CITY COUNCIL
ATLANTA, GEORGIA

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AN ORDINANCE
BY COUNCIL MEMBER CATHY WOOLARD

AN ORDINANCE TO AMEND ARTICLE I SECTION 94 OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA SO AS TO CREATE NEW SECTIONS 94-10, 94-11, 94-12, 94-13 PREVIOUSLY RESERVED; AND TO AMEND ARTICLE II AND ARTICLE IV SECTION 94 OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA SO AS TO DELETE AND REPLACE SECTIONS 94-37, 94-41, 94-69, 94-90, 94-92, 94-94, 94-95, 94-96, 94-97, AND DELETE SECTIONS 94-93, 94-99 THROUGH 94-103; AND 94-105; AND TO AMEND ARTICLE III SECTION 94 OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA SO AS TO REPLACE ARTICLE III "DISCRIMINATION GENERALLY" WITH ARTICLE III "NON-DISCRIMINATION IN PUBLIC ACCOMMODATIONS" AND AMEND ARTICLE V AND VI OF SECTION 94 OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA SO AS TO CREATE NEW SECTIONS, TO BE ENTITLED "FAIR PRIVATE EMPLOYMENT" AND "ENFORCEMENT" AND TO RENUMBER EXISTING ARTICLE V "DOMESTIC PARTNERSHIPS" AS ARTICLE VII; AND TO REPEAL CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.

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WHEREAS, the City of Atlanta has a rich history in the civil rights movement and is rightfully considered one of the most progressive cities in the country regarding its policies ensuring equal rights for all its citizens; and

WHEREAS, there has never been a comprehensive review of the City's existing human rights ordinances, resulting in inconsistencies in coverage and definitions in various code sections; and

WHEREAS, the City code does not comprehensively cover non-discrimination in public accommodations and fair housing for all classes of people; and

WHEREAS, the City code currently has no prohibitions regarding non-discrimination in private employment; and

WHEREAS, it is essential to the welfare of the citizens of Atlanta that the City provide for enforcement measures for the anti-discrimination ordinances in its code; and

WHEREAS, the Human Rights Commission, that is charged with enforcing the anti-discrimination protections in the City code, has not met regularly since its inception; and

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WHEREAS, the role of the Human Rights Commission needs to be clarified so that it can begin to effectively function as the vehicle for addressing illegal discrimination in the City.

THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY ORDAINS AS FOLLOWS:

ARTICLE II. HUMAN RELATIONS COMMISSION*

Article I. In General

Secs. 94-1—94-09 Reserved.

Sec. 94-10. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Aggrieved person or Person aggrieved means any person alleging an act of discrimination or an unlawful practice under articles I, II, III, IV, V or VI of this chapter, or any person who believes that he or she will be irrevocably injured by a discriminatory practice or act or unlawful practice that is about to occur.

Chair refers to that person appointed by the president of the council to supervise the administration of the human relations commission.

Commission refers to the human relations commission of the City established in Article II of the Human Relations Code.

Disability, which includes physical and mental impairments, shall be interpreted co-extensively with the meaning given to that term under the Americans With Disabilities Act, codified at 42 U.S.C. § 12101 et seq., except that if a person would be considered to have a disability but for the use of a mitigating measure, that person shall nevertheless be considered to have a disability within the meaning of this chapter.

Discrimination or discriminatory practice or act means any action or failure to act, whether by a single act or part of a practice, the effect of which is to adversely affect or differentiate between or among individuals, because of an individual's, or the perception of an individual's, race, color, creed, religion, sex, domestic relationship status, parental status, familial status, sexual orientation, national origin, gender identity, age, disability, or the use of a trained dog guide by a blind, deaf or otherwise physically disabled person.

Familial status means the state of being a person who is domiciled with one or more minor

children, with the permission of the parent or person with legal custody of such minor child or children.

Family includes a single individual.

Gender identity means self-perception as male or female, and shall include a person's identity, expression, or physical characteristics, whether or not traditionally associated with one's biological sex or one's sex at birth, including transsexual, transvestite, and transgendered, and including a person's attitudes, preferences, beliefs, and practices pertaining thereto, including but not limited to assumption of male or female identity by appearance or medical treatment.

Domestic relationship status means the presence or absence of a domestic partnership or marital relationship and includes the status of married, separated, divorced, engaged, widowed, single, cohabitating, or domestic partnership, without regard for whether such relationship is between persons of the same or opposite sex. Domestic partnership shall have the meaning designated in Section 94-131 of this chapter.

National origin includes ancestry.

Owner includes any person who owns, leases, subleases, rents, operates, manages, has charge of, controls or has the right of ownership, possession, management, charge or control of real property on their own behalf or on behalf of another.

Parental status means being a parent, step-parent, adoptive parent, guardian, foster parent or custodian of a minor child or children.

Person means one or more individuals, partnerships, associations, political subdivisions, labor unions, organizations, cooperatives, mutual companies, joint-stock companies, unincorporated organizations, trusts, trustees, or receivers, legal representatives, for-profit and not-for-profit associations and corporations, and business associations of whatever kind including without limitation general partnerships, limited liability partnerships, corporations, limited liability companies, business trusts, and joint ventures.

Senior citizen means, for purpose of this chapter, individuals as old or older than an age set for a senior category. The minimum age for the senior category may be set at 55 years or higher.

Sex means male or female gender, and shall be interpreted to include pregnancy, childbirth, or related medical conditions.

Sexual orientation means male or female heterosexuality, bi-sexuality or homosexuality.

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Sec. 94-11. Policy.

In the city, with its great cosmopolitan population consisting of large numbers of people of every race, color, religion, sex, marital status, parental status, familial status, sexual orientation, national origin, gender identity, and age, many of them with physical and mental disabilities, there is no greater danger to the health, morals, safety and welfare of the city and its inhabitants than the existence of groups prejudiced against one another and antagonistic to each other because of differences of race, color, religion, sex, marital status, parental status, familial status, sexual orientation, national origin, gender identity, age, and disability. The council finds and declares that prejudice, intolerance, bigotry and discrimination and disorder occasioned thereby threaten the rights and proper privileges of its inhabitants and menace the very institutions, foundations and bedrock of a free democratic society.

Sec. 94-12. Retaliatory Conduct Prohibited.

It is an unlawful practice under this chapter for any person, owner, employer, labor organization, employment agency, or joint labor-management committee to:

(1) Aid, abet, incite, compel, or coerce the doing of any act defined in articles III, IV and V of this chapter as an unlawful practice; or to intimidate, harass, retaliate, obstruct or discriminate against a person in any manner because such person has (i) complied with or proposes to comply with provisions of articles I through VI of this chapter or (ii) has filed a complaint with the human relations commission pursuant to this article or (iii) has taken other legal action provided for by this article or (iv) has testified or assisted in any proceeding under this article, or any order issued thereunder or (v) has opposed any practice made an unlawful practice under this chapter; or to attempt, either directly or indirectly, to commit any act defined in this chapter to be an unlawful practice; or to apply any economic sanctions or to deny accommodations or membership privileges because of a persons' compliance with the provisions of this chapter; or

(2) Coerce, intimidate, threaten, or otherwise interfere with any person in the exercise or enjoyment of, or on account of his or her having exercised or enjoyed, or on account of his or her having aided or encouraged any other person in the exercise or enjoyment of any right granted or protected under this chapter.

Sec. 94-13. Severability Clause.

In the event that any provision, section, subsection, clause, or right set forth in articles I through VI of this chapter is found to be unenforceable by a court of law, such provision shall be severed from the remainder of this chapter and such action shall not affect the enforceability of the remaining provisions of this chapter.

Secs. 94-13---94-35 Reserved.

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Sec. 94-36. Created.

There shall be a human relations commission which shall be the official protector of the human relations principle.
(Code 1977, § 5-9004)

Sec. 94-37. Composition; appointment; terms.

The human relations commission shall consist of seven members, divided into three classes - Class A, Class B, and Class C. Class A shall contain three members, and Class B and Class C shall each contain two members. After the phase-in period, members shall hold office for a three year term staggered so that the membership terms of only one Class of members shall expire each year. The initial members shall be appointed and designated to a Class by the president of the council no later than January 1, 2001. The term of office of the initial Class A members shall expire on January 1, 2002; the term of office of the initial Class B members shall expire on January 1, 2003; and the term of office of the initial Class C members shall expire on January 1, 2004. Beginning January 1, 2002, the president shall annually appoint new members for a full three year term to succeed those members whose terms have expired. No person shall be appointed to serve more than two consecutive three year terms upon the commission. The membership of the commission shall be comprised without regard to race, color, creed, religion, sex, domestic relationship status, parental status, familial status, sexual orientation, national origin, or gender identity.

Sec. 94-38. Qualifications of chair.

The chair of the human relations commission shall possess, in addition to the general

qualifications set out in the Charter regarding members of the commission, a license to practice law in the state. The chair shall be an active member of the state bar in good standing.
(Code 1977, § 5-9005)

Sec. 94-39. Compensation.

All members of the human relations commission shall be non-salaried.
(Code 1977, § 5-9004)

Sec. 94-40. Meetings, conduct of business.

(1) The human relations commission shall hold meetings once every six months and as necessary to accomplish the timely resolution of pending complaints.
(2) The commission shall conduct business in the manner generally provided by the Charter, and shall have the power to enact its own regulations to the extent such regulations are not inconsistent with

this terms of the Charter and this chapter.

(9) The presence in person, telephonically, or by proxy of a majority of active commission members shall constitute a quorum at commission meetings.

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*Charter reference(s)--Boards and commissions, § 3-401.
Cross reference(s)--Boards, councils, commissions and authorities, § 2-1851 et seq.

Sec. 94-41. Functions.

The human relations commission shall perform the following functions:

(1) Receiving, investigating and passing upon complaints alleging violations of Article(s) III (Public Accommodation), IV (Fair Housing), and V (Private Employment) of this Chapter. The procedures for handling such complaints are set forth in Article VI, Section 94-121 of this chapter.
(2) Upon its own motion, testing, investigating, making and filing complaints alleging violations of the human relations code.
(3) Making studies, conducting research and preparing recommendations as to needed ordinances and resolutions.
(4) Developing human relations plans and policies for the city and assisting in their execution and making investigations and studies appropriate to effectuate this article and to issue such publications and such results of investigations and research as in its judgment will tend to inform persons of the rights assured and remedies provided under this article, to promote goodwill and minimize or eliminate discrimination because of race, color, creed, religion, sex, domestic relationship status, parental status, familial status, sexual orientation, national origin, gender identity, age, or disability.
(5) Inquiring into incidents of the conditions which may lead to tension and conflict among racial, religious and nationality groups and to take such action within the authority granted by law to this office, as may be designed to alleviate such conditions, tension and conflict.
(6) Calling conferences of persons in the industries of housing, public accommodations, and employment to acquaint them with the requirements of Article I through VI of this chapter, and to endeavor with their advice to develop programs of voluntary compliance and enforcement.
(7) Furnishing any person with such technical assistance as the commission deems appropriate, and requiring the production for examination of any documents or items relating to any matter under investigation or in question before the commission.

(8) Receiving, investigating and passing upon complaints alleging instances of racial profiling.

Secs. 94-42-94-65 Reserved.

ARTICLE III. NON-DISCRIMINATION IN PUBLIC ACCOMMODATIONS*

Sec. 94-66. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed

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to them in this section, except where the context clearly indicates a different meaning:

Distinctly private does not include any club, institution or membership organization that has more than 50 members, provides regular meal service and regularly receives payment for dues, fees, use of space, facilities, services, meals or beverages directly or indirectly from or on behalf of nonmembers for the furtherance of trade or business.

Furtherance of trade or business means:

(1) Payment by or on behalf of a trade or business organization.

(2) Payment made by an individual from an account which the individual uses primarily for trade or business purposes.

(3) Payment made by an individual who is reimbursed for the payment by the individual's employer or by a trade or business organization or other payment made in connection with an individual's trade or business, including entertaining clients or business associates, holding meetings or other business-related events.

(4) Payment made by an individual which is deducted from the individual's federal or state tax returns as a business expense.

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*Cross references- Discrimination in admission fees or membership fees by premises at which alcoholic beverages are served, §10-224; discrimination by lessee of Atlanta Cyclorama prohibited, §46-1; discrimination by lessees of Civic Center, §46-37.

Public accommodation shall mean and include any place, legal entity, store or other establishment, either licensed or unlicensed, which supplies goods or services to the general public and shall include, but not be limited to, the following types of services or facilities: hotels, or other establishments which provide lodging to transient guests, restaurants, cafeterias, lunchrooms, lunch counters, soda fountains or other facilities principally engaged in selling or offering for sale food for consumption upon the premises, financial and brokerage institutions, insurance carriers, motion picture houses, theaters, concert halls, sport arenas, stadiums or other places of exhibition or entertainment, swimming pools, bowling alleys and amusement parks, all retail establishments, all transportation carriers and mobile home parks, barber shops, beauty shops, other personal care facilities, and bars or taverns or other facilities engaged in selling or offering for sale alcoholic beverages for consumption upon the premises, and shall include public burial facilities when such facilities are owned and operated by any cemetery corporation or burial association. The term shall also mean any club, institution or membership organization that has more than fifty (50) members either locally or nationally, and provides regular meal service, or regularly receives payment for dues, fees, use of space, facilities or services, without regard for whether such club, institution or membership organization has a permanent physical location.

Regularly receives payment means accepting as many payments during the course of a year as the number of weeks, any part of which a club, institution or membership organization is available for use by members or nonmembers per year, such payment being for dues, fees, use of space, facilities, services, beverages or meals.
(Code 1977, § 5-9002)
Cross reference(s)--Definitions generally, § 1-2.

Sec. 94-67. Policy.

(a) This Article is an exercise of the police power of the City for the protection of the public Welfare, health, peace and safety of the residents of the City. The Council hereby finds and declares that the practice of discrimination against any person on the basis of race, color, creed, religion, sex, domestic relationship status, parental status, sexual orientation, national origin, gender identity, age, disability, or the use of a trained dog guide by a blind, deaf or otherwise physically disabled person in places of public accommodation constitute matters of local concern and are contrary to the public welfare, health, peace and safety of the residents of the City. The Human Relations Commission established in article II of this chapter is vested with authority to enforce the provisions of this article in furtherance of this policy and in accordance with the procedures set forth in article VI of this Chapter.

(b) No institution, club, organization or place of accommodation which sponsors or conducts any amateur athletic contest or sparring exhibit and advertises or bills such contest or exhibition as a Georgia state championship contest or uses the words "Georgia state" in its announcements shall be deemed a private exhibition within the meaning of this section.
(Code 1977, § 5-9001)

Sec. 94-68. Unlawful discrimination.

(a) Except as is exempted in subsection (b) of this section, it shall be unlawful for any person, whether acting for himself/herself or another, being the owner, lessee, proprietor, manager, superintendent, agent or employee of a public accommodation, to engage in or cause another to engage in any of the following prohibited acts, or to allow a subordinate employee of the public accommodation to engage in any of the following prohibited acts, in any public accommodation in the legal limits of the City of Atlanta:

(1) Denial, refusal, rejection, or granting of any privilege, service, goods, merchandise, advantage, facility, membership, commodity or accommodation because of an individual's, or the perception of an individual's, race, color, creed, religion, sex, domestic relationship status, parental status, sexual orientation, national origin, gender identity, age, disability, or the use of a trained dog guide by a blind, deaf or otherwise physically disabled person.

(2) Segregation of an individual, or requiring the placement of an individual in any separate group or subgroup of a club, institution or organization, or any separate section or area or time of usage of the

premises or facilities of the public accommodation because of the individual's, or the perception of an individual's, race, color, creed, religion, sex, domestic relationship status, parental status, sexual orientation, national origin, gender identity, age, disability, or the use of a trained dog guide by a blind, deaf or otherwise physically disabled person.

(3) Publication, circulation, issuance, display, posting, placing, mailing, and/or maintenance of any written or printed communication, notice or advertisement or sign to the effect that any of the privileges, services, goods, merchandise, advantages, facilities, membership, commodities or accommodations of any public accommodation shall or may be refused, withheld from or denied any individual because of that individual's race, color, creed, religion, sex, domestic relationship status, parental status, sexual orientation, national origin, gender identity, age, disability, or the use of a trained dog guide by a blind, deaf or otherwise physically disabled person.

(4) Publication, circulation, issuance, display, posting, placing, mailing, and/or maintenance of any written or printed communication, notice or advertisement or sign to the effect that the patronage or membership by any individual belonging to or purporting to be of any particular race, color, creed, religion, sex, domestic relationship status, parental status, sexual orientation, national origin, gender identity, age, or disability status is unwelcome, objectionable or not acceptable, desired or solicited.

(5) Engaging in a prohibited act as defined in subsections (a)(1)-(4) against an individual or entity on the basis of the race, color, creed, religion, sex, domestic relationship status, parental status, sexual orientation, national origin, gender identity, age, or disability of an individual with whom the discriminated-against individual or entity has a known relationship.

(b) Exemptions: Nothing in this section shall:

(1) Require any club, institution or membership organization to take action in violation of the associational rights granted by the Constitutions of the United States and the State of Georgia.

(2) Be construed to prevent children's clubs, institutions or membership organizations from restricting non-commercial accommodations, advantages, facilities, membership, and privileges to persons of the same sex, if such sex restriction is fundamental to the nature or purpose of the club, institution, or membership organization.

(3) Be construed to prohibit 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 its non-commercial accommodations, advantages, facilities, membership, and privileges to persons of the same religion.

(4) Be construed to prohibit treating disabled persons more favorably than non-disabled persons

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or to prohibit treating senior citizens more favorably than non-senior citizens.

(5) Be construed to prohibit offering discounts, special prices, or other special arrangements to children or families.

(6) Be construed to prohibit imposing age limits up to 21.
(Code 1977, § 5-9003)

Secs. 94-70--94-90. Reserved.

ARTICLE IV. FAIR HOUSING*

Sec. 94-91. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Discriminatory housing practice means an act that is unlawful under sections 94-94 through 94-97.

Dwelling means any building, structure or portion thereof which is occupied as or designed or intended for occupancy as a residence by one or more families and any vacant land which is offered for sale or lease for the conservation or location therein of any such building, structure or portion thereof.

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*Charter reference(s)--Bureau of housing and redevelopment, app. IV, § 25.
State law reference(s)--Fair housing, O.C.G.A. § 8-3-200 et seq.

To rent means to lease, to sublease, to let and otherwise to grant for a consideration the right to occupy premises not owned by the occupant.
(Code 1977, § 8-7001)
Cross reference(s)--Definitions generally, § 1-2.

Sec. 94-92. Policy.

The council declares that it is the policy of the city, in the exercise of its police powers for the protection of the public health, safety, and general welfare, and for the maintenance of peace and good government, to provide, within constitutional limitations, for fair housing throughout the city, free from restrictions and prejudice based upon race, color, creed, sex, domestic relationship status, parental status, familial status, sexual orientation, national origin, gender identity, age, and disability. The Human Relations Commission established in article II of this chapter is vested with authority to enforce the provisions of this article in furtherance of this policy and in accordance with the procedures set forth in

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article VI of this Chapter.

Sec. 94-94. Unlawful practices in selling or renting dwellings.

(a) Except as exempted by subsection (b) or (d) of this section or section 94-97, it shall be unlawful:

(1) To refuse to sell or rent, after the making of a bona fide offer, or refuse to negotiate for the sale or rental of or otherwise make unavailable or deny a dwelling to any person because of the person's, or a perception of the person's, race, color, creed, religion, sex, domestic relationship status, parental status, familial status, sexual orientation, national origin, gender identity, age, disability, or the use of a trained dog guide by a blind, deaf or otherwise physically disabled person.

(2) To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provisions of services or facilities in connection therewith, because of the person's, or a perception of the person's, race, color, creed, religion, sex, domestic relationship status, parental status, familial status, sexual orientation, national origin, gender identity, age, disability, or the use of a trained dog guide by a blind, deaf or otherwise physically disabled person.

(3) 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 a dwelling, that indicates any preference, limitation, or differential treatment, or an intention to make any such preference, limitation or differential treatment based on a person's, or the perception of a person's, race, color, creed, religion, sex, domestic relationship status, parental status, familial status, sexual orientation, national origin, gender identity, age, disability, or the use of a trained dog guide by a blind, deaf or otherwise physically disabled person.

(4) To represent to any person because of the person's, or a perception of the person's race, color, creed, religion, sex, domestic relationship status, parental status, familial status, sexual orientation, national origin, gender identity, age, disability, or the use of a trained dog guide by a blind, deaf or otherwise physically disabled person, that any dwelling is not available for inspection, sale, or rental when such dwelling is in fact so available;

(5) For profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, creed, religion, sex, domestic relationship status, parental status, familial status, sexual orientation, national origin, gender identity, age, disability, or the use of a trained dog guide by a blind, deaf or otherwise physically disabled person.

(6) To discriminate in the sale or rental, or to otherwise make unavailable or deny, a dwelling to any buyer or renter because of a disability of:

a. That buyer or renter;

b. A person residing in or intending to reside in that dwelling after it is sold, rented or made available; or

c. Any person associated with that buyer or renter; or

(7) a. To 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:

1. That person;

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

3. Any person associated with that person.

b. For purposes of this subsection, discrimination includes:

1. A refusal to permit, at the expense of the disabled person, reasonable modifications of existing premises occupied or to be occupied by such person if such modifications may be necessary to afford such person full enjoyment of the premises, except that, in the case of a rental, the landlord may, where it is reasonable to do so, condition permission for a modification on the renter's agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted;

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

3. In connection with the design and construction of covered multifamily dwellings for first occupancy after March 13, 1991, a failure to design and construct those dwellings in such a manner that:

i. The public use and common use portions of such dwellings are readily accessible to and usable by disabled persons;

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

iii. All premises within such dwellings contain the following features of adaptive design:

A. An accessible route into and through the dwelling;

B. Light switches, electrical outlets, thermostats and other environmental controls in accessible locations;

C. Reinforcements in bathroom walls to allow later installation of grab bars; and

D. Usable kitchens and bathrooms such that an individual in a wheelchair can maneuver about the space.

c. Compliance with the appropriate requirements of the American National Standard for buildings and facilities providing accessibility and usableness for physically disabled people, commonly cited as ANSI A117.1, suffices to satisfy the requirements of subsection (a)(7)b.3.iii. of this section.

d. In regard to disabled persons, discrimination includes, in connection with the design and construction of covered multifamily dwellings for first occupancy after March 13, 1991, a failure to design and construct dwellings in such a manner that the dwellings have at least one building entrance on an accessible route, unless it is impracticable to do so because of the terrain or unusual characteristics of the site.

(b) (1) Nothing in this section, other than section (a)(3) of this section, shall apply to:

a. Any single-family dwelling sold or rented by an owner, if:

1. Such private individual owner does not own more than three such single-family dwellings at any one time; and

2. Such bona fide private individual owner does not own any interest in, nor is there owned or reserved on such owner's behalf, under any express or voluntary agreement, title to or any right to all or a portion of the proceeds from the sale or rental of more than three such single-family dwellings at any one time; and

3. Such dwelling is sold or rented:

i. Without the use in any manner of the sales or rental facilities or the sales or rental services of any real estate broker, agent or salesperson or of such facilities or services of any person in the business of selling or renting dwellings or of any employee or agent of any such broker, agent, salesperson or person; and

ii. Without the publication, posting or mailing, after notice, of any advertisement or written notice in violation of subsection (c) of this section; but nothing in this subsection shall prohibit the use of attorneys, escrow agents, abstractors, title companies and other such professional assistance as necessary to perfect or transfer the title; or

b. 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 actually maintains and occupies one of such living quarters as the owner's residence.

(2) For the sale of any such single-family dwelling by a private individual owner not residing in such dwelling at the time of such sale or who was not the most recent resident of such dwelling prior to such sale, the exemption granted by this subsection shall apply only with respect to one such sale within any 24-month period.

(c) For the purposes of subsection (b) of this section, a person shall be deemed to be in the business of selling or renting dwellings if the person:

(1) Has, within the preceding 12 months, participated as principal in three or more transactions involving the sale or rental of any dwelling or any interest therein;

(2) Has, within the preceding 12 months, participated as agent, other than in the sale of such person's own personal residence, in providing sales or rental facilities or sales or rental services in two or more transactions involving the sale or rental of any dwelling or any interest therein; or

(3) Is the owner of any dwelling designed or intended for occupancy by, or occupied by five or more families.

(d) Nothing contained in this section shall require that a dwelling be made available for rental or lease to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose
tenancy would result in substantial physical damage to the property of others.

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(Code 1977, § 8-7003)
State law reference(s)--Similar provisions, O.C.G.A. § 8-3-202.

Sec. 94-95. Unlawful denial of or discrimination in membership or participation in service or organization relating to selling or renting dwellings.

It shall be unlawful to deny any person access to or 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 or to discriminate against such person in the terms or conditions of such access, membership, or participation on account of the person's, or a perception of the person's, race, color, creed, religion, sex, domestic relationship status, parental status, familial status, sexual orientation, national origin, gender identity, age, disability, or the use of a trained dog guide by a blind, deaf or otherwise physically disabled person.
(Code 1977, § 8-7005)
State law reference(s)--Similar provisions, O.C.G.A. § 8-3-203.

Sec. 94-96. Discrimination in residential real estate related transactions; appraisals.

(a) As used in this section, the term "residential real estate related transaction" means any of the following:

(1) The making or purchasing of loans or providing other financial assistance:

a. For purchasing, constructing, improving, repairing, or maintaining a dwelling; or

b. Secured by residential real estate; or

(2) The selling, brokering, or appraising of residential real property.

(b) It shall be unlawful 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 a person's, or the perception of a person's race, color, creed, religion, sex, domestic relationship status, parental status, familial status, sexual orientation, national origin, gender identity, age, disability, or the use of a trained dog guide by a blind, deaf or otherwise physically disabled person.

(c) Nothing in this article shall be construed to prohibit a person engaged in the business of furnishing appraisals of real property from taking into consideration factors other than race, color, creed, religion, sex, domestic relationship status, parental status, familial status, sexual orientation, national origin, gender identity, age, disability, or the use of a trained dog guide by a blind, deaf or otherwise physically disabled person.

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(Code 1977, § 8-7004)
State law reference(s)--Similar provisions, O.C.G.A. § 8-3-204.

Sec. 94-97. Permissible limitations in sale, rental or occupancy of dwellings by religious organizations or private clubs; housing for older persons.

(a) Nothing in this article shall prohibit 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, creed, sex, domestic relationship status, parental status, familial status, sexual orientation, national origin, gender identity, age, disability, or the use of a trained dog guide by a blind, deaf or otherwise physically disabled person. Nothing in this article shall 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 other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members.

(b) (1) As used in this subsection, the term "housing for older persons" means housing:

a. Provided under any state or federal program that the commissioner determines is specifically designed and operated to assist elderly persons as defined in the state or federal program;

b. Intended for, and solely occupied by, persons 62 years of age or older; or

c. Intended and operated for occupancy by at least one person 55 years of age or older per unit. In determining whether housing qualifies as housing for older persons under this subsection, the commissioner shall develop regulations which require at least the following:

1. The existence of significant facilities and services specifically designed to meet the physical or social needs of older persons, or, if the provision of such facilities and services is not practicable, that such housing is necessary to provide important housing opportunities for older persons;

2. That at least 80 percent of the units are occupied by at least one person 55 years of age or older per unit; and

3. The publication of and adherence to policies and procedures which

demonstrate an intent by the owner or manager to provide housing for persons 55 years of age or older.

(2) Nothing in this article limits the applicability of any reasonable local, state or federal restrictions regarding the maximum number of occupants permitted to occupy a dwelling. The provisions in this article regarding familial status shall not apply with respect to housing for older persons.

(3) Housing shall not fail to meet the requirements for housing for older persons because of:

a. Persons residing in such housing as of March 12, 1989, who do not meet the age requirements of subsection (b)(1)a. or (b)(1)b. of this section; provided, however, that new occupants of such housing meet the age requirements of subsection (b)(1)a. or (b)(1)b. of this section; or

b. Unoccupied units; provided, however, that such units are reserved for occupancy by persons who meet the age requirements of subsection (b)(1)a. or (b)(1)b. of this section.

(4) Nothing in this article prohibits conduct against a person because such person has been convicted by any court of competent jurisdiction of the illegal manufacture or distribution of a controlled substance.

(c) Nothing in this article prohibits age limits up to 21 years of age.
(Code 1977, § 8-7006)
State law reference(s)--Similar provisions, O.C.G.A. § 8-3-205.

Sec. 94-98. Educational, conciliatory activities.

The commissioner shall commence such educational and conciliatory activities as in the commissioner's judgment will further the purposes of this article. The commissioner shall call conferences of persons in the housing industry and other interested parties to acquaint them with this article and the commissioner-suggested means of implementing this article, and shall endeavor with their advice to work out programs of voluntary compliance and of enforcement. The commissioner shall consult with state and local officials and other interested parties to learn the extent, if any, to which housing discrimination exists in this city and whether and how enforcement programs might be utilized to combat such discrimination. In connection therewith, the commissioner shall issue reports on such conferences and consultations as the commissioner deems appropriate.
(Code 1977, § 8-7008)

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Sec. 94-104. Coercion prohibited.

It shall be unlawful to coerce, intimidate, threaten or interfere with any person in the exercise or enjoyment of or on account of such person's having exercised or enjoyed or on account of such person's having aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by sections 94-94 through 94-97.
(Code 1977, § 8-7015)

ARTICLE V. FAIR PRIVATE EMPLOYMENT

Sec. 94-110. Policy.

The council declares that it is the policy of the city, in the exercise of its police powers for the protection of the public health, safety, and general welfare, and for the maintenance of peace and good government, to assure equal employment opportunity to all persons, free from restrictions and prejudice based upon race, color, creed, sex, domestic relationship status, parental status, familial status, sexual orientation, national origin, gender identity, age, and disability. The Human Relations Commission established in article II of this chapter is vested with authority to enforce the provisions of this article in furtherance of this policy and in accordance with the procedures set forth in article VI of this Chapter.

Sec. 94-111. Definitions.

For the purposes of this Article:

Employer means any person who has ten or more employees, or the employer's designee or any person acting in the interest of such employer, but shall not include any municipal, county, state, or federal governmental entity.

Employee means many person employed by, or applying for employment with, an employer, and shall include traditional workers, temporary workers, and part-time workers.

Employment agency means any person regularly undertaking with or without compensation to procure employees for an employer or to procure for employees opportunities to work for an employer and includes an agent of such a person.

Labor organization means any organization of any kind, any agency, or employee representation committee, group, association, or plan so engaged in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours, or other terms or conditions of employment, and any conference, general committee, joint or system board, or joint council so engaged which is subordinate to a national or international labor organization.

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Sec. 94-112. Unlawful employment practices.

(a) Employer practices.

It shall be an unlawful employment practice for an employer--

(1) to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his or her compensation, terms, conditions, or privileges of employment, because of such individual's race, color, creed, religion, sex, domestic relationship status, parental status, familial status, sexual orientation, national origin, gender identity, age, or disability; or

(2) to limit, segregate, or classify his or her employees or applicants for employment in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his or her status as an employee, because of such individual's race, color, creed, religion, sex, domestic relationship status, parental status, familial status, sexual orientation, national origin, gender identity, age, or disability.

(b) Employment agency practices.

It shall be an unlawful employment practice for an employment agency to fail or refuse to refer for employment, or otherwise to discriminate against, any individual because of his or her race, color, creed, religion, sex, domestic relationship status, parental status, familial status, sexual orientation, national origin, gender identity, age, or disability, or to classify or refer for employment any individual on the basis of his or her race, color, creed, religion, sex, domestic relationship status, parental status, familial status, sexual orientation, national origin, gender identity, age, or disability.

(c) Labor organization practices.

It shall be an unlawful employment practice for a labor organization--

(1) to exclude or to expel from its membership, or otherwise to discriminate against, any individual because of his or her race, color, creed, religion, sex, domestic relationship status, parental status, familial status, sexual orientation, national origin, gender identity, age, or disability;

(2) to limit, segregate, or classify its membership or applicants for membership, or to classify or fail or refuse to refer for employment any individual, in any way

which would deprive or tend to deprive any individual of employment opportunities, or would limit such employment opportunities or otherwise adversely affect his or her status as an employee or as an applicant for employment, because of such individual's race, color, creed, religion, sex, domestic relationship status, parental status, familial status, sexual orientation, national origin, gender identity, age, or disability; or

(3) to cause or attempt to cause an employer to discriminate against an individual in violation of this section.

(d) Training programs.

It shall be an unlawful employment practice for any employer, labor organization, or joint labor-management committee controlling apprenticeship or other training or retraining, including on-the-job training programs to discriminate against any individual because of his or her race, color, creed, religion, sex, domestic relationship status, parental status, familial status, sexual orientation, national origin, gender identity, age, or disability in admission to, or employment in, any program established to provide apprenticeship or other training.

(e) Printing or publication of notices or advertisements indicating prohibited preference, limitation, specification, or discrimination; occupational qualification exception.

It shall be an unlawful employment practice for an employer, labor organization, employment agency, or joint labor-management committee controlling apprenticeship or other training or retraining, including on-the- job training programs, to print or publish or cause to be printed or published any notice or advertisement relating to employment by such an employer or membership in or any classification or referral for employment by such a labor organization, or relating to any classification or referral for employment by such an employment agency, or relating to admission to, or employment in, any program established to provide apprenticeship or other training by such a joint labor-management committee, indicating any preference, limitation, specification, or discrimination, based on race, color, creed, religion, sex, domestic relationship status, parental status, familial status, sexual orientation, national origin, gender identity, age, or disability, except that such a notice or advertisement may indicate a preference, limitation, specification, or discrimination based on religion, sex, or disability when religion, sex, or disability is a bona fide occupational qualification for employment and, in the case of disability, the employer, labor organization, employment agency, or joint labor-management committee has made reasonable accommodation for the disability to the full extent required by the Americans With Disabilities Act, codified at 42 U.S.C. § 12101.

(f) Prohibition of discriminatory use of test scores.

It shall be an unlawful employment practice for a respondent, in connection with the selection or referral of applicants or candidates for employment or promotion, to adjust the scores

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of, use different cutoff scores for, or otherwise alter the results of, employment related tests on the basis of race, color, creed, religion, sex, domestic relationship status, parental status, familial status, sexual orientation, national origin, gender identity, age, or disability.

(g) Impermissible consideration of protected factors in employment practices.

Except as otherwise provided in this subchapter, an unlawful employment practice is established when the complaining party demonstrates that race, color, creed, religion, sex, domestic relationship status, parental status, familial status, sexual orientation, national origin, gender identity, age, or disability was a motivating factor for any employment practice, even though other factors also motivated the practice.

Sec. 94-113. Exclusions from unlawful employment practices.

Notwithstanding any other provision of this Article,

(1) It shall not be an unlawful employment practice for an employer to hire and employ employees, for an employment agency to classify, or refer for employment any individual, for a labor organization to classify its membership or to classify or refer for employment any individual, or for an employer, labor organization, or joint labor-management committee controlling apprenticeship or other training or retraining programs to admit or employ any individual in any such program, on the basis of his or her religion, sex, or disability in those certain instances where religion, sex, or physical or mental ability is a bona fide occupational qualification reasonably necessary to the normal operation of that particular business or enterprise, provided that in the case of disability, the employer, labor organization, employment agency, or joint labor-management committee has made reasonable accommodation for the disability to the full extent required by the Americans With Disabilities Act, codified at 42 U.S.C. § 12101; and

(2) It shall not be an unlawful employment practice for a school, college, university, or other educational institution or institution of learning to hire and employ employees of a particular religion if such school, college, university, or other educational institution or institution of learning is, in whole or in substantial part, owned, supported, controlled, or managed by a particular religion or by a particular religious corporation, association, or society, or if the curriculum of such school, college, university, or other educational institution or institution of learning is directed toward the propagation of a particular religion.

Secs. 94-106–94–109, 94-113–94-130 Reserved.

ARTICLE VI. ENFORCEMENT

Sec. 94-120. Civil Actions by Aggrieved Persons.

(a) An aggrieved person may commence a civil action in the Atlanta Municipal Court or any other court of competent jurisdiction not later than two years after the occurrence of the alleged act of discrimination or unlawful practice.

(b) An aggrieved person filing a civil action in the Atlanta Municipal Court shall have the right to seek injunctive relief, actual and compensatory damages, and punitive damages, as well as attorney's fees and costs. Punitive damages may be awarded under this article only when the evidence shows that the respondent's actions showed willful misconduct, malice, fraud, wantonness, oppression, or that entire want of care which would raise the presumption of conscious indifference to consequences or to the rights of the aggrieved person. Any aggrieved person seeking compensatory damages shall also have the right to demand a jury trial.

(c) In an action brought under this section, the court having jurisdiction may, upon written findings by the judge that the action was frivolous and advanced without reasonable cause, require the nonprevailing party to pay the prevailing party the reasonable expenses, including attorneys fees, incurred in opposing such action.

(d) An action may be filed under this section whether or not a complaint has been filed with the human rights commission under section 92-121 of this article, and without regard to the status of such complaint, but if the commission has obtained a pre-finding or pos-finding settlement or conciliation agreement with the consent of the aggrieved party, no action may be filed under this section with respect to the alleged unlawful or discriminatory practice which forms the basis for such complaint except for the purpose of enforcing the terms of the agreement.

(e) Nothing in this chapter shall be construed to invalidate or restrict or deny any right or remedy any person may have under state or federal law or preclude any cause of action in court otherwise provided for the violation of any person's civil rights.

(f) The period of limitations set forth in this section shall be tolled pending the resolution of any complaint filed with the commission under section 94-121.

Sec. 94-121. Filing of Complaints with the Human Relations Commission.

(a) *Person aggrieved.* In lieu of or in addition to filing a civil action pursuant to Sec. 94-120, any person claiming to be aggrieved by an unlawful discriminatory practice may, by such person or such person's attorney at law, make, sign and file with the municipal clerk a verified complaint in writing which shall state the name and address of the person alleged to have committed the unlawful discriminatory practice

complained of and which shall set forth the particulars thereof and contain such other information as may be required by the commission.

(b) *Who may file complaint.*

(1) Any person or organization claiming to be aggrieved by an alleged unlawful discriminatory practice may, in person or by an attorney, make, sign and file a complaint. If a complainant lacks mental capacity, the complaint may be filed on the complainant's behalf by a person with a substantial interest in the welfare of the complainant.

(2) Any employer whose employees or some of them refuse or threaten to refuse to cooperate with this article may file with the commission a verified complaint asking for assistance by conciliation or other remedial action.

(c) *Form of complaint.* The complaint shall be in writing either on a form promulgated by the commission or on any paper suitable for a complaint. The original shall be signed and verified before a notary public or other person duly authorized by law to take acknowledgments. Nunc pro tunc verifications of a complaint or an answer thereto may be made at any time that the absence of a signed verification is noted.

(d) *Contents.* A complaint shall contain the following:

(1) The full name and address of the person making the complaint (referred to as the complainant).

(2) The full name and address of each respondent against whom the complaint is made.

(3) The alleged unlawful discriminatory practice and a statement of the particulars thereof. A respondent may reply in writing to the complainant, after the service of a notice of hearing, for a more definite or detailed statement, and such application shall state, with specificity, the instances in which the complaint is insufficiently definite and detailed. If the complainant or complainant's attorney believes that the complaint is not sufficiently definite or detailed, complainant or the complainant's attorney shall provide such a statement. Otherwise the application shall be referred to the chair after the hearing has commenced, who shall issue such directions, if any, as may be appropriate.

(4) The date of the alleged unlawful discriminatory practice and, if the alleged unlawful discriminatory practice is of a continuing nature, the dates between which the continuing acts of discrimination are alleged to have occurred.

(5) A statement as to any other action, civil or criminal, instituted in any other forum and as to any

pending administrative proceeding based on the same grievance as is alleged in the complaint, together with a statement as to status or disposition of such other action.

(e) *Place of filing.* A complaint shall be filed with the municipal clerk or other place designated by the commission.

(f) *Time of filing.* A complaint must be filed within 180 days from the date of the occurrence of the alleged unlawful discriminatory practice. If the alleged unlawful discriminatory practice is of a continuing nature, the date of its occurrence shall be deemed to be any date subsequent to its inception, up to and including the date of its cessation.

(g) *Manner of filing.* The complaint may be filed by personal delivery, ordinary mail, registered mail or certified mail, addressed to the office of the municipal clerk.

(h) *Service.* A copy of the complaint shall be promptly served by the complainant on the respondents and all persons the commission deems to be necessary parties, on its own motion or on application of a respondent. A copy of all amendments to the complaint shall be served by the commission on all parties to the proceeding, except such amendments to the complaint as are made to more correctly identify a respondent or necessary party previously served. A copy of any complaint filed against any respondent who has previously entered into a conciliation agreement or as to whom findings of the commission have been rendered shall be delivered to the mayor, president and members of the council, the head of every department of city government and the license review board.

(i) *Investigation and recommendation.*

(1) Within 30 days after receiving a complaint, the municipal clerk, **the clerk's designee**, or other designee of the commission shall conduct an initial investigation and report the findings to the commission. Such investigation may be made by field visit, written or oral inquiry, conference, or any other method or combination thereof deemed suitable in the discretion of the municipal clerk or other designee. The commission shall receive the report and attempt to eliminate the unlawful discriminatory practice complained of by conference, conciliation and persuasion.

(2) In conducting an investigation the municipal clerk or other designee as well as the commission shall have access at all reasonable times to records, documents, individuals and other evidence or possible sources of evidence and may examine, record and copy such materials and take and record the testimony or statements of such persons as are reasonably necessary for the furtherance of the investigation.

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(j) *Conciliation.*

(1) The terms of a conciliation agreement shall include provisions requiring the respondent to refrain from the commission of unlawful discriminatory practices in the future and may be agreed upon by the members of the commission and the respondent.

(2) The commission shall not disclose what has transpired in the course of its endeavors at conciliation and persuasion, except to the parties and their representatives. However, when executed, the final terms of a conciliation agreement may be disclosed.

(k) *Successful conciliation.*

(1) If the respondent agrees to the terms of conciliation, the chair shall prepare a proposed conciliation agreement and serve it upon the complainant.

(2) If the complainant agrees to the terms of the agreement or fails to object to such terms within 15 days after its service, the commission may formally enter into the proposed conciliation agreement by issuing its findings embodying such conciliation agreement. The commission shall serve a copy of such findings order upon all parties to the proceeding.

(l) *Consideration of complainant's objections.*

(1) An objection by a complainant to a proposed conciliation agreement must be written and shall be delivered or mailed within 15 days of the service of the proposed agreement. If the agreement is served by mail, service shall be accomplished by registered mail or certified mail. The objections shall be specific and in detail.

(2) Unless such objections are met or withdrawn within ten days after service thereof, the commission shall notice the complaint for hearing.

(3) However, the commission, when it finds the terms of a conciliation agreement to be in the public interest, may execute such agreement if the respondent is still willing to execute it by issuing its findings. The commission may either dismiss the objections as being without substance or may hold a hearing limited to the objections of the complainant, unless the respondent demands a hearing on the merits of the charges of unlawful discriminatory practice by serving an answer including such a demand.

(m) *Notice of hearing and answer.* A notice of hearing with the complaint shall be served upon the respondent and the procedures for filing an answer shall be as follows:

(1) *Time of filing answer.* At least three business days prior to the hearing, the respondent shall

file a written answer to the complaint, sworn to and subject to the penalties of perjury.

(2) *Place and manner of filing answer.* The answer must be filed with the commission in triplicate in the office of the chair of the commission and a copy served upon each attorney of record and upon each party not represented by an attorney.

(3) *Form of answer.* The answer shall be in writing, the original being signed and sworn to subject to the penalties of perjury. The answer shall contain the party's address, telephone number and, if made by an attorney, the name, address and telephone number of the attorney. The answer shall contain a separate and specific response to each and every particular of the complaint or a denial of any knowledge or information thereof sufficient to form a belief. Any allegation in the complaint which is not denied shall be deemed admitted.

(4) *Failure to answer.* If the respondent fails to answer the complaint, the hearing shall proceed on the evidence in support of the complaint.

(n) *Procedure of hearings.*

(1) The chair shall not be bound by the strict rules of evidence prevailing in courts of law or equity. All relevant evidence shall be admitted, unless privileged or excessively cumulative.

(2) The chair shall have full authority to control the procedure of the hearing, subject to this article, and to rule upon motions and objections.

(i) In conducting an investigation under this article, the chair shall have access at all reasonable times to premises, records, documents, individuals and other evidence or possible sources of evidence and may examine, record and copy such materials and take and record the testimony or statements of such persons as are reasonably necessary for the furtherance of the investigation, provided that the chair first complies with the provisions of the fourth amendment to the Constitution of the United States relating to unreasonable searches and seizures. The chair may issue subpoenas to compel access to or the production of such materials or the appearance of such persons and may issue interrogatories to a respondent to the same extent and subject to the same limitations as would apply if the subpoenas or interrogatories were issued or served in aid of a civil action in the superior court. The chair or the chair's designee may administer oaths.

(ii) Upon written application to the chair, a respondent shall be entitled to the issuance of a reasonable number of subpoenas by and in the name of the chair to the same

extent and subject to the same limitations as subpoenas issued by the chair. Any subpoenas issued at the request of a respondent shall show on its face the name and address of such respondent and shall state that it was issued at the respondent's request.

(iii) Witnesses summoned by subpoena of the commissioner shall be entitled to the same witness and mileage fees as are witnesses in proceedings in superior courts. Fees payable to a witness summoned by a subpoena issued at the request of a respondent shall be paid by the respondent.

(iv) Within five days after service of a subpoena upon any person, such person may petition the chair to revoke or modify the subpoena. The chair shall grant the petition if the chair finds that the subpoena requires appearance or attendance at an unreasonable time or place, that it requires production of evidence which does not related to any matter under investigation, that it does not describe with sufficient particularity the evidence to be produced, that compliance would be unduly onerous or for other good reason.

(v) In the event that a person refuses to obey a subpoena, the chair or other person at whose request it was issued may petition for its enforcement in the Atlanta Municipal Court.

(vi) Any person who wilfully fails or neglects to attend and testify or to answer any lawful inquiry or to produce records, documents or other evidence, if it is in such person's power to do so, in obedience to the subpoena or lawful order of the chair shall be guilty of a violation which is punishable as provided in section 1-8. Any person who, with intent thereby to mislead the chair or the chair's designee, shall make or cause to be made any false entry or statement of fact in any report, account, record or other document submitted to the chair pursuant to the chair's subpoena or other order, or who shall willfully neglect or fail to make or cause to be made fill, true, and correct entries in any such report, account, record or other document or who shall willfully mutilate, alter or by any other means falsify any documentary evidence shall be guilty of a violation which is punishable as provided in section 1-8, except that any fine assessed thereunder shall not exceed $500.00. Any person or entity who willfully resists, prevents, impedes or interferes with the chair, the commission, or its designee in the performance of their duties under this chapter shall be guilty of a violation which is punishable as provided in section 1-8.

(4) All oral testimony shall be given under oath or affirmation, and a record of the proceeding shall be made and kept.

(5) Attempts at conciliation shall not be received in evidence.

(6) Evidence shall not be received in camera. However, where desirable, the chair, in consultation with counsel, may provide for the use of devices such as deletion of names and coding in order to protect personal privacy or information, including trade secrets.

(7) No person shall communicate with the chair subsequent to the commencement of a hearing on any matter relating to the case, other than a status inquiry, unless a copy of such communication is sent to all parties to the proceeding.

(o) *Findings after hearing.*

(1) *Form and content.* Findings shall be issued after hearing and shall set forth the findings of fact of the commission, the determination and, in the discretion of the chair, an opinion containing the reasons for the decision.

(2) *Service.* Copies of findings signed by the chair shall be sent to the complainant, to the respondent by certified mail and all other parties, with copies also sent to the mayor, municipal clerk, president and members of the council and the head of every department of city government. A copy of the findings shall be delivered to the department of police in order for the department to obtain compliance with sections 10-57(6) and 10-109(a)(13) of this Code.

(3) *Conduct after findings.* After making findings of discrimination in violation of articles III, IV, V or VI of this Chapter, it shall be unlawful for any city employee or official to expend city funds with the violating person or entity, except as necessary to satisfy obligations inherent under existing contracts. In addition, the commission may take one or more of the following remedial actions:

(a) Issuing an order of enforcement as appropriate and necessary;

(b) Ordering payment of expenses, including reasonable attorneys fees, associated with the bringing of a complaint under this section;

(c) Ordering revocation, suspension or denial of the respondent's municipal licenses, including but not limited to any license to sell alcoholic beverages, professional license, or other business licence. If such remedy is ordered, the commission shall forward prompt notice of the order to the appropriate municipal licensing authority or authorities, which shall immediately revoke the license(s). The violating party shall have the right to periodically petition the commission for a review, and upon clear and convincing evidence that the discriminatory conduct

has been halted, the commission shall order the previously revoked license(s) reinstated, and provide prompt notice of such reinstatement order to the appropriate licensing authority or authorities, which shall promptly reinstate the license.

(p) *Compliance investigation.*

(1) *Investigation.* Not later than one year from the date of a conciliation agreement, findings after hearing or after stipulation and at any other times in its discretion, the commission shall investigate whether the respondent is complying with the terms of such agreement or recommendations.

(2) *Action.* Upon a finding of noncompliance, the commission shall take appropriate action to ensure compliance. The commission shall notify the license review board of the respondents' noncompliance.

(q) *Appeal.* Any party to a proceeding of the commission may file an appeal by writ of certiorari as provided by law.

(Code 1977, §§ 5-9006)

ARTICLE VII. DOMESTIC PARTNERSHIPS*

Sec. 94-131. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Declaration of domestic partnership means a form provided by the city business license office in which two people agree to be jointly responsible for the necessities of life incurred during the domestic partnership and that all qualifications for domestic partnership are met when the declaration is signed. The form will require both partners to provide reasonable proof of their primary, regular and permanent residence address. The form must be signed under penalty of perjury and must be witnessed and notarized. The business license office shall, within 30 days of the effective date of this article (June 29, 1993), make such forms available. To help defray costs associated with the providing and filing of these forms, the business license office is authorized to charge a fee as set forth in section 94-134 for each completed form.

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*Cross reference(s)--Domestic partners eligible for certain employee benefits, § 2-858.

Domestic partnership. Domestic partners are two people of the opposite or same gender who live together in the mutual interdependence of a single home and have signed a declaration of domestic partnership in which they attest that:

(1) They share the same primary, regular and permanent residence and have lived together for the previous six months (documentation must be submitted verifying joint residency);

(2) They have a committed personal relationship with each other that is mutually interdependent and intended to be lifelong;

(3) They agree to be jointly obligated and responsible for the necessities of life for each other;

(4) They are not married to anyone or legally separated from anyone;

(5) They are 18 years of age or older;

(6) They are competent to enter into a contract;

(7) They are not related by blood closer than would bar marriage in the state;

(8) They are each other's sole domestic partner;

(9) They agree to file a termination of domestic partnership within 30 days if any of the facts set out in this definition change; and

(10) Any prior domestic partnership in which their domestic partner participated with a third party was terminated not less than six months prior to the date of such affidavit, and, if such earlier domestic partnership had been acknowledged under provisions of this section, that notice of termination of such earlier domestic partnership was provided to the city in writing to the business license division of the department of finance not less than six months prior to the date of said affidavit. If the prior domestic partnership was terminated by the death of the partner, there shall be no waiting period.

Live together means that two people claiming domestic partnership status share the same primary, regular and permanent residence. It is not necessary that the legal right to possess the residence be in both names. Domestic partners do not cease to live together if one leaves the shared residence for a period not to exceed one year, but intends to return. Whether the relationship between these two people is or is not sexual is in no way relevant for the purposes of determining eligibility under this article.

Necessities of life means the cost of basic food, shelter, clothing and medical care. The individuals need not contribute equally or jointly to the cost of these expenses as long as they agree that both are responsible and obligated for the cost.

(Code 1977, § 14-13001)
Cross reference(s)--Definitions generally, § 1-2.

Sec. 94-132. Legal effect of declaration of domestic partnership.

(a) *Rights and duties created.* Neither this article nor the filing of a declaration of domestic partnership shall create any legal rights or duties from one of the parties to the other, except those which specifically refer to domestic partnership. Nothing in this article shall be construed to explicitly or implicitly create a marital relationship. This chapter does not attempt to alter or affect the laws in the state that regulate any private or civil relationships.

(b) *Duration of rights and duties.* Once a domestic partnership ends, the partners will incur no further obligations to each other under this article.
(Code 1977, § 14-13002)

Sec. 94-133. Establishing existence of domestic partnership.

(a) *Generally.* Domestic partners who are residents of the city or who are employees of the city may establish the existence of their domestic partnership by presenting an original declaration of domestic partnership to the business license office of the city along with reasonable proof of residence such as, but not limited to, a driver's license, utility bill, or state I.D. card. The business license office will file the declaration and provide the partners with a certificate showing that the declaration was filed with the business license office. The standard declaration form will be available in the business license office during normal business hours.

(b) *Limitations.* The business office shall only accept for filing declarations of domestic partnership submitted by domestic partners who have residence in the city or who are employees of the city.

(c) *Amendments to the declaration.* A partner may amend a declaration of domestic partnership filed with the business license office at any time to show a change in such partner's primary residence address.

(d) *New declarations of domestic partnership.* No person who has created a domestic partnership may create another until six months after a notice of termination has been signed and filed with the business license office; provided, however, that if the domestic partnership ended because of the death of the other party, a new declaration may be filed any time after the notice of termination has been filed.

(e) *Evidence of domestic partnership.* Any person who requires a person to provide evidence of the existence of a domestic partnership must accept the declaration of domestic partnership, but may choose not to require the declaration, as complete proof of the existence of a domestic partnership. The declaration of domestic partnership may be considered reasonable proof for qualifying for any present or future

domestic partner benefits that private corporations or public institutions offer.
(Code 1977, § 14-13003)

Sec. 94-134. Records, copies, filing fees.

(a) *Records of the city's business license office.* The clerk at the city's business license office shall keep a record of all declarations of domestic partnerships, amendments to declarations of domestic partnership, and all notices of termination. The records shall be maintained so that amendments and notices of termination shall be filed with the declaration of domestic partnerships to which they pertain.

(b) *Filing fees.* The business license office shall charge a fee of $30.00 for the filing of a declaration of domestic partnership and shall charge a fee of $5.00 for providing certified copies of declarations, amendments or notices of termination. There will be no charge for the filing of amendments or notices of termination.
(Code 1977, § 14-13004)

Sec. 94-135. Visitation in jail/prison/detention facilities.

Where visitation to persons held in detention, prison or jail facilities operated or controlled by the city is restricted, such detained person's domestic partner shall be allowed visitation privileges identical to a married person's spouse, and the children of the domestic partner or the parents of the domestic partner, and shall be afforded visitation on the same terms, hours and conditions as immediate family members.
(Code 1977, § 14-13005)
Cross reference(s)--Correctional facility rules, § 98-176 et seq.

Sec. 94-136. Ending domestic partnerships.

(a) *Termination.* A domestic partnership ends when:

(1) One partner sends the other partner written notice that such partner has ended the domestic partnership;

(2) One of the partners dies; or

(3) The partners no longer meet one or more of the qualifications or conditions for domestic partnership.

(b) *Notice of termination.*

(1) To domestic partners. When a domestic partnership ends, the partners must execute a notice of termination naming the partners and stating that the partnership has ended. The notice of termination must be dated and signed under penalty of perjury by at least one of the partners. The notice of termination must be filed with the business license office.

(2) To third parties. A domestic partner who has given a copy of a declaration of domestic partnership to any third party in order to qualify for any benefit or right must, whenever the domestic partnership ends, give that third party a copy of the notice of termination. If a partner has died, the surviving partner must give notice of termination to those third parties such partner knows were given copies of the declaration by the deceased partner in order to qualify for a benefit or right. The notice of termination must be sent to the parties identified in this section within 60 days of the termination of the domestic partnership.

(3) *Failure to give notice.* Failure to give notice as required by this subsection will neither prevent nor delay termination of the domestic partnership.

(4) *Termination by city.* Notwithstanding any of the above, the city shall terminate a domestic partnership if the city finds that the partners no longer meet one or more of the qualifications or conditions for domestic partnership. The effective date of such termination will be retroactive to the date that such qualifications or conditions were no longer met.
(Code 1977, § 14-13006)

Sec. 94-137. Enforcement.

(a) Any person may apply to the state court of Fulton County or the superior court of Fulton County, or the appropriate courts in DeKalb County for residents of the city in DeKalb County, depending upon jurisdictional requirements for enforcement of the provisions of this article in law or equity.

(b) Any action to enforce this article must be commenced no later than two years after the claimed violation.
(Code 1977, § 14-13007)

Sec. 94-138. Limited effect.

Nothing in this article shall be deemed to alter, affect or conflict with the laws of the state or the United States.
(Code 1977, § 14-13009)

A true copy
Rhonda Dauphin Johnson
Municipal Clerk,CMC

ADOPTED as amended by the Council **DEC 04, 2000**
APPROVED by the Mayor **DEC 12, 2000**

RCS# 2480
12/05/00
12:20 AM

Atlanta City Council

Regular Session

00-O-1983

Create, Delete & Amend Code Sections
Regarding Equal Status/Opportunity
ADOPT AS AMEND

YEAS:	12
NAYS:	1
ABSTENTIONS:	0
NOT VOTING:	2
EXCUSED:	0
ABSENT	1

Y McCarty	Y Dorsey	Y Moore	B Thomas
Y Starnes	Y Woolard	Y Martin	Y Emmons
Y Bond	N Morris	Y Maddox	Y Alexander
Y Winslow	NV Muller	Y Boazman	NV Pitts

00-O-1983

(Do Not Write Above This Line)

AN ORDINANCE
BY COUNCIL MEMBER CATHY WOOLARD

AN ORDINANCE TO AMEND ARTICLE I SECTION 94 OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA SO AS TO CREATE NEW SECTIONS 94-10, 94-11, 94-12, 94-13 PREVIOUSLY RESERVED; AND TO AMEND ARTICLE II AND ARTICLE IV SECTION 94 OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA SO AS TO DELETE AND REPLACE SECTIONS 94-37, 94-41, 94-69, 94-90, 94-92, 94-94, 94-95, 94-96, 94-97, AND DELETE SECTIONS 94-93, 94-99 THROUGH 94-103; AND 94-105; AND TO AMEND ARTICLE III SECTION 94 OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA SO AS TO REPLACE ARTICLE III "DISCRIMINATION GENERALLY" WITH ARTICLE III "NON-DISCRIMINATION IN PUBLIC ACCOMMODATIONS" AND AMEND ARTICLE V AND VI OF SECTION 94 OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA SO AS TO CREATE NEW SECTIONS, TO BE ENTITLED "FAIR PRIVATE EMPLOYMENT" AND "ENFORCEMENT" AND TO RENUMBER EXISTING ARTICLE V "DOMESTIC PARTNERSHIPS" AS ARTICLE VII; AND TO REPEAL CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.

ADOPTED BY
DEC 04 2000
COUNCIL
As Amended

APPROVED BY:

ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

- ☐ CONSENT REFER
- ☐ REGULAR REPORT REFER
- ☐ ADVERTISE & REFER
- ☐ 1st ADOPT 2nd READ & REFER
- ☑ PERSONAL PAPER REFER

Date Referred	11/20/00
Referred To:	Finance/Executive
Date Referred	
Referred To:	
Date Referred	
Referred To:	

First Reading

Committee
Date
Chair
Referred to

Committee	Committee
F. N. Exec	
Date 11-29-00	Date
Chair	Chair
Action: Fav, Adv, Hold (see rev. side)	Action: Fav, Adv, Hold (see rev. side)
Other:	Other:
Members	Members
Refer To	Refer To

Committee	Committee
Date	Date
Chair	Chair
Action: Fav, Adv, Hold (see rev. side)	Action: Fav, Adv, Hold (see rev. side)
Other:	Other:
Members	Members
Refer To	Refer To

FINAL COUNCIL ACTION

☑ 2nd ☐ 1st & 2nd Readings ☐ 3rd

☐ Consent ☐ V Vote ☑ RC Vote

CERTIFIED

CERTIFIED
DEC 4 2000
ATLANTA CITY COUNCIL PRESIDENT

CERTIFIED
DEC 0 4 2000
MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED
DEC 12 2000