

**ARTICLE 12**  
**DISCRIMINATION ON THE**  
**BASIS OF SEXUAL ORIENTATION**  
(Added by Ord. No. 152,458, Eff. 7/8/79.)

**SEC. 49.70. STATEMENT OF POLICY.**

Discrimination based on sexual orientation exists in the City of Los Angeles. Such discrimination foments strife, unrest and discord and deprives the City of the fullest utilization of its resources and capacity for development and advancement. Such discrimination poses a substantial threat to the health, safety and welfare of the community and existing state and federal restraints on arbitrary discrimination are inadequate to meet the particular problems of this City.

**SEC. 49.71. DEFINITIONS.**

1. **Business Establishment.** As used in this ordinance, the term “business establishment” shall mean any entity, however organized, which furnishes goods or services to the general public. An otherwise qualifying establishment which has membership requirements is considered to furnish services to the general public if its membership requirements: (a) consist only of payment of fees; (b) consist of requirements under which a substantial portion of the residents of this City could qualify.

2. **Individual.** As used in this ordinance, the term “**individual**” shall mean the same as the term “**person**”. Wherever this ordinance refers to the sexual orientation of any individual, and the individual is a group, the phrase shall mean the sexual orientation of any member of the group.

3. **Person.** As used in this ordinance, the term “**person**” shall mean any natural person, firm, corporation, partnership or other organization, association or group of persons however organized.

4. **Sexual Orientation.** As used in this ordinance, the term “**sexual orientation**” shall mean an individual having or manifesting an emotional or physical attachment to another consenting adult person or persons, or having or manifesting a preference for such attachment, or having or projecting a self-image not associated with one’s biological maleness or one’s biological femaleness.

**SEC. 49.72. EMPLOYMENT.**

a. **Unlawful Employment Practices.**

1. **Employers – Discrimination.** It shall be an unlawful employment practice for an employer to fail or refuse to hire, or to discharge any individual, or otherwise to discriminate against any individual with respect to compensation, terms, conditions or privileges of employment on the basis (in whole or in part) of such individual’s sexual orientation.

2. **Employers – Segregation.** It shall be an unlawful employment practice for an employer to limit, segregate or classify employees or

applicants for employment in any manner which would deprive or tend to deprive any individual of employment opportunities, or adversely affect his or her employment status on the basis (in whole or in part) of such individual's sexual orientation.

3. **Employment Agencies.** It shall be an unlawful employment practice for an employment agency to fail or refuse to refer for employment any individual, or otherwise to discriminate against any individual on the basis (in whole or in part) of such individual's sexual orientation.

4. **Labor Organizations.** It shall be an unlawful employment practice for a labor organization to fail or refuse to include in its membership or to otherwise discriminate against any individual; or to limit, segregate or classify its membership; or to classify or fail or refuse to refer for employment any individual in any way which would deprive or tend to deprive such individual of employment opportunities, or otherwise adversely affect her or his status as an employee or as an applicant for employment on the basis (in whole or in part) of such individual's sexual orientation.

5. **Job Training.** It shall be an unlawful employment practice for an employer, an employment agency or a labor organization to discriminate against any individual in admission to, or employment in, any program established to provide apprenticeship or other training or retraining, including any on-the-job training program on the basis (in whole or in part) of such individual's sexual orientation.

6. **Advertising.** It shall be an unlawful employment practice for an employer, employment agency or a labor organization to print, publish, advertise or disseminate in anyway, any notice or advertisement with respect to employment, membership in, or any classification or referral for employment or training by any such organization, which indicates an unlawful discriminatory practice.

**b. Subterfuge.**

It shall be unlawful to do any of the acts mentioned in this section for any reason that would not have been asserted wholly or partially, but for the sexual orientation of any individual.

**c. Bona Fide Occupational Qualification Not Prohibited; Burden of Proof.**

1. **Bona Fide Occupational Qualification.** Nothing contained in this section shall be deemed to prohibit selection or rejection based upon a bona fide occupational qualification.

2. **Burden of Proof.** In any action brought under Sec. 49.77 of this article, if a party asserts that an otherwise unlawful discriminatory practice is justified as a bona fide occupational qualification, that party shall have the burden of proving: (1) that the discrimination is in fact a necessary result of a bona fide occupational qualification; and (2) that there exists no less discriminatory means of satisfying the occupational qualification.

d. **Exceptions.**

It shall not be unlawful discriminatory practice for an employer to observe the conditions of a bona fide employee benefit system, provided, such systems or plans are not a subterfuge to evade the purposes of this Article; provided further that no such system shall provide an excuse for failure to hire any individual.

**SEC. 49.73. HOUSING AND OTHER REAL ESTATE TRANSACTIONS.**

a. **Unlawful Real Estate Practices.**

1. **Transactions Generally.** It shall be an unlawful real estate practice for any person to interrupt, terminate, or fail or refuse to initiate or conduct any transaction in real property, including but not limited to the rental thereof; to require different terms for such transaction; to include in the terms or conditions of a transaction in real property any clause, condition or restriction; or falsely to represent that an interest in real property is not available for transaction; on the basis (in whole or in part) of any individual's sexual orientation.

2. **Credit and Insurance.** It shall be an unlawful real estate practice for any person to refuse to lend money, guarantee the loan, accept a deed of trust or mortgage, or otherwise refuse to make available funds for the purchase, acquisition, construction, alteration, rehabilitation, repair or maintenance of real property; or impose different conditions on such financing; or refuse to provide title or other insurance relating to the ownership or use of any interest in real property; on the basis (in whole or in part) of any individual's sexual orientation.

3. **Tenants' Services.** It shall be an unlawful real estate practice for any person to refuse or restrict facilities, services, repairs or improvements for any tenant or lessee; on the basis (in whole or in part) of any individual's sexual orientation.

4. **Advertising.** It shall be an unlawful real estate practice for any person to make, print, publish, advertise or disseminate in anyway, any notice, statement or advertisement with respect to a transaction or proposed transaction in real property, or with respect to financing related to any such transaction, which unlawfully indicates or attempts to indicate any unlawful preference, limitation or discrimination.

b. **Subterfuge.**

It shall be unlawful to do any of the actions mentioned in this section for any reason that would not have been asserted, wholly or partially, but for the sexual orientation of any individual.

c. **Exceptions.**

1. **Owner Occupied and Small Dwellings.** Nothing in this article shall be construed to apply to the rental or leasing of any housing unit in which the owner or lessor or any member of his or her family occupies one of

the living units and either (1) it is necessary for the owner or lessor to use either a bathroom or kitchen facility in common with the prospective tenant; or (2) the structure contains less than three dwelling units.

2. **Effect on Other Laws.** Nothing in this article shall be deemed to permit any rental or occupancy of any dwelling unit or commercial space otherwise prohibited by law.

## **SEC. 49.74. BUSINESS ESTABLISHMENTS.**

### **a. Unlawful Business Practice.**

1. **Business Practices Generally.** It shall be an unlawful business practice for any person to deny any individual the full and equal enjoyment of the goods, services, facilities, privileges, advantages and accommodations of any business establishment on the basis (in whole and in part) of such individual's sexual orientation.

2. **Credit.** It shall be an unlawful business practice for any person to deny credit to any individual on the basis (in whole or in part) of such individual's sexual orientation.

3. **Advertising.** It shall be an unlawful business practice for any person to make, print, publish, advertise or disseminate in any way any notice, statement or advertisement with respect to any business establishment which indicates that such establishment engages or will engage in any unlawful business practice.

### **b. Subterfuge.**

It shall be unlawful to do any of the acts mentioned in this section for any reason that would not have been asserted, wholly or partially, but for the sexual orientation of any individual.

## **SEC. 49.75. CITY FACILITIES AND SERVICES.**

### **a. Unlawful Service Practices.**

1. **City Facilities.** It shall be an unlawful service practice for any person to deny any individual the full and equal enjoyment of, or to place different terms and conditions on the availability of the use of any City facility on the basis (in whole or in part) of such individual's sexual orientation.

2. **City Services.** It shall be an unlawful service practice for any person to deny any individual the full and equal enjoyment of, or to impose different terms or conditions on the availability of, any city service on the basis (in whole or in part) of such individual's sexual orientation.

3. **Supported Facilities and Services.** It shall be an unlawful service practice for any person to deny any individual the full and equal enjoyment of, or to impose different terms and conditions upon the availability of, any service, program or facility wholly or partially funded or otherwise supported by the City of Los Angeles, on the basis (in whole or in part) of such individual's sexual orientation. This subsection shall not

apply to any facility, service or program which does not receive any assistance from the City of Los Angeles which is not provided to the public generally.

4. **Advertising.** It shall be an unlawful service practice for any person to make, print, publish, advertise or disseminate in any way any notice, statement or advertisement with respect to any service or facility provided by either the City of Los Angeles or an organization described in subsection 3 which indicates that the City of Los Angeles or an organization described in Subsection 3 engages in or will engage in unlawful service practices.

b. **Subterfuge.**

It shall be an unlawful discriminatory practice to do any of the acts mentioned in this section for any reason which would not have been asserted, wholly or partially, but for the sexual orientation of any individual.

## SEC. 49.75. EDUCATIONAL INSTITUTIONS.

a. **Unlawful Educational Practices.**

1. **Admission.** It shall be an unlawful educational practice for any person to deny admission, or to impose different terms or conditions on admission, on the basis (in whole or in part) of such individual's sexual orientation.

2. **Services.** It shall be an unlawful educational practice for any person to deny any individual the full and equal enjoyment of, or to impose different terms or conditions upon the availability of, any service or program offered by an educational institution on the basis (in whole or in part) of such individual's sexual orientation.

3. **Facilities.** It shall be an unlawful educational practice for any person to deny any individual the full and equal enjoyment of, or to impose different terms or conditions upon the availability of, any facility owned or operated by an educational institution.

4. **Advertising.** It shall be an unlawful educational practice for any person to make, print, publish, advertise or disseminate in any way any notice, statement or advertisement with respect to an educational institution which indicates that such institution engages in, or will engage in, unlawful educational practices.

b. **Subterfuge.**

It shall be an unlawful discriminatory practice to do any of the acts mentioned in this section for any reason which would not have been asserted, wholly or partially, but for the sexual orientation of any individual.

c. **Exception.**

It shall not be an unlawful discriminatory practice for a religious or denominational institution to limit admission, or give other preference to applicants of the same religion.

**SEC. 49.76. LIABILITY.**

Any person who violates any of the provisions of this article or who aids in the violation of any provisions of this Article shall be liable for, and the court shall award to the individual whose rights are violated, actual damages, costs, attorneys' fees, and not less than Two Hundred Dollars (\$200) but not more than Four Hundred Dollars (\$400) in addition thereto. In addition, the court may award punitive damages in a proper case.

**SEC. 49.77. ENFORCEMENT.**

a. **Civil Action.** Any aggrieved person may enforce the provisions of this article by means of a civil action.

b. **Injunction.**

1. Any person who commits, or proposes to commit, an act in violation of this article may be enjoined therefrom by any court of competent jurisdiction.

2. Action for injunction under this subsection may be brought by any aggrieved person, by the City Attorney, or by any person or entity which will fairly and adequately represent the interests of the protected class.

**SEC. 49.78. LIMITATION ON ACTION.**

Actions under this article must be filed within one year of the alleged discriminatory acts.

**SEC. 49.79. SEVERABILITY.**

If any part or provision of this article, or the application thereof to any person or circumstance, is held invalid, the remainder of the article, including the application of such part or provision to other persons or circumstances, shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this article are severable.

**SEC. 49.80. EXCEPTIONS.**

a. No part of this article shall apply to any bona fide religious organization.

b. Notwithstanding any provision of this code to the contrary, no criminal penalties shall attach for any violation of the provisions of this article.