ORDINANCE NO. 22-407

AN ORDINANCE OF THE CITY OF DENTON AMENDING CHAPTER 14 OF THE CODE OF ORDINANCES (HEALTH & HUMAN SERVICES) TO ADD ARTICLE VIII, TITLED "NON-DISCRIMINATION IN PUBLIC ACCOMMODATIONS, EMPLOYMENT PRACTICES, AND HOUSING;" REPEALING CHAPTER 15 OF THE CODE OF ORDINANCES (HOUSING), PROVIDING SEVERABILITY; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR A PENALTY; PROVIDING FOR PUBLICATION AND CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Denton celebrates its diverse population; and

WHEREAS, the City of Denton recognizes that legal protections extended to most protected classes under federal and state law have not been completely extended to protect individuals against discrimination based on their sexual orientation or gender identity; and

WHEREAS, the City of Denton declares it to be the public policy of the City that all persons subject to its jurisdiction should enjoy equal human rights, including the ability to earn wages through gainful employment, to obtain and enjoy goods, services, facilities and accommodations in all places of public accommodation, and to obtain housing, without being subject to discrimination based on race, color, national origin, age, religion, disability, sex, sexual orientation, or gender identity, which otherwise is detrimental to the peace, progress, and welfare of the City; NOW, THEREFORE,

THE COUNCIL OF THE CITY OF DENTON HEREBY ORDAINS:

SECTION 1. The findings and recitations contained in the preamble of this Ordinance are incorporated herein by reference.

SECTION 2. The City Council finds that adopting a Non-Discrimination Ordinance that addresses public accommodations, employment practices, and housing, enhances the public welfare and quality of life for residents, visitors, and businesses in the City of Denton.

SECTION 3. Chapter 14 of the City of Denton Code of Ordinances, entitled "Health & Human Services," is hereby amended to add Article VIII, entitled "Non-Discrimination in Public Accommodations, Employment Practices, and Housing," as provided as follows:

ARTICLE VIII: NON-DISCRIMINATION IN PUBLIC ACCOMMODATIONS, EMPLOYMENT PRACTICES, AND HOUSING

Sec. 14-203-1. Equal rights policy.

(a) *Policy Declarations.*

(1) The City of Denton celebrates its diverse population, and to that end, it is hereby declared to be the public policy of the City of Denton that all persons subject to its jurisdiction

should enjoy equal human rights, including the ability to earn wages through gainful employment, to obtain and enjoy goods, services, facilities and accommodations in all places of public accommodation, and to obtain housing.

(2) It is policy of the City of Denton to ensure that no one is denied employment, public accommodations, or housing based on race, color, national origin, age, religion, disability, sex, sexual orientation, or gender identity.

(3) The City of Denton recognizes that legal protections extended to most protected classes under federal and state law have not been completely extended to protect individuals against discrimination based on their sexual orientation or gender identity.

Sec. 14-203-2. Definitions

(a) In this ordinance, the following words, terms, and phrases, when used, shall have the meanings ascribed to them, except where the context clearly indicates a different meaning:

(1) *Administrator* means the individual designated by the City Manager or their designee to receive, investigate, and conciliate complaints under this ordinance and includes the administrator's designated representatives.

(2) *Age* shall mean a person forty (40) or more years of age.

(3) *Business day* shall mean a day the City of Denton is open and conducts official business.

(4) *Complainant* shall mean a person who files a complaint pursuant to Section 14-203-11.

(5) *Conciliation* shall mean the attempted resolution of issues raised by a complaint or by the investigation of a complaint, through informal negotiations or mediation.

(6) *Conciliation agreement* shall mean a written agreement setting forth the resolution of issues pursuant to conciliation.

(7) *Disability* shall mean a physical or mental impairment that substantially limits one (1) or more major life activities of an individual, a record of such an impairment or being regarded as having such an impairment; it is to be construed to be in accordance with the Americans with Disabilities Act and the ADA Amendments Act of 2008.

(8) *Discrimination* shall mean any direct or indirect disparate, prejudicial, or unjust treatment, distinction, segregation, limitation, refusal, denial or other differentiation of a person or persons, based on a particular characteristic or by classifying or categorizing a person based on perceived or actual participation in a certain group of people with a particular characteristic.

(9) *Dwelling* shall mean:

a. A building, structure or part of a building or structure, that is occupied as, or designed or intended for occupancy as, a residence for one (1) or more persons;

b. Vacant land that is offered for sale or lease for the construction or location of a building, structure or part of a building or structure, described in subsection (a).

(10) *Educational institution* shall mean:

a. Any prekindergarten, kindergarten, primary, secondary, or postsecondary educational institution, supported in whole or in part by state tax funds;

b. A "private school" as defined by V.T.C.A., Education Code § 5.001(6-a);

c. An "open-enrollment charter school" as defined by V.T.C.A., Education Code § 5.001(6);

d. An "institution of higher education" as defined by V.T.C.A., Education Code § 61.003(8); or

e. A "private or independent institution of higher education" as defined by V.T.C.A., Education Code § 61.003(15).

(11) *Employee* shall mean any individual employed by an employer. The term does not include an elected official.

(12) *Employer* shall mean any person who has fifteen (15) or more employees for each working day in each of twenty (20) or more calendar weeks in the current or preceding calendar year and includes any agent of such person. The term does not include any person specifically excluded from this section.

(13) *Employment agency* shall mean any person, and any agent of a person, who regularly undertakes, with or without compensation, to procure:

a. Employees for an employer; or

b. Opportunities for a person to work for an employer.

(14) *Familial status* means one (1) or more individuals, who have not attained the age of eighteen (18) years, being domiciled with:

a. A parent or another person having legal custody of such individual or individuals; or

b. The designee of such parent or other person having such custody, with the written permission of such parent or other person; or

c. A person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of eighteen (18) years.

(15) *Family* includes a single individual.

(16) *Gender identity* shall mean a person's real or perceived gender identity as male, female, both, or neither, and/or an innate, deeply felt sense of gender, which may or may not correspond to the person's physical anatomy and also includes a person's gender expression through external characteristics and behaviors including, but not limited to, dress, grooming, mannerisms, speech patterns and social interactions, that are identified with a particular gender or sexual orientation.

(17) *Joint labor-management committee* shall mean an entity that controls apprenticeship or other training or retraining programs, including on-the-job training programs.

(18) *Labor organization* shall mean a labor organization and any of its agents, and includes:

a. Any organization, agency or employee representation committee, group, association, or plan in which employees participate and that 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 and conditions of employment; and

b. Any conference, general committee, joint or system board or joint council so engaged, that is subordinate to a national or international labor organization.

(19) Non-profit organization shall mean an organization exempt from taxation as provided in Internal Revenue Code, 26 U.S.C. § 501(c).

(20) Person includes one (1) or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers, fiduciaries, and any other organization or entity of whatever character.

(21) Place of public accommodation means any of the following establishments if they are open to the general public and, for compensation, offer any product, service, or facility to the general public:

a. Any inn, hotel, motel, or other establishment that provides lodging to transient guests, other than an establishment:

1. Located within a building that contains not more than five rooms for rent or hire and that is actually occupied by the proprietor of the establishment as a residence; or

2. In which the majority of the occupants are permanent residents and maintain their fixed place of domicile in the establishment.

b. Any restaurant, cafeteria, lunchroom, lunch counter, soda fountain, or other facility principally engaged in selling food for consumption on the premises, including, but not limited to, any such facility located on the premises of a retail establishment or gasoline station;

c. Any motion picture house, theater, concert hall, sports arena, stadium, or other place of exhibition or entertainment;

d. Any bar, tavern, pub, drinking establishment, or facility where alcoholic beverages are served;

e. Any retail or wholesale establishment selling any kind of goods or services; or

f. Any public conveyance, including stations and terminals.

(22) Public conveyance shall mean any vehicle, or any other means of transport operated on land, water or in the air, which in fact caters to, or offers its goods, facilities, or services to, or solicits or accepts patronage from the general public. "Public conveyance" includes any person who is the owner, lessee, operator, proprietor, manager, superintendent, agent or employee or any public conveyance.

(23) Protected employment characteristic shall mean an individual's race, color, national origin, age, religion, disability, sex, sexual orientation, or gender identity.

(24) Protected housing characteristic shall mean an individual's race, color, national origin, age, religion, disability, familial status, sex, sexual orientation, gender identity, or a veteran's source of income.

(25) Reasonable Accommodation means a change, exception, or adjustment to a rule, policy, practice, or service that may be necessary for a person with disabilities to have an equal opportunity to use and enjoy a dwelling, including public and common use spaces, or to meet program requirements.

(26) Reasonable Cause means that there is sufficient evidence to allege that a respondent has violated this ordinance. Evidence is sufficient if a reasonable person would believe that further inquiry into whether a violation occurred is warranted.

(27) Reasonable Modification under the Fair Housing Act means a structural change made to existing premises, occupied or to be occupied by a person with a disability, in order to afford such person full enjoyment of the premises.

(28) Religion shall mean all aspects of religious observance and practice, as well as belief.

(29) Religious organization shall mean:

a. A religious corporation, association, or society; or

b. A school, college, university, or other educational institution or institution of learning, if:

1. The institution is, in whole or in substantial part, controlled, managed, owned, or supported by a religion, religious corporation, association, or society; or

2. The curriculum of the institution is directed toward the propagation of a religion.

(30) Respondent shall mean a person, organization, or entity against whom a complainant has filed a complaint pursuant to Section 14-203-11.

(31) Sex shall mean gender and the biological differences between men and women.

(32) Sexual orientation shall mean the actual or perceived status of a person with respect to their sexuality.

(33) Source of income means lawful, verifiable income paid directly to a tenant (child support, or spousal maintenance) or to a representative of a tenant, or paid to a housing owner or landlord on behalf of a tenant, including federal, state, or local public assistance, and

federal, state, or local housing subsidies, including, but not limited to, federal housing assistance vouchers issued under Section 8 of the United States Housing Act of 1937.

(34) To rent includes to lease, to sublease, to let and otherwise to grant for a consideration the right to occupy premises not owned by the occupant.

(35) U.S. Department of Housing and Urban Development (HUD)-Veterans Affairs (VA) Supportive Housing Program (HUD-VASH) is a collaborative program between HUD and VA combining HUD housing vouchers with VA supportive services to help homeless Veterans and their families find and sustain permanent housing.

(36) Veteran means a person who served in the active military, naval, or air service and who was discharged or released under conditions other than dishonorable.

Sec. 14-203-3: Exclusions

Except as required by state or federal law, this ordinance shall not apply to the following:

(a) Religious organizations;

(b) The United States government or any of its departments or agencies;

(c) The State of Texas, or any of its departments, agencies, or political subdivisions.

Sec. 14-203-4: Public Accommodations

(a) *Unlawful practice.* It shall be unlawful for any person with care, custody or control over the premises of a place of public accommodation or for any owner, employee or agent, of a place of public accommodation to discriminate against any person on the basis of race, color, national origin, age, religion, disability, sex, sexual orientation, or gender identity, to:

1. Directly or indirectly exclude, segregate, limit, refuse, or deny to any person any of the accommodations, advantages, facilities, benefits, services or goods, offered to the general public at a place of public accommodation; or

2. Circulate, issues, display, post, mail, or otherwise publish a statement, advertisement, or sign indicating that:

    a. A person will be denied accommodations, advantages, facilities, benefits, privileges, services, or goods at that place; or

    b. The patronage or presence of a person at that place is objectionable, unwelcome, unacceptable, undesirable, or unsolicited.

(b) *Defenses.*

1. It is a defense to prosecution under this subsection on the basis of disability that the discrimination resulted from a condition or structural feature that is in conformance with the law.

2. It is a defense to prosecution if the refusal to admit a person to a place of public accommodation or the expulsion of a person from a place of public accommodation was required by law.

(c) *Additional Exclusion.*

1. This section does not apply to a bona fide social, fraternal, educational, political, religious, or civic organization, including a private club, that is restricted to members of the organization/club and guests and is not open to the general public, when the profits of the accommodations, advantages, facilities, and services (above reasonable and necessary expenses) are solely for the benefit of the organization/club.

Sec. 14-203-5: Employment Practices

(a) *Unlawful practice.* It shall be unlawful for an employer to discriminate against any person on the basis of race, color, national origin, age, religion, disability, sex, sexual orientation, or gender identity by the following actions or inactions:

1. For an employer to fail or refuse to hire, or to discharge, any person;

2. For an employer to discriminate against any person with respect to compensation, terms, conditions, or privileges, of employment;

3. For an employer to limit, segregate or classify employees or applicants for employment in any way that would deprive or tend to deprive a person of employment or employment opportunities, or that would otherwise adversely affect a person's status as an employee;

4. For an employment agency to fail or refuse to refer for employment, or to otherwise discriminate against, any person because of a protected employment characteristic;

5. For an employment agency to classify or refer for employment any person, on the basis of a protected employment characteristic;

6. For a labor organization to exclude or expel from its membership, or to otherwise discriminate against, any person because of a protected employment characteristic;

7. For a labor organization to fail or refuse to refer for employment any person because of a protected employment characteristic;

8. For a labor organization to limit, segregate or classify its members or applicants for membership, in any way that would deprive or tend to deprive a person of employment or employment opportunities, or that would otherwise adversely affect a person's status as an employee or as an applicant for employment;

9. For a labor organization to cause or attempt to cause an employer to discriminate against a person in violation of this ordinance;

10. For an employer, a labor organization or a joint labor-management committee, to discriminate against any person because of a protected employment characteristic

in the admission to, or employment in, any program established to provide apprenticeship or other training;

11. For an employer to print or publish, or cause to be printed or published, any notice or advertisement relating to employment by the employer that indicates any preference, limitation, specification, or discrimination, based on a protected employment characteristic;

12. For an employment agency to print or publish, or cause to be printed or published, any notice or advertisement relating to membership in or any classification or referral for employment by the employment agency that indicates any preference, limitation, specification, or discrimination, based on a protected employment characteristic; or

13. For a joint labor-management committee to print or publish, or cause to be printed or published, any notice or advertisement relating to admission to, or employment in, any program established to provide apprenticeship or other training by the joint labor-management committee that indicates any preference, limitation, specification, or discrimination, based on a protected employment characteristic.

(b) *Additional Exclusions.*

1. Nothing in this subsection prohibits a notice or advertisement from indicating a preference, limitation, specification, or discrimination, based on a protected characteristic when a protected characteristic is a bona fide occupational qualification for employment.

2. This section does not apply to, and does not require, the provision of employee benefits to a person for the benefit of the person's domestic partner.

Sec. 14-203-6: Housing

(a) It is the policy of the City of Denton to provide, within constitutional limitations, for fair housing throughout the City by ensuring the opportunity for every person to obtain housing without regard to race, color, national origin, age, religion, disability, familial status, sex, sexual orientation, or gender identity.

(b) Fair Housing means the prohibition of discrimination based on race, color, national origin, religion, sex, familial status, or disability when renting or buying a home, getting a mortgage, seeking housing assistance, or engaging in other housing-related activities.

(c) *Unlawful practice.* It shall be unlawful for any person to discriminate against any person on the basis of race, color, national origin, age, religion, disability, familial status, sex, sexual orientation, or gender identity by engaging in the following housing practices:

1. *In the Sale and Rental of Housing.* A person engages in a prohibited discriminatory act if, because of race, color, national origin, age, religion, disability, familial status, sex, sexual orientation, or gender identity, they:

    a. Refuse to rent or sell a dwelling;

    b. Refuse to negotiate for the purchase or rental of a dwelling;

    c. Discourage the purchase or rental of a dwelling or otherwise make housing unavailable;

    d. Impose different sales prices or rental charges for the sale or rental of a dwelling; or

    e. Set different terms, conditions or privileges for sale or rental of a dwelling or in the provision of services or facilities therewith.

2. *Other Prohibited Discriminatory Acts.* A person engages in a prohibited discriminatory act if, because of race, color, national origin, age, religion, disability, familial status, sex, sexual orientation, or gender identity, they:

    a. Based on a person's disability, refuse to make a reasonable accommodation in rules, policies, practices, or services when such accommodations may be necessary to afford persons with disabilities an equal opportunity to use and enjoy a dwelling and public and common use areas;

    b. Based on a person's disability, refuse to permit, at the expense of the person with a disability, 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;

    c. In publication, make, print or publish, or cause to be made, printed, or published, any notice, statement, or advertisement, relating to the sale or rental of a dwelling that indicates a preference, limitation, or discrimination, for a protected housing characteristic or an intention to make any preference, limitation, or discrimination, based on a protected housing characteristic;

    d. In inspection, represent to a person that a dwelling is not available for inspection, sale, or rental, when the dwelling is available for inspection, sale or rental;

    e. For profit, induce or attempt to induce a person to sell or rent, or to not sell or rent, a dwelling by representing that people of a particular protected characteristic are about to move into the neighborhood;

    f. In brokerage services, deny access to or membership in any multiple listing service or real estate brokers' organization or other service organization or facility;

g. In residential real-estate-related transactions, refuse to make a mortgage loan, provide other financial assistance for a dwelling, impose different terms or conditions in a real-estate-related transaction, or otherwise discriminate against a person in making a real-estate-related transaction available.

3. *Veteran Source of Income.* Except as prohibited by Texas Local Government Code, Section 250.007, as amended, it shall be a discriminatory practice to discriminate in housing based on a Veteran's source of income.

(d) *Additional Exclusions.*

1. This subsection does not apply to the following:

a. To the sale or rental of a single-family house if the owner does not own more than three (3) single-family houses at any one (1) time. Any such sale of a single-family house shall be limited to one (1) such sale within any twenty-four (24) month period if the owner is not the most recent resident of the house prior to the sale or does not live there at the time of the sale, and the owner did not use the services or facilities of a real estate broker, agent, or salesman, or their agents and employees, for the sale or to advertise the sale in violation of this subsection; or

b. To a rental of a dwelling containing living quarters occupied or intended to be occupied by no more than four (4) families living independently of each other if the owner actually maintains and occupies part of the dwelling as his residence.

c. Religious organizations and private clubs are allowed to give preference to their members as long as they do not discriminate in their membership.

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.

3. Nothing in this article regarding discrimination based on familial status applies with respect to housing for older persons as set out and defined in the Fair Housing Act.

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 as defined in section 102 of the Controlled Substances Act, 21 U.S.C. 802.

(e) *Housing Enforcement; complaints.*

1. Any person who claims to have been injured by a discriminatory housing practice or who believes that they will be irrevocably injured by a discriminatory housing practice that is about to occur, hereinafter referred to as the "person aggrieved," may request assistance from the administrator to file a complaint with the Fair Housing and Equal Opportunity Division of the Region VI office of the U.S.

Department of Housing & Urban Development. The administrator, if requested by the person aggrieved, may assist with preparation and submission of the complaint to the U.S. Department of Housing and Urban Development.

2. Whenever the administrator has reasonable cause to believe that any person or group of persons is engaged in a pattern or practice of resistance to the full enjoyment of any of the rights granted by this article or that any group of persons has been denied any of the rights granted by this article, administrator may prepare and file a complaint to the U.S. Department of Housing & Urban Development. setting forth the facts in his own name, and such complaint shall be treated in the same manner as a complaint filed by a person aggrieved.

3. The administrator shall receive and accept notification and referral complaints from the U.S. Attorney General and the Secretary of Housing and Urban Development pursuant to the provisions of Title VIII, Fair Housing Act of 1968, Public Law 90-284, as amended (42 U.S.C. 3610), and shall treat such complaints in the same manner as other complaints filed pursuant to this section.

Sec. 14-203-7: Unlawful Intimidation, Retaliation and Coercion

It shall be unlawful for any person to discriminate against, harass, threaten, harm, damage or otherwise penalize or retaliate against another person for opposing an unlawful practice, for filing a complaint, or for testifying, assisting or participating in any manner in an investigation, proceeding or hearing, in connection with an act of discrimination prohibited by this ordinance.

Sec. 14-203-8: Effect on Legal Remedies

(a) This ordinance shall not affect the right of any person to pursue any legal remedy for discriminatory practices available under federal or state law by filing a claim with the appropriate public agency or by filing a private civil action.

(b) This ordinance does not create a private cause of action.

(c) All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety, and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Denton in the discharge of their duties, shall not thereby render themselves personally liable; and they are hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of their said duties.

Sec. 14-203-9: Administration

The City Manager or their designee shall be responsible for implementing and administering this ordinance.

Sec. 14-203-10: Penalty

Any violation of the provisions or terms of this ordinance by any person, firm or corporation shall be a misdemeanor offense and shall be subject to a fine of up to $500 in accordance with Section 1-12(a)(4) of the City Code of Ordinances for each offense, as well as injunctive relief. Every day a violation continues shall constitute a separate offense. A violation shall be referred to the City Attorney's Office for prosecution if conciliation efforts are unsuccessful.

Sec. 14-203-11: Complaint Process

(a) A person who claims to have been discriminated against in violation of this ordinance may file a complaint with the City Manager or their designee. A complaint must be filed within ninety (90) calendar days after an alleged unlawful practice has occurred.

(b) A complaint shall be in writing on a form provided by the City Manager or their designee, made under oath or affirmation, and shall contain the following information:

1. Name and address of the respondent.
2. Name, address, email address, and signature of the complainant.
3. Date of occurrence of the alleged unlawful practice.
4. Statement of the facts upon which the allegation of an unlawful practice is based.

(c) Within ten (10) business days after the filing of a complaint, the City Manager or their designee shall review the complaint and notify the complainant in writing as to whether the city will:

1. Refer the complainant to another public agency pursuant to subsection (d) below;
2. Deny the complaint due to incomplete information;
3. Deny the complaint because it is legally deficient or untimely;
4. Accept the complaint for investigation.

(d) If the claim for discrimination is within the jurisdiction of a federal or state agency, the complainant shall be referred by the city to the appropriate public agency. The complainant shall be responsible for filing the discrimination complaint within timeframes set out in federal and state law and the city shall take no further action with regards to the complaint.

(e) If, and only if, a federal or state agency to which a claim for discrimination is referred pursuant to subsection (d) of this subpart refuses to materially investigate the claim based upon a lack of jurisdiction, the complainant shall have thirty (30) calendar days, running from the date the complainant receives notice from the federal or state agency, to

resubmit their complaint pursuant to subsection (b) of this section. If a complainant is resubmitting a complaint in accordance herewith, the complaint shall contain a copy of the correspondence or other documentation from the federal or state agency indicating its refusal to investigate or denial of the complaint based on jurisdictional grounds, in addition to the documentation required by subsection (b) of this subpart.

(f) The burden of proof shall be on the complainant that an unlawful act occurred.

Sec. 14-203-12: Investigation

(a) Promptly after a complaint that is not within the jurisdiction of a state or federal agency pursuant to Sec. 14-203-11 (d) or the complainant receives notice from the federal or state agency and has resubmitted their complaint pursuant to Sec. 14-203-11 (e) of this section, the City Manager shall commence an investigation.

(b) The City Manager or their designee shall, in writing:

1. Notify the respondent named in the complaint that a complaint alleging the commission of an unlawful practice has been filed against the respondent;
2. Furnish a copy of the complaint to the respondent; and
3. Advise the respondent of the procedural rights and obligations of the respondent, including the right to file a written, signed, and verified informal answer to the complaint within fifteen (15) business days after service of notice of the complaint.

(c) Not later than the 15th business day after service of the notice and copy of the complaint, a respondent may file an answer to the complaint. The answer must be in writing, made under oath or affirmation, and contain the following information:

1. Name, address, email address, telephone number, and signature of the respondent or the respondent's attorney, if any; and
2. Concise statement of facts in response to the allegations in the complaint, including facts of any defense or exception.

(d) The City Manager or their designee may dismiss a complaint at any time if they determine that:

1. The complaint was not filed within the required time;
2. The location of the alleged unlawful practice is not within the City's jurisdiction;
3. The alleged unlawful practice is not a violation of this ordinance;
4. The complainant refuses to cooperate in the investigation of the complaint or enforcement of an executed conciliation agreement;
5. A conciliation agreement has been executed by the complainant and the respondent.

The City Manager or their designee shall, in writing, notify the complainant and the respondent of the dismissal of the complaint and include a statement of the reason for the dismissal.

(e) The City Manager or their designee shall prepare a final investigative report showing, at a minimum, the names and dates of contacts with witnesses; a summary of correspondence and other contacts with the aggrieved person and the respondent showing the dates of the correspondence and contacts; a summary description of other pertinent records; and a summary of witness statements. A final report under this section may be amended if additional evidence is discovered. If there are legal questions involved, the complaint will be sent to the City Attorney's Office for review.

(f) After completion of the investigation, the administrator shall make available to the complainant and the respondent, at any time, information derived from the investigation and the final investigation report related to the investigation, except for information that is not subject to disclosure pursuant to state law, federal law, or common law privacy.

(g) The complaint, the investigative report, and any evidence collected therein, shall be subject to public disclosure pursuant to the Texas Public Information Act. Prior to any release, documents related to the complaint/investigation shall be reviewed by the City Attorney's Office to ensure information that is excepted from disclosure by state law, federal law, or common law privacy is redacted. If necessary, the City Attorney may submit the information to the Texas Attorney General's Office for an opinion.

Sec. 14-203-13: Conciliation

(a) If during or after the investigation, the City Manager or their designee determines that there is reasonable cause to believe discrimination occurred, the City shall attempt to conciliate the complaint. In conciliating a complaint, the City Manager or their designee shall try to achieve a just resolution and obtain assurances that the respondent will satisfactorily remedy any violation of the complainant's rights and take action to ensure the elimination of both present and future unlawful practices in compliance with this ordinance. This can include the voluntary discontinuance of the unlawful practice by the respondent and adequate assurances of future compliance with this ordinance combined with an educational component. Nothing said or done during the course of conciliation may be made public or be used as evidence in a subsequent proceeding under this ordinance. For these purposes, complaints and proceedings under this article shall be considered as litigation.

(b) A conciliation agreement executed under this section must be in writing in a form approved by the City Attorney and must be signed and verified by the respondent and the complainant. A conciliation agreement is executed upon its signing and verification by all parties to the agreement. An agreement shall be a public document, subject to any redactions required by state law, federal law, or common law privacy.

(c) A party to an executed conciliation agreement shall not be prosecuted in municipal court for the unlawful practice identified in the agreement unless the complaint notifies the City Manager or their designee within one (1) year of a violation of the agreement for

the same discriminatory practice addressed by the agreement and the City Attorney determines that the agreement has been violated.

(d) If a conciliation agreement cannot be reached, the matter may be reviewed for criminal enforcement pursuant to Section 14-203-10.

Sec. 14-203-14: Defenses

(a) Any applicable federal or state constitutional or statutory defense may be asserted by a person alleged to be in violation of this section.

(b) It is a defense that a person alleged to be in violation of this section was acting pursuant to a court order.

Sec. 14-204-15: Education and Public Information

In order to further the intent and objectives of this ordinance, the City Manager or their designee may conduct educational and public information programs.

SECTION 4. Chapter 15 of the City of Denton Code of Ordinances, entitled "Housing," is hereby repealed in its entirety.

SECTION 5. This Ordinance shall be cumulative of all provisions of ordinances of the City of Denton, except where the provisions of this Ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

SECTION 6. It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph, or section.

SECTION 7. The City Secretary is hereby directed to record and publish the attached rule, regulation, and policy in the City's Code of Ordinances as authorized by the Texas Local Government Code.

SECTION 8: This Ordinance shall become effective one hundred-twenty (120) calendar days from the date of its passage, and the City Secretary is hereby directed to cause the caption of this Ordinance to be published twice in the *Denton Record-Chronicle*, the official newspaper of the City of Denton, Texas, within ten (10) days of the date of its passage.

The motion to approve this Ordinance was made by Deb Armintor and seconded by Paul Mettzer; this Ordinance was passed and approved by the following vote [5 - 2]:

	Aye	Nay	Abstain	Absent
Gerard Hudspeth, Mayor:		✓		
Vicki Byrd, District 1:	✓			
Brian Beck, District 2:	✓			
Jesse Davis, District 3:		✓		
Alison Maguire, District 4:	✓			
Deb Armintor, At Large Place 5:	✓			
Paul Meltzer, At Large Place 6:	✓			

PASSED AND APPROVED this the 22nd day of March, 2022.

GERARD HUDSPETH, MAYOR

ATTEST:
ROSA RIOS, CITY SECRETARY

BY:

CITY OF DENTON
DENTON, TEXAS

APPROVED AS TO LEGAL FORM:
MACK REINWAND, CITY ATTORNEY

BY: