

Civil Rights in Flagstaff

Flagstaff City Code – Title 14 &
Municipal Equality Index





Civil Rights in Flagstaff



Presentation Overview

- Civil Rights Ordinance
 - Provisions
 - Complaint Process
 - Future Outreach
 - Seeking Direction on Statute of Limitations
- Municipal Equality Index
 - Where we lose points
 - Possible future actions



Civil Rights Ordinance

Who it applies to:

- Employers
- Labor Organization
- Public Accommodations
 - Restaurants
 - Hotels
 - Entertainment Venues
 - Retail Establishments
 - Educational Institutions



Civil Rights Ordinance

Who it Applies to:

- Employers
- Labor Organization
- Public Accommodations
 - Restaurants
 - Hotels
 - Entertainment Venues
 - Retail Establishments
 - Educational Institutions

Who is Exempt:

- Native Americans on/near Reservations
- Private Clubs
- Federal, State Governments
- Unruly behavior in public
- Religious Organizations
- Senior/Student discounts
- One-gender gyms
- Uniform dress codes at work



Civil Rights Ordinance



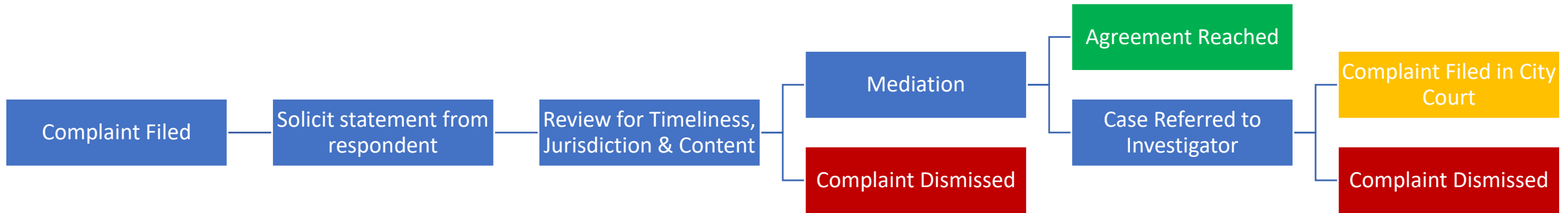
Protected Classes

- Race
- Color
- Religion
- Sex
- Age
- Disability
- Veteran's status
- National origin
- Sexual orientation
- Gender identity
- Gender expression



Civil Rights Ordinance

Complaint Process





Civil Rights Ordinance

Statute of Limitations

- Complaint must be filed no later than 90 days after violation
 - No extension permitted
 - If recurring violations, only those within 90 days are timely
- Federal Complaints: 180 Days
 - 300 days if also covered by a state or local anti-discrimination law
- Arizona Complaints: 180 Days

Staff Recommendation:

Increase time to file complaint to 180 days



Municipal Equality Index

What is the Municipal Equality Index?

- Evaluation of inclusivity of municipal laws, policies & services
 - Sexual Orientation
 - Gender Identity
- Published by the Human Rights Campaign (HRC)
- 506 municipalities
 - 11 in Arizona



Municipal Equality Index

Contents of Scorecard

- 100 points is max score
 - Additional 22 “Flex Points”
- 5 Categories
 - Non-discrimination Laws
 - Municipality as Employer
 - Municipal Services
 - Law Enforcement
 - Leadership on LGBTQ+ Equality



Flagstaff 2022 Scorecard

Overall Score

- 88/100
 - Gained and lost points in different categories

| CATEGORY | SCORE | FLEX PTS | Change |
|-------------------------------|---------------|-----------|-----------|
| Non-discrimination Laws | 20/30 | +1 | +1 |
| Municipality as Employer | 22/28 | +1 | -- |
| Municipal Services | 10/12 | +5 | +1 |
| Law Enforcement | 20/22 | N/A | -2 |
| Leadership on LGBTQ+ Equality | 7/8 | +2 | -- |
| TOTALS | 81/100 | +7 | -- |

Where we lose points

- Housing Non-Discrimination Ordinance (NDO)
- All-gender facilities
- Conversion Therapy
- Transgender-inclusive healthcare benefits
- Enforcement of NDO
- Youth bullying prevention policy
- Services to unhoused LGBTQ+ people
- Services to LGBTQ+ older adults
- Services to the transgender community
- Reported 2020 Hate Crime Stats to FBI
- Leadership's pro-equality policy efforts
- Testing limits of restrictive state law(s)





Flagstaff 2022 Scorecard

Housing Non-Discrimination Laws

- **Points Received: 0/10**
- City NDO covers “Public Accommodations” but not “Housing”
- Only Phoenix, Tucson, Tempe received full points in AZ
- State preemption from adding housing to NDO ([A.R.S. § 9-500.09](#))
 - Allowed municipalities over 350k to adopt fair housing ordinance
 - Required to adopt ordinance by 1/1/1995

Possible Action:

None Identified



Flagstaff 2022 Scorecard

Single-Occupancy All-Gender Facilities

- **Points Received: 1/2**
- Received 1 additional point since last year
- Council direction to require all-gender facilities in City-owned buildings (Jan 2022)
- 2 Points for ordinance requiring all gender facilities citywide
- Gender-neutral restrooms included in 2018 edition of International Building Code (IBC)

Possible Action:

Ordinance requiring gender-neutral facilities in all buildings in city



Flagstaff 2022 Scorecard

City Protects Youth from Conversion Therapy

- **Points Received: 0/2**
- Conversion therapy not banned at State level
 - No pre-emption on localities passing ban
 - Pima County is only jurisdiction to ban Conversion Therapy

Possible Action:

Ordinance banning conversion therapy for individuals under 18



Flagstaff 2022 Scorecard

City provides Transgender-Inclusive Healthcare Benefits

- **Points Received: 0/6**
- Benefits set in coordination with NAPEBT
- Many gender-affirming types of care are included
 - Gender reassignment is covered

Possible Action:

Continue to seek clarification on why we do not receive points for this item



Flagstaff 2022 Scorecard

Non-Discrimination Ordinance is enforced by CODA

- **Points Received: 0/2**
- NDO is enforced by City Manager's Office
- Commission on Diversity Awareness (CODA) satisfies separate area of scorecard
 - Commissions are primarily advisory and educational

Possible Action:

Staff and legal research the possibility of CODA enforcing the NDO



Flagstaff 2022 Scorecard

Youth Bullying Prevention Policy for City Services

- **Points Received: 0/2**
- 1 point each for sexual orientation and gender identity
- Anti-bullying provisions currently done by each program
 - Language varies

Possible Action 1:

Collect and evaluate anti-bullying rules of individual programs

Possible Action 2:

Ordinance prohibiting bullying in its youth programs on the basis of sexual orientation and gender identity



Flagstaff 2022 Scorecard

City Provides Services to LGBTQ+ People Experiencing Homelessness

- **Points Received: 1/2**
- Received 1 additional point since last year
- Community Block Grant to Sharon's Manor
 - Allowed rehab of 13 studio apartments

Possible Action:

Seek clarification on what is needed to receive full points



Flagstaff 2022 Scorecard

City Provides Services to LGBTQ+ Older Adults

- **Points Received: 0/2**
- Must be programs that target LGBTQ+ community directly
- No city programs identified that specifically target adult LGBTQ+ community

Possible Action:

Begin offering city programs for the adult LGBTQ+ community



Flagstaff 2022 Scorecard

City Provides Services to the Transgender Community

- **Points Received: 0/2**
- Programs must target transgender community directly
- No city programs identified that specifically target transgender community

Possible Action:

Begin offering city programs for the transgender community



Flagstaff 2022 Scorecard

Reported 2020 Hate Crime Statistics to the FBI

- **Points Received: 10/12**
- Previously received all points for this item
- PD reports data to AZ DPS who forwards to the FBI
- Change of reporting software caused hate crime tabs to be omitted
 - We caught this omission and resubmitted the data after the deadline
- PD confirmed that 2021 Data was submitted

Possible Action:

None Needed



Flagstaff 2022 Scorecard

Leadership's Pro-Equality Legislative or Policy Efforts

- **Points Received: 2/3**
- Based on policy efforts and public stances of elected officials
- Subjective criteria

Possible Action:

None Identified



Flagstaff 2022 Scorecard

City Tests Limits of Restrictive State Law

- Points Received: 0/3
- Designed as incentive for municipalities to push back on state laws that hinder LGBTQ+ inclusivity

Possible Action:

N/A