.20.060(A)(5)	

	For a person operating or assisting in the operation of an educational institution to: • use in the recruitment of potential applicants for admission, a service or agency that discriminates against individuals on account of race, color, sex, sexual orientation, gender identity, religion, national origin, marital status, age, or physical or mental disability. AMC 5.20.060(A)(6)	

B. Public activities or programs – exceptions:

The provisions regarding age and familial status shall not apply with respect to housing for older persons CBJ 41.05.030(c)		
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Presented by: The Manager
Introduced:
Drafted by: A. G. Mead

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2016-23 (J.K. amendments)

An Ordinance Amending the City and Borough of Juneau Code to Add a New Title on Equal Rights.

BE IT ENACTED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

Section 1. Classification. This ordinance is of a general and permanent nature and shall become a part of the City and Borough of Juneau Municipal Code.

Section 2. New Title. A new title is added to the City and Borough of Juneau Code, entitled: Title 41 - Equal Rights, to read:

Title 41

Equal Rights

41.05.005 Policy.

It is the policy of the City and Borough of Juneau to eliminate unlawful discrimination based on race, color, age, religion, sex, familial status, disability, sexual orientation, gender identity, or national origin. Such discrimination poses a threat to the health, safety and general welfare of the citizens of the City and Borough.

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41.05.010 Discrimination in employment.

(a) It shall be a prohibited discriminatory employment practice:

(1) For an employer to fail or refuse to hire, to discharge, bar from employment, or ~~to~~ otherwise to discriminate against any individual with respect to compensation or the terms, conditions, or privileges of employment because of race, color, age, religion, sex, familial status, disability, sexual orientation, gender identity, or national origin;

(2) For a labor organization to exclude or expel from membership, or otherwise to discriminate against any applicant or member, because of race, color, age, religion, sex, familial status, disability, sexual orientation, gender identity, or national origin of any applicant or member;

(3) For an employment agency to fail or refuse to refer for employment, or otherwise to discriminate against any individual because of race, color, age, religion, sex, familial status, disability, sexual orientation, gender identity, or national origin of said individual;

(4) For an employer, labor organization, or employment agency to print or circulate or cause to be printed or circulated any statement, advertisement, or publication, or to make any inquiry in connection with prospective employment, which expresses directly or indirectly a preference, limitation, specification, or discrimination because of race, color, age, religion, sex, familial status, disability, sexual orientation, gender identity, or national origin, unless based upon a bona fide occupational qualification;

(5) For an academic, professional or vocational school to exclude or expel from enrollment, or otherwise to discriminate against any applicant or student, because of the student's race, color, religion, familial status, disability, sexual orientation, gender identity, or national origin;

(6) For an academic, professional or vocational school to print or circulate or cause to be printed or circulated, a statement, advertisement or publication, or to use any form of application for admission to said school, or to make any inquiry in connection with prospective enrollment in said school, which expresses directly or indirectly a preference, limitation, specification, or discrimination because of race, color, religion, sexual orientation, gender identity, familial status, disability, or national origin;

(b) Nothing in this chapter shall be interpreted to require an employer, employment agency, labor organization, or joint labor-management committee subject to this ordinance to grant or accord preferential treatment to an individual or group because of the race, color, religion, sexual orientation, gender identity, familial status, disability, or national origin of such individual or group because of an imbalance that may exist with respect to the total number or percentage of persons of any race, color, religion, sexual orientation, gender identity, familial status, disability, or national origin employed by an employer, referred or classified for employment by an employment agency or labor organization, admitted to membership or classified by a labor organization, or admitted to or employed in an apprenticeship or other training program in comparison with the total number or percentage of persons of such race, color, religion, sexual orientation, gender identity, familial status, disability, or national origin in this community or in the available work force in this community.

41.05.015 Discrimination in the provision of housing or realty.

(a) It shall be a prohibited housing or realty practice:

(1) For a person, including a banking, money lending, credit securing or other financial institution, or an officer, agent or employee thereof, to discriminate against an

individual because of race, color, age, religion, sex, familial status, disability, sexual orientation, gender identity, or national origin, with respect to the granting or withholding of credit or financial assistance, or modifying of rates, terms, conditions, privileges or other provisions of credit or financial assistance, in connection with the transfer or prospective transfer of any interest whatsoever in realty, or in connection with the construction, repair, improvement, or rehabilitation of realty;

(2) For a real estate broker, salesperson, or agent, or an employee thereof, or any other person seeking financial gain thereby, directly or indirectly to induce or solicit, or attempt to induce or solicit, the transfer of any interest whatsoever in realty, by making or distributing, or causing to be made or distributed, a statement or representation concerning the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, age, religion, sex, familial status, disability, sexual orientation, gender identity, or national origin, or ~~with a particular source of lawful income~~ **who receives government rental assistance;**

(3) For a person to refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate the sale or rental of, or otherwise make unavailable or deny a dwelling to a person because of race, color, age, religion, sex, familial status, disability, sexual orientation, gender identity, national origin, or ~~a particular source of lawful income~~ **receipt of government rental assistance;**

(4) For a person to 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 therewith, because of race, color, age, religion, sex, familial status, disability,

sexual orientation, gender identity, national origin, or ~~a particular source of lawful income~~
receipt of government rental assistance;

(5) For a person to make, print, or publish, or cause to be made, printed, or published a notice, statement, or advertisement with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, age, religion, sex, familial status, disability, sexual orientation, gender identity, national origin, or ~~lawful source of income~~ **receipt of government rental assistance**, or an intention to make any such preference, limitation, or discrimination;

(6) For a person to represent to another person because of race, color, age, religion, sex, familial status, disability, sexual orientation, gender identity, national origin, or ~~lawful source of income~~ **receipt of government rental assistance** that a dwelling is not available for inspection, sale, or rental when such dwelling is, in fact, available for such purpose; and

(7) For a person to 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 to discriminate against another person in the terms or conditions of such access, membership or participation on account of race, color, age, religion, sex, familial status, disability, sexual orientation, gender identity, or national origin.

(b) For purposes of this section, with respect to persons with disabilities, the term prohibited discriminatory practices includes:

(1) Refusal to permit, at the expense of a person with a disability, or another person on behalf of a person with a disability, reasonable modification of existing premises

1
2 occupied by or to be occupied by the person with disabilities if the modification may be
3 necessary or desirable to afford the person with a disability full enjoyment of the premises,
4 except that, in the case of a rental unit the landlord may, where it is reasonable to do so,
5 condition permission for a modification on the renter agreeing to restore the interior of the
6 premises to the condition that existed before the modification, reasonable wear and tear
7 excepted; and

8
9 (2) A refusal to make reasonable accommodations in rules, policies, practices, or
10 services, when accommodation may be necessary to afford the person an equal opportunity
11 to use and enjoy a dwelling.

12
13 **41.05.020 Discrimination in public accommodations.**

14 It shall be a prohibited discriminatory public accommodation practice for any person, including
15 any owner, lessee, manager, proprietor, custodian, agent, or employee of a place of public
16 accommodation

17 (a) To discriminate against any individual because of race, color, age, religion, sex, familial
18 status, disability, sexual orientation, gender identity, or national origin, with respect to the
19 terms, conditions, and privileges of access to or with respect to the uses, services, and
20 enjoyment of a place of public accommodation.

21
22 **(b) To publish, circulate, issue, display, post, or mail a written or printed**
23 **communication, notice, or advertisement that states or implies**

24 **(1) that any of the services, goods, facilities, advantages, or privileges**
25 **of the public accommodation will be refused, withheld from, or denied to a person**

of a certain race, color, age, religion, sex, familial status, disability, sexual orientation, gender identity, or national origin; or

(2) that the patronage of a person belonging to a particular race, color, age, religion, sex, familial status, disability, sexual orientation, gender identity, or national origin is unwelcome, not desired, or solicited.

(c) Notwithstanding (a) of this section, a physical fitness facility may limit public accommodation to a single gender to protect the privacy interests of its users. Public accommodation may be limited under this subsection only to those rooms in the facility that are primarily used for weight loss, aerobic, and other exercises, or for resistance weight training. Public accommodation may not be limited under this subsection to rooms in the facility primarily used for other purposes, including conference rooms, dining rooms, and premises licensed under AS 04.11. This subsection does not apply to swimming pools or golf courses.

41.05.025 Discrimination in public activities or programs.

No person shall, on the ground of race, color, age, religion, sex, familial status, disability, sexual orientation, gender identity, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under a program or activity receiving funding or other financial assistance or relief directly or indirectly from the City and Borough of Juneau.

41.05.030 Lawful practices.

(a) Nothing in this chapter shall be construed to preempt federal law with respect to a federally recognized Tribe granting preference in employment or housing to Tribal members.

(b) The provisions of 41.05.015(a)(3) shall not apply to rental of a room or rooms in a dwelling unit actually occupied by the owner or lessee as the owner's or lessee's residence, or actually occupied by a member of the owner's immediate family as the family member's residence. For purposes of this section, "immediate family member" means the owner's or lessee's spouse, minor child, dependent, or a regular member of the owner's or lessee's household, provided that the owner or lessee rents not more than three rooms within the residence.

(c) The provisions of 41.05.015(a) and 41.05.025 regarding age and familial status shall not apply with respect to housing for older persons.

(d) **The provisions of 41.05.015(a)(3)-(6) with regard to receipt of government rental assistance shall not apply to a person who makes available fewer than four dwelling units for rent.**

~~(d)~~(e) Nothing in this chapter prohibits a religious organization, association, or society, or a nonprofit institution or organization operated, supervised, or controlled by a religious organization, association, or society, from limiting the sale, rental or occupancy of dwellings it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such a person. Neither shall anything in this chapter prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodgings which it owns or operates for club purposes and not for profit, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members.

1
2 ~~(e)~~(f) It shall not be an unlawful employment practice for a school, college, university or other
3 educational institution, which is in whole or in substantial part, owned, controlled, or managed
4 by a particular religion, or by a particular religious corporation, association, or society, if the
5 curriculum of the school, college, university or other educational institution is substantially
6 directed toward the propagation or teaching of a particular religion, to consider the religion of
7 an applicant in making a hiring decision for a teaching or counseling position, a professorship,
8 or a position involving supervision of teachers, counselors or professors if the duties required by
9 those positions would fall within the "ministerial exemption" as described by the United
10 States Supreme Court in Hosanna-Tabor Evangelical Lutheran Church and School v.
11 EEOC, 132 S. Ct. 694 (2012).

12
13 ~~(f)~~(g) CBJ 41.05.010(a) shall not apply with respect to the employment of individuals
14 whose positions would fall within the "ministerial exemption" as described by the
15 United States Supreme Court in Hosanna-Tabor Evangelical Lutheran Church and
16 School v. EEOC, 132 S. Ct. 694 (2012).

17 (h) Nothing in this chapter shall be construed to diminish the protections afforded
18 employees of the City and Borough of Juneau under CBJ 44.05.020.

19
20 (i) It shall not be an unlawful practice for any financial institution or other
21 commercial institution extending credit from engaging in any practice permitted by
22 federal statute or regulation applicable to financial or credit transactions of the
23 same character as those covered by CBJ 41.05.015(a)(1).

24 (j) Notwithstanding the prohibition against employment discrimination on the
25 basis of familial status under CBJ 41.05.010,

(1) an employer may, without violating CBJ 41.05.010, provide greater health

and retirement benefits to employees who have a spouse or dependent children than are provided to other employees;

(2) a labor organization may, without violating CBJ 41.05.010, negotiate greater health and retirement benefits for employees of an employer who have a spouse or dependent children than are provided to other employees of the employer.

(k) real property that is tax exempt under AS 29.45.030, or an ordinance adopted pursuant to AS 29.45.050, does not lose its tax exemption because the property owner engages in a lawful act or acts under this section.

41.05.035 Unlawful intimidation or retaliation.

It shall be a prohibited discriminatory practice for a person, directly or indirectly, to discriminate, coerce, intimidate, threaten, interfere with, or retaliate against a person because the person has:

- (1) opposed any practice made unlawful by this chapter;
- (2) exercised the person's rights, or encouraged another to exercise his or her rights under this chapter; or
- (3) filed a complaint, cooperated with an investigation of an alleged prohibited discriminatory practice, testified at a hearing held under, or otherwise assisted in any proceeding under this chapter.

41.05.040 Aiding, abetting, or coercing a violation.

1
2 It is unlawful for any person to aid, abet, incite, compel, or coerce the doing of an act forbidden
3 under this chapter or to attempt to do so.
4

5 **41.05.045 Cause of action.**

6 (a) A person aggrieved by a discriminatory practice prohibited under this chapter may,
7 within 300 days of any violation of this chapter, petition in court to enjoin a violation of this
8 chapter or seek remedy for a violation.
9

10 (b) Remedy may include such relief as the court deems just and proper, and may include
11 one or more of the following:

- 12 (1) requiring training concerning discriminatory practices;
13 (2) an accommodation for a person with a disability;
14 (3) removal of or changes to a personnel record;
15 (4) posting of signs;
16 (5) back pay;
17 (6) the hiring, reinstatement, or upgrading of an employee with or without back pay;
18 (7) the payment of front pay for a period of not more than one year if hiring,
19 reinstatement, or upgrading of an employee is inappropriate because a vacancy does not
20 exist, the employer's discriminatory practice rendered the employee incapable of returning
21 to work, or the relationship between the employer and employee has so deteriorated as to
22 make working conditions intolerable;
23 (8) restoration to membership in a labor organization;
24 (9) admission to or participation in an apprenticeship training program, on-the-job
25 training program, or other retraining program;

(10) restoration of seniority;

(11) the sale, lease, or rental of the housing accommodation to the aggrieved person if it is still available, or the sale, lease, or rental of a like accommodation owned by the respondent if one is still available, or the sale, lease, or rental of the next vacancy in a like accommodation, owned by the respondent; and

(12) actual damages incurred as a result of the unlawful practice or violation.

(c) An order for back pay or front pay under (b)(5)-(7) of this section must be reduced by the amount the employee could have earned or could earn by making reasonably diligent efforts to obtain similar employment.

41.05.050 Definitions.

For purposes of this chapter:

Disability means, with respect to a person:

(1) a physical or mental impairment which substantially limits one or more of a person's major life activities;

(2) a record of having such impairment; or

(3) being regarded as having such an impairment. "Disability" does not include current, illegal use of or addiction to a controlled substance in violation of applicable state law. However, a person may be considered to be disabled if that person:

(A) has successfully completed a supervised drug rehabilitation program, and

(i) is no longer engaging in the illegal use of a controlled substance;

(ii) is not currently addicted to a controlled substance; or

(iii) has otherwise been rehabilitated successfully and is no longer engaging in use of a controlled substance and is not currently addicted;

(B) is participating in a supervised rehabilitation program and is no longer engaging in illegal use of controlled substances; or

(C) Is erroneously regarded as currently illegally using, or being addicted to, a controlled substance.

Employer includes any person who employs four or more persons exclusive of that person's parents, spouse or children.

Employment agency includes any person undertaking for compensation to procure opportunities to work or to procure, recruit, refer or place employees.

Familial status means marital status, changes in marital status, pregnancy, or parenthood.

Financial institution means bank, banking organization, mortgage company, insurance company, investment company, or other lender to whom application is made for financial assistance for the purchase, lease, acquisition, construction, rehabilitation, repair, maintenance, or improvement of real property, or an individual employed by or acting on behalf of or as agent of any of these.

Gender identity means a person's gender-related self-identity appearance, expression, or behavior, regardless of the person's assigned sex at birth. A person's gender identity may be shown by evidence of medical history, care or treatment of the gender identity, consistent and uniform assertion of the gender identity, or other evidence that the gender identity is sincerely held, core to a person's gender-related self-identity, and not being asserted for an improper purpose.

Housing for older persons means housing:

(1) provided under any state or federal program that the Secretary of the United States Department of Housing and Urban Development has determined is specifically designed and operated to assist elderly persons;

(2) intended for, and solely occupied by, persons 55 years of age or older; or

(3) intended and operated for occupancy by at least one person 55 years of age or older per unit.

Individual means one or more individuals.

Labor organization includes any organization which exists for the purpose, in whole or in part, of collective bargaining or of dealing with employers concerning grievances, terms or conditions of employment, or for other mutual aid or protection in relation to employment.

National origin includes ancestry.

Person includes one or more individuals, partnerships, associations, unincorporated organizations, corporations, mutual companies, joint-stock companies, legal representatives, trusts, trustees, trustees in bankruptcy, and receivers.

Place of public accommodation means all places or businesses offering or holding out to the general public services or facilities for the comfort, health and safety of the general public, including public places providing food, shelter, recreation and amusement.

Sexual orientation means actual or perceived heterosexuality, homosexuality, bisexuality, or asexuality.

Section 3. Effective Date. This ordinance shall be effective 30 days after its adoption.

Adopted this _____ day of _____, 2016.

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Kendell D. Koelsch, Mayor

Attest:

Laurie J. Sica, Municipal Clerk

MEMORANDUM

July 22, 2016

To: Assembly Members
From: Jesse Kiehl
Re: Proposed changes to Equal Rights Ordinance

During the weeks since Committee of the Whole heard the first public testimony on ordinance 2016-23, I've met with a number of people to discuss their concerns and worked with the City Attorney to clean up some issues with the ordinance as introduced. The attached version contains the following proposed changes:

Page 4, lines 15 - 16, and lines 21 - 22

Page 5, lines 2 - 3, line 9, and line 13:

Based on our conversation at the first Committee of the Whole meeting on this issue, I replace the phrase "lawful source of income" with "receipt of government rental assistance." This addresses the problem of discrimination against the poor (unrelated to their ability to pay or their rental history,) without, for instance, requiring a landlord who works for a federal law enforcement agency to rent to a person in the regulated marijuana industry.

Please note that in the "lawful practices" section (page 8, lines 14-16) I propose a four dwelling unit threshold for this requirement.

Page 6, line 22 - page 7, line 7:

Adds subsection (b) to the public accommodation section, saying a place of public accommodation can't advertise that it will discriminate. The city attorney pointed out that the employment and housing sections both have similar language, so adding this gives a consistent approach for public accommodations.

Page 7, lines 8 - 16:

Adds subsection (c) to the public accommodation section, similar to Alaska Statute 18.80.230(b). The state law specifically allows male-only or female-only workout facilities. This language would allow an existing women-only physical fitness facility in Juneau to stay open under this ordinance.

Page 8, line 4:

As originally written, this exemption applied to almost the entire housing section. By specifying that it applies only to (a)(3) of the housing section (41.05.015,) it allows a person to screen a housemate based on otherwise

protected criteria, but not to advertise discriminatory criteria or apply them in housing finance.

Page 8, line 5 – page 8, line 10:

Adds the words “or lessee” after each occurrence of “owner.” This allows both owners and lessees taking in a housemate to avail themselves of this subsection.

Page 8, lines 14-16:

This fourth-unit threshold only prohibits a landlord from discriminating against Section 8 voucher tenants once the landlord has three or more units out to rent. By putting this threshold in place, we prevent an undue burden on property owners for whom any additional compliance paperwork might result in units being removed from the rental market. An entity with four or more units for rent is engaged in the commercial real estate business.

Page 9, lines 10 – 17:

This clarifies and slightly expands the right of religious schools and organizations to apply their religious doctrine in hiring, while maintaining full protection for employees whose duties are not “ministerial.”

The original language applied to religious school teachers and counselors (and those who supervise them) who “primarily” teach doctrine. The United States Supreme Court’s 9-0 ruling in the Hosanna-Tabor case sets out a standard more deferential to religious groups. In that case, the Court found a religious school had the right to deem a teacher who taught doctrine for three 45-minute sessions each week was validly considered a “called” or “ministerial” employee. By adopting the Supreme Court’s rule on how “ministerial” employees are determined in religious schools, the ordinance protects employees as far as it can without infringing on the First Amendment.

This section of the original ordinance also didn’t clearly apply to ministerial employees in religious organizations outside religious schools. While the right of a church to apply its doctrines in how it employs preachers, deacons, and rabbis is clearly protected under the First Amendment, the ordinance should state it clearly, so this adds a new subsection (g) that does so.

Page 9, lines 20 – 23:

This adds a new subsection (i) to make clear that the ordinance doesn’t interfere with the Fair Credit Reporting Act, Equal Credit Opportunity Act, or other state or federal laws that may allow consideration of age in lending for housing. State equal rights law has similar provisions at AS 18.80.250(a)(1) and (b).

Page 9, line 24 – page 10, line 8:

This adds a new subsection (j) to the lawful practices section to mirror state law AS 18.80.220(c) and let employers provide more costly health or retirement benefits to married employees or those with dependent children.

Page 10, lines 9 – 11:

This new subsection makes clear that a religious organization that exercises its First Amendment rights protected by the ordinance cannot lose its property tax exemption as a result. This concern was expressed by multiple religious organizations. While I don't personally see a way tax exemption would be threatened, there is no harm in making it explicit.

MEMORANDUM

July 23, 2016

To: Assembly Members
From: Jesse Kiehl
Re: Thoughts on other amendments

Attached to this memo is language sent to me by a religious leader in our community. I think this language has problems, and want to discuss the issues it raises.

There are three main ideas reflected here. The first is that a religious entity wants to be able to make hiring decisions based on its own religious doctrines. That is a right that is and should be protected for clergy, religious counselors, and those who minister or teach the tenets of the faith. The U.S. Supreme Court has affirmed that the First Amendment already protects religious organizations' ability to make hiring decisions for ministerial employees based on virtually any factor. At the same time, many religious organizations employ janitors, bookkeepers, and, in the case of religious social service providers, nurses and Care-a-Van drivers. These employees do not serve religious functions, and have long been protected from discrimination based on protected factors like age, sex, and marital status.

The second is that a religious entity wants to be able to control what happens on its property. By definition, no church is a public accommodation, and a religious group may control who uses its worship space. And like any private organization, it may limit use of all its property to members only. If a religious entity, however, rents space to the general public, it enters the realm of public accommodation. Effectively, it enters the commercial sphere. In that case, for many decades, Alaska law has prevented such a religious group from discriminating in renting based on factors like race, marital status, age, sex, etc. That is the approach this ordinance maintains. Language that would make religious organizations the only entities legally allowed to discriminate in the goods and services available to the general public raises a fairness question both for other businesses that rent space and for those Alaskans who get turned away.

The third idea is that a religious entity that believes something protected by the ordinance is inappropriate (*e.g.*: my own intermarriage is not accepted by some Orthodox Jews,) should not be punished for those beliefs. Freedom of belief is a constitutionally protected American cornerstone this ordinance does not and cannot impinge. Additionally, discrimination based on religion is expressly prohibited under this ordinance. I've attached correspondence with the City Attorney to this memo making clear that any city retaliation against a group that uses or voices its religious freedoms – which are protected by this ordinance – would be illegal.

Section 41.05.030A. Religious Exemption.

Notwithstanding any other provision of this Ordinance or of the City and Borough of Juneau Municipal Code—

- (a) A religious entity shall have the right to adopt and enforce, on the basis of its religious beliefs or moral convictions, (i) standards of conduct for directors, officers, employees, volunteers, and students, and (ii) criteria governing the use of its property.
- (b) No religious entity shall be required to provide any service or facility that would violate, or in any circumstance that would violate, the entity's religious beliefs or moral convictions.
- (c) A religious entity shall not be subject to any claim or charge of discrimination on the basis of religion (or any derivative claim or charge, such as for retaliation for opposing such discrimination).
- (d) It shall be a prohibited discriminatory practice for any governmental entity or official, or for any person exercising quasi-governmental power, to discriminate or retaliate against, or otherwise disadvantage, a religious entity because the entity has exercised or proposed exercising any right, or engaged or proposed engaging in any conduct permitted, under this section.
- (e) A religious entity aggrieved by a violation of this section by a governmental entity or official, or by any person exercising quasi-governmental power, may petition a court to enjoin or seek remedy (including damages) for a violation. Such relief shall also include an award of attorney fees and court costs.
- (f) Except as a condition of a pre-existing employment or contractual relationship, no person shall be compelled to express by word or conduct any support of, to provide any service or facility for, or to appear at, any ceremony, ritual, observance, or celebration that is in conflict with such person's religious beliefs or moral convictions.

Section 41.050.030. Lawful practices.

~~(d) Nothing in this chapter prohibits a religious organization, association, or society, or a nonprofit institution or organization operated, supervised, or controlled by a religious organization, association, or society, from limiting the sale, rental or occupancy of dwellings it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such a person.~~

~~(g) It shall not be an unlawful employment practice for a school, college, university~~

~~involving supervision of teachers, counselors or professors if the duties required by those positions consist primarily of teaching or spreading religious doctrine.~~

Section 41.05.050. Definitions.

Religious entity includes a religious corporation, organization, association or society; a nonprofit institution or organization operated, supervised or controlled by a religious corporation or holding itself out as a religious institution or organization; and any director, officer, employee or volunteer of such entity acting within the scope of his or her employment or engagement.

Amy Mead

Wed 7/20/2016 12:41 PM

Inbox

Hi Jesse

I think your analysis is correct. The CBJ would not be exempt from having to comply with the ordinance so would be prohibited from engaging in the behavior described below.

Let me know if you need anything else.

Amy

Amy Mead
CBJ Municipal Attorney
(907) 586-5340

REPLY

REPLY ALL

FORWARD

Jesse Kiehl

Mark as unread

Tue 7/19/2016 10:17 PM

To: Amy Mead;

Amy,

A question came up as I discussed the equal rights ordinance. It dealt with the possibility of retaliating against a religious organization for doing something protected under the "lawful acts" section. Could some future city worker refuse to, say, rent a picnic shelter or the swimming pool to a religious school that requires its teachers to live by its religious marriage doctrines? Or could the airport assign the crummiest float farthest away from the access road to a plane owned by a missionary organization that doesn't accept intermarried preachers?

It seems to me that, in addition to other CBJ rules requiring equal treatment for all comers, doing that sort of thing would get the city sued for religious discrimination. Can you either confirm that or set me straight?

Thanks,
Jesse

Sent from my phone

DRAFT Juneau Community Energy Plan – Executive Summary

Setting the scene and priority actions for the CBJ



Executive Summary

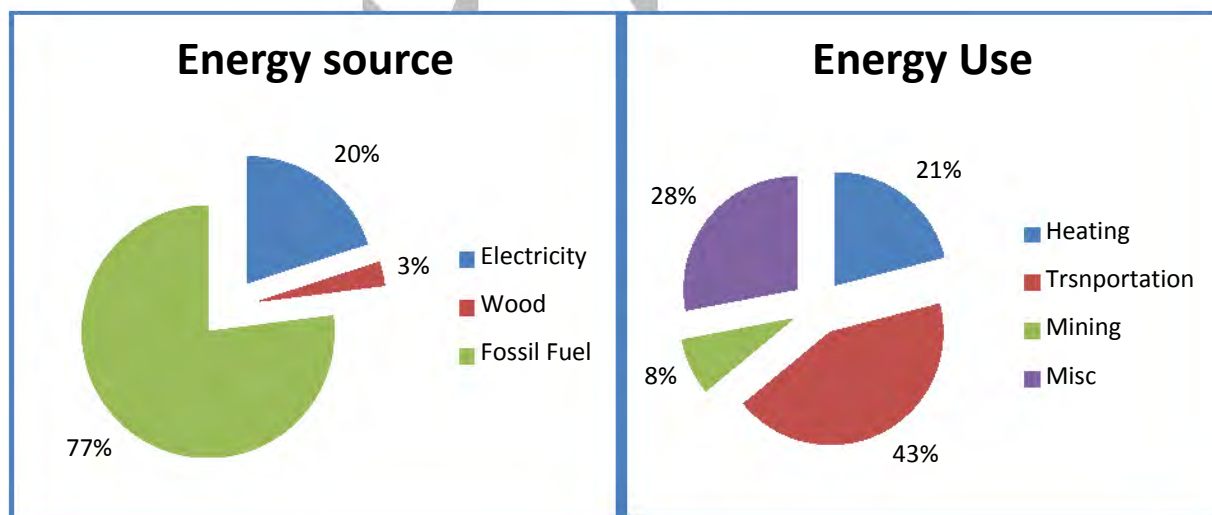
EXECUTIVE SUMMARY

The purpose of the Juneau Community Energy Plan (JCEP) is to define goals for Juneau's energy future, focusing on more efficient use of existing capacity and new energy supplies, and to develop strategies and policies for achieving these goals. This report is the first step in that process, providing the information and framework needed to take the next steps.

This plan addresses four key questions relating to Juneau energy:

1. "Where are we now?"
2. "Where are we going?"
3. "Where do we want to go over the next 20-35 years?"
4. "How can we get there?"

Juneau currently derives almost 100% of its electricity from hydropower, which provides economical renewable energy while limiting greenhouse gas (GHG) emissions. This hydroelectricity provides about 20% of the total energy used in Juneau. Another 3% comes from wood, another renewable source, used for heating. The remaining 77% comes from fossil fuels, which are the primary energy source for heating buildings (about 21%), for transportation (about 43%) and mining (about 8%). Fossil fuels are typically expensive in Juneau, take money out of the local economy, and create vulnerability to future price increases, particularly if carbon taxes are eventually implemented. Additionally fossil fuels are a major contributor to GHG emissions.



This report identifies three alternative future paths for energy use in Juneau which can be characterized as Do Little - Business-as-usual (BAU), Do Something - 25% by 2035 (some reductions in energy use and an increased share of renewables), and Do a Lot - 80% by 2045

Executive Summary

(through deeper reductions in energy use and replacing most fossil fuels with renewable energy).

The "Business-as-usual" (BAU) path is derived from historical trends. Total energy use in Juneau is projected to rise at about the same rate as population growth, which has historically averaged about 1% per year. Gradual growth in energy use is tied to population change, driven primarily by cost considerations and the choices of private utility and fuel providers. However Juneau's small population, punctuated economic development, particularly by local mines, and shifts in energy technology make it unlikely that the future path of energy demand will be as smooth as the BAU projects.

The "Towards JCAP" path is derived from Resolution 2593, in which the CBJ Assembly in 2011 adopted a goal of reducing GHG emissions 25% over 20 years. The 2010 Juneau Climate Action and Implementation Plan (JCAP) identified a broad menu of actions for accomplishing this goal of reducing greenhouse gas emissions and use of fossil fuels. One of the actions recommended by the JCAP is the development of an energy plan to support renewable energy development and reduce Juneau's energy vulnerability. One value of the JCAP is that it identifies a wide array of approaches and actions that could reduce GHG emissions while saving money and reducing dependence on fossil fuels. As this Plan was written it was recognized that the JCAP provides a comprehensive list of many of the actions normally recommended in Community Energy plans and that this Energy Plan served as a useful addition in reviewing and understanding Juneau's energy picture. It was also recognized that the target of JCAP is likely to be missed because the recommended actions are not being implemented quickly enough. A key output of the Energy Plan is an identification of a subset of the JCAP actions that will deliver reductions in community energy use most effectively and produce some quick wins in working towards energy reductions that would also assist in meeting the JCAP reduction target. These actions led to eight broad strategy areas important next steps to deliver on these strategies identified. The strategies and next steps are shown in the table at the in this executive summary.

The "Beyond JCAP" path resulted from discussions with the Juneau Commission on Sustainability (JCOS), which served as the steering committee for the Juneau Community Energy Plan (JCEP) in 2015 and 2016. The intention was to describe steps relating to energy use and production that would need to be taken to deliver an 80% reduction in GHG by 2045. This ambitious target was in recognition that the December 2015 Paris climate agreement made it clear that significant action is needed as soon as possible to avoid the worst impacts of climate change, and that fossil fuels must be replaced with renewable energy sources over the next 50 years. This goal provides an opportunity for Juneau to consider what role it wants to play in this global issue.

The JCEP recognizes that there is no silver bullet, or straightforward path or plan, for accomplishing these ambitious goals, and no single entity or organization that could implement it if there were. Instead, a wide variety of actors are involved in making energy choices, including individual home and vehicle owners, businesses, energy suppliers such as AEL&P and

Executive Summary

fuel companies, and government agencies. The JCEP emphasizes the role of the CBJ, both because it can take actions that save public money while reducing fossil fuel use, and because it represents community values and interests. But goals to shift energy use toward renewables can only be achieved through cooperation and collaboration between a range of private and public entities. Fortunately Juneau has many individuals and groups experimenting with, and tackling these issues. The JEDC Renewables Cluster, with its work on incentives for electric vehicles, and developing concepts for a Juneau District Heating are good examples. Other examples include installations of heat pumps in major buildings and residences.

This plan identifies three broad approaches for accomplishing these goals for Juneau's Energy Future:

- 1) Increase energy efficiency, and reduce energy use, to save money and make the most of existing sources.
- 2) Increase the use of renewable energy, to replace fossil fuels.
- 3) Increase the supply of renewable energy.

Energy efficiency is generally the most cost-effective way to reduce energy demand and GHG emissions. Among the priority strategies identified in this report are supporting energy efficiency measures for all buildings in Juneau, adopting best practices for the CBJ organization, and enhancing land use regulations that support compact, mixed use development.

Increasing the use of renewable energy can be accomplished by substituting hydroelectricity or other renewable sources for fossil fuels. Priority strategies include developing a downtown heating district using heat pumps, reducing dependence of the transportation system on fossil fuels, reducing space heating dependency on fossil fuels, and supporting electrification of mining operations. However, Juneau's current hydro capacity is limited, particularly in low water years. Hydro power is also out of seasonal phase with heating demands — less water is available in the winter.

Expansion of hydropower resources is the most obvious opportunity for increasing the supply of renewable energy in Juneau. Rain is one of our major resources. Other possibilities include development of biomass, tidal, wind, and solar resources, although these appear to be considerably more expensive than hydropower or fossil fuels. AEL&P has identified several projects that could add hydropower in the future, but it has no current plans to develop them. Sealaska has been working to develop a biomass supply, and uses pellets to heat their buildings in Juneau. Juneau Hydropower is planning to develop the Sweetheart Creek Hydroelectric Facility. AVISTA Utilities, a Spokane Washington based utility is exploring a non-renewable alternative, bringing in natural gas to Juneau.

Executive Summary

This report recommends that the Assembly take the following actions to move forward in further developing the Juneau Community Energy Plan and delivering on the identified priority strategies:

- Adopt a goal for reducing fossil fuel use including percentages desired and time frames. This should take into account the 2010 Juneau Climate Action Plan Greenhouse Gas reduction target and the scenarios presented in this Energy Plan.
- Adopt and implement the relevant JCAP actions associated with the Energy Plan priority strategies. Require periodic review on their delivery.
- Direct the CBJ to more formally monitor its internal energy use and to explicitly incorporate energy into operational decisions.
- Direct the CBJ to monitor community energy use as a whole, by updating the Energy and GHG Emissions Inventory.
- Hire a CBJ Energy Manager to assist in accomplishing these actions.

#	Strategy	Responsibility	Timeframe to implement	Next Steps/Issues to be addressed
1	Support energy efficiency measures for all buildings	CBJ (CDD & Engineering), State	2 years	• Update building code for new construction • Explore policy options for retrofitting existing buildings • Convene working group to review commercial building Code • Develop case studies to demonstrate success stories • Explore funding of incentives using Federal and State resources • Leverage weatherization program to increase the number of retrofits in residential sector
2	Increase use of electricity by cruise ships	CBJ Docks and Harbors Local Electric Utilities, Cruise industry	1 year	• New dock has conduit, but no cabling connection infrastructure included • Clarify ownership and operation of electric infrastructure • Cost recovery opportunity through increased head tax to visitors • Concerns about current capacity of existing hydropower to service additional vessels in a cost effective way • Develop preliminary design and assess ownership and operational model.
3	Adopt energy efficiency best practices for the CBJ organization	CBJ	1 year	• Internally review and implement existing audits • Incorporate energy usage and efficiency at all levels of CBJ operations and decision making • Develop comprehensive energy accounting system to allow a complete picture of energy use. This should have the ability to calculate GHG emissions and be consistent with JCAP methodology. • Review procurement policies for equipment and assets to support energy efficiency • Conduct or review energy audits on all CBJ facilities • Implement recommendations with a 10 year or less payback • Apply for funding through the Energy Efficiency Revolving Loan Fund and pay the loan back through energy savings

#	Strategy	Responsibility	Timeframe to implement	Next Steps/Issues to be addressed
4	Explore and implement district heating for downtown core, and other suitable areas, preferably using renewable energy	JEDC, Private and public entities	5 years	• Develop a business model is for a DH system. Identify economic advantages and disadvantages • Explore potential locations including Willoughby and state/federal buildings • Identify heat load and market size to determine economies of scale required to make a DH viable. • Assess the feasibility of using renewable energy resources • Develop a preliminary rate design for the system • Business model should include assessment of loads, service territory, distribution pipe network, analysis of energy options and plant setting, and analysis of ownership and operating models
5	Reduce dependence of transportation system on fossil fuels	CBJ, JEDC, Local Electric Utilities	10 years	• Explore active transportation and opportunities to support electric vehicles • Consider parking policies to support electric vehicles • Assess centralized fleets for CBJ including appropriate vehicle choice (including electric vehicles)
6	Reduce space heating dependency on fossil fuels	CBJ, Local Electric Utilities, Local Property Owners	5 years	• Assess technical and financial issues of electrification of space heat for residential market • Conduct a biomass study in CBJ • Assess building code options to support alternatives to fossil fuel space heat • Study impact of increased electrification on electricity system • Study the potential for the use (expansion) of air source heat pumps and/or biomass for CBJ and other government owned buildings.
7	Enhance land use regulations supporting energy efficient, compact, mixed use developments	CBJ	Ongoing	• The Comprehensive Plan has many recommended actions • Continue to implement recommended actions • Develop metrics to monitor progress and do so

Executive Summary

#	Strategy	Responsibility	Timeframe to implement	Next Steps/Issues to be addressed
8	Support electrification of mining operations using renewable energy	Local Electric Utilities, Local Mine Operations	5 years	• Work with mining industry, local utility and power producers to assess the cost, feasibility, development of transmission and generation required to achieve uninterrupted mine electrification