

# Civil Rights in Flagstaff

Flagstaff City Code – Title 14 &  
Municipal Equality Index





# Civil Rights in Flagstaff



## Presentation Overview

- Civil Rights Ordinance
  - Provisions
  - Complaint Process
- Municipal Equality Index
  - Where we lose points
  - Possible future actions



# Civil Rights Ordinance



## Who it Applies to:

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



# Civil Rights Ordinance

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## 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

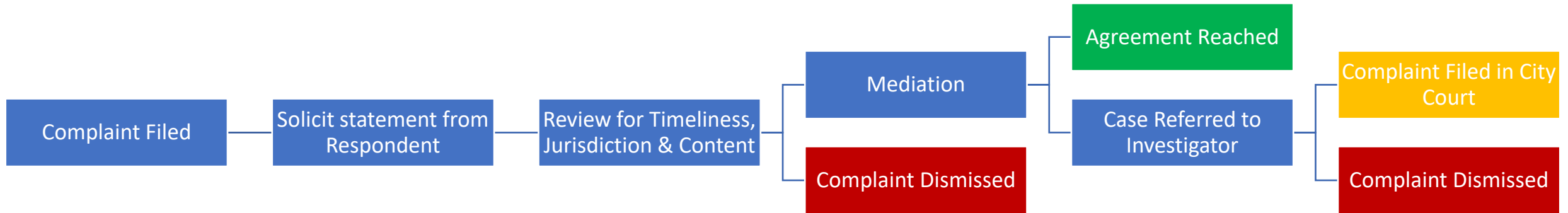
## Protected Classes

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



# Civil Rights Ordinance

## Complaint Process





# 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 2023 Scorecard

## Overall Score

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

CATEGORY	SCORE	FLEX PTS	Change
Non-discrimination Laws	20/30	+3	+2
Municipality as Employer	22/28	+1	--
Municipal Services	10/12	+10	+5
Law Enforcement	22/22	N/A	+2
Leadership on LGBTQ+ Equality	7/8	+0	-2
<b>TOTALS</b>	<b>81/100</b>	<b>+12</b>	<b>--</b>

# Where we Gained Points

- Ban on Conversion Therapy for Minors
  - Gov. Hobbs Executive Action at State Level
- Services to unhoused LGBTQ+ People
- Services to LGBTQ+ Older Adults
- Services to Transgender Community
  - Documented Series of Library Programs
- Reported Hate Crime Statistics to the FBI
  - Corrected Reporting Error from 2021



# Where we lose points

- Housing Non-Discrimination Ordinance (NDO)
- All-gender Facilities
- Transgender-inclusive healthcare benefits
- Enforcement of Non-Discrimination Ordinance
- Youth bullying prevention policy
- Leadership's pro-equality policy efforts
- Openly LGBTQ+ Elected/Appointed Leaders\*
- Testing limits of restrictive state law(s)





# Flagstaff 2023 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 2023 Scorecard

## Single-Occupancy All-Gender Facilities

- **Points Received: 1/2**
- 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 2023 Scorecard

## City provides Transgender-Inclusive Healthcare Benefits

- **Points Received: 0/6**
- Benefits set in coordination with NAPEBT
- Gender-affirming types of care is included
- BCBS has declined to put this in plan books
  - “these treatments may change and listing them in the book doesn’t allow any flexibility”

### Possible Action:

Negotiate with BCBS to get these services included in Plan Books



# Flagstaff 2023 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 2023 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:

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



# Flagstaff 2023 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 2023 Scorecard

## Openly LGBTQ+ Elected or Appointed Leader(s)

- **Points Received: 0/2**
- Flagstaff has received these points in previous years

### Possible Action:

N/A



# Flagstaff 2023 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