

ORDINANCE NO. 9960

AN ORDINANCE OF THE CITY OF LAWRENCE, KANSAS, AMENDING CHAPTER 10, ARTICLE 1, SECTIONS 10-101, 10-102, 10-110, AND 10-111, OF THE CODE OF THE CITY OF LAWRENCE, KANSAS, 2018 EDITION, AND AMENDMENTS THERETO, PERTAINING TO HUMAN RELATIONS, AND REPEALING EXISTING SECTIONS 10-101, 10-102, 10-110, AND 10-111.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LAWRENCE, KANSAS:

SECTION 1: Chapter 10, Article 1, Section 10-101 of the Code of the City of Lawrence, Kansas, 2018 Edition, and amendments thereto, is hereby amended to read as follows:

10-101

DECLARATION OF POLICY.

The practice or policy of discrimination against persons by reason of race, sex, religion, color, national origin, age, ancestry, familial status, sexual orientation, disability, ~~or gender identity, source of income, or immigration status~~ is a matter of concern to the City of Lawrence, since such discrimination not only threatens the rights and privileges of the inhabitants of the city, but also menaces the institutions and foundations of a free democratic state. It is hereby declared to be the policy of the City of Lawrence, in exercise of its police power for the protection of the public safety, public health and general welfare, for the maintenance of business and good government, and for the promotion of the city's trade and commerce, to eliminate and prevent discrimination, segregation, or separation because of race, sex, religion, color, national origin, age, ancestry, familial status, sexual orientation, ~~or disability, or gender identity, source of income, or immigration status.~~ It is further declared to be the policy of the City of Lawrence to assure equal opportunity and encouragement for every person, regardless of race, sex, religion, color, national origin, age, ancestry, sexual orientation, disability, or gender identity, to secure and hold, without discrimination, employment in any field of work or labor for which the person is otherwise properly qualified; to assure equal opportunity for all persons within this city to full and equal public accommodations and the full and equal use and enjoyment of the services, facilities, privileges, and advantages of all governmental departments or agencies; and to assure equal opportunity for all persons within this city in housing, without distinction on account of race, sex, religion, color, national origin, age, ancestry, familial status, sexual orientation, disability, ~~or gender identity, source of income, or immigration status,~~ and to protect any applicant for rental property, tenant, or lessee who has been subject to domestic violence, sexual assault, human trafficking, or stalking.

SECTION 2: Chapter 10, Article 1, Section 10-102, of the Code of the City of Lawrence, Kansas, 2018 Edition, and amendments thereto, is hereby amended to read as follows:

10-102

DEFINITIONS.

As used in this Article, the following words and phrases shall have the following meanings:

- 10-102.1 **AFFIRMATIVE ACTION PROGRAM.**
means a positive program designed to ensure that a good faith effort will be made to employ applicants and to treat employees equally without regard to their race, sex, religion, color, national origin, age, ancestry, disability, or gender identity. An affirmative action program shall include, where applicable, but not be limited to, the following: recruitment, recruitment advertising, employment, upgrading, promotion, demotion, transfer, layoff, termination, rates of pay, other forms of compensation, other terms or conditions of employment, selection for training, and apprenticeship. An affirmative action program shall include goals, methodology and a timetable for implementation of the program. Submission of an affirmative action program to the Director shall be required only as:
- (A) A provision of a conciliation agreement or order in the event of failure of conciliation;
 - (B) As required in Section 10-113 of this Article. The words "applicants" and "employees" as used in this Subsection shall include Minority and Women Business Enterprise subcontractors in contracts addressed in Section 10-113 of this Article.
- 10-102.2 **AGE.**
means the chronological age of a person who is at least 40 years of age, but less than 70 years of age.
- 10-102.3 **AGGRIEVED PERSON.**
means any person who claims they are being or have been injured by an unlawfully discriminatory act or practice; and/or believes they will be injured by an unlawfully discriminatory act or practice that is about to occur.
- 10-102.4 **COMMISSION.**
means the Human Relations Commission as established by this Article.
- 10-102.5 **COMPLAINANT.**
means an aggrieved person who has filed a written verified complaint alleging unlawful discrimination, or on whose behalf another person has filed such a complaint, in accordance with Section 10-108.4 of this Article.
- 10-102.6 **CONCILIATION.**
means the attempted resolution of issues raised by a complaint, or by the investigation of such complaint, through informal negotiations involving the complainant, the respondent, and the Director or the Director's designee.
- 10-102.7 **CONCILIATION AGREEMENT.**
means a written agreement setting forth the resolution of the issues in conciliation.
- 10-102.8 **CONTRACT.**
means any contract to which the City of Lawrence is a contracting party from the effective date of this ordinance except as otherwise provided in this Article, and specifically including "contract" as defined in Section 10-113.

10-102.9 **DIRECTOR.**
means the City Attorney, Director of the City Attorney's Office, Human Relations Division as established by this Article.

10-102.10 **DISABILITY.**
means, with respect to a person:

- (A) a physical or mental impairment which substantially limits one or more of such person's major life activities;
- (B) a record of having such an impairment; or
- (C) being regarded as having such an impairment.
- (D) Disability does not include current illegal use of, or addiction to, a controlled substance, as defined in Section 102 of the Controlled Substances Act (21 U.S.C. 802), in housing. In employment and public accommodations, the term "disability" does not include an individual who is currently engaging in the illegal use of drugs where possession or distribution of such drugs is unlawful under the Controlled Substances Act (21 U.S.C. 812), when the covered entity acts on the basis of such use.
- (E) The definition of disability in this act shall be construed in favor of broad coverage of individuals under this act, to the maximum extent permitted by the terms of this act;
- (F) an impairment that substantially limits one major life activity need not limit other major life activities in order to be considered a disability;
- (G) an impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active; and
- (H) the determination of whether an impairment substantially limits a major life activity shall be made without regard to the ameliorative effects of mitigating measures such as the following:
 - (1) Medication, medical supplies, equipment, or appliances, low-vision devices (which do not include ordinary eye glasses or contact lenses), prosthetics including limbs and devices, hearing aids and cochlear implants or other implantable hearing devices, mobility devices, or oxygen therapy equipment and supplies;
 - (2) use of assistive technology;
 - (3) reasonable accommodations or auxiliary aides or services; or
 - (4) learned behavioral or adaptive neurological modifications.

- (I) The ameliorative effects of the mitigating measures of ordinary eyeglasses or contact lenses shall be considered in determining whether and impairment substantially limits a major life activity.
- (J) As used in this subparagraph:
 - (1) “Ordinary eyeglasses or contact lenses” means lenses that are intended to fully correct visual acuity or eliminate refractive error; and
 - (2) “low-vision devices” means devices that magnify, enhance, or otherwise augment a visual image.

10-102.11 **EMPLOYEE.**
means any person employed by an employer, but does not include any individual employed by a member of his or her the person's immediate family, as defined in Section 10-102.15, or in the domestic service of any person.

10-102.12 **EMPLOYER.**
means any person in this City employing four (4) or more persons who are not members of such person's immediate family, as defined in Section 10-102.15, any person acting directly or indirectly for any employer, and labor organizations, nonsectarian organizations, organizations engaged in social service work, and all political subdivisions of the City, state, and federal governments, but shall not include a nonprofit fraternal or social association or corporation.

10-102.13 **EMPLOYMENT AGENCY.**
includes any person or government agency undertaking, with or without compensation, to procure opportunities to work, or to procure, recruit, refer or place employees.

10-102.14 **FAMILIAL STATUS.**
means one or more individuals, who have not attained the age of 18 years, being domiciled with:

- (A) a parent or another person who has legal custody of such individual or individuals; or
- (B) the designee of such parent or other person who has such custody, with the written permission of such parent or other person. The protections afforded against discrimination on the basis of familial status shall apply to any person who is pregnant or is in the process of securing legal custody of any individual who has not, or individuals who have not, attained the age of 18 years.

10-102.15 **FAMILY.**
includes a single individual; **IMMEDIATE FAMILY** means and includes parent, child, grandparent, grandchild, sibling, and spouse.

- 10-102.16 **FRATERNAL OR SOCIAL ORGANIZATION.**
 shall means and includes organizations founded and operated primarily for social purposes and shall neither mean nor include organizations founded or maintained primarily for trade or professional purposes.
- 10-102.17 **GENDER IDENTITY.**
 Shall means the persistent sense of one's gender-related identity, appearance, behavior, and other characteristics of an individual, as perceived by the individual or another, and without regard to the individual's actual or assigned sex at birth.
- 10-102.18 **GENETIC SCREENING OR TESTING.**
 means a laboratory test of a person's genes or chromosomes for abnormalities, defects or deficiencies, including carrier status, that are linked to physical or mental disorders or impairments, or that indicate a susceptibility to illness, disease or other disorders, whether physical or mental, which test is a direct test for abnormalities, defects or deficiencies, and not an indirect manifestation of genetic disorders.
- 10-102.19 **GOVERNING BODY.**
 means the ~~Board of Commissioners~~ Governing Body of the City of Lawrence, Kansas.
- 10-102.20 **HOUSING/REAL PROPERTY.**
 means and includes:
- (A) All vacant or unimproved land which is offered for sale or lease for the construction or location thereon of any building, structure, or portion thereof which is occupied or designed or intended for occupancy as a residence by one or more families;
 - (B) any residential or commercial building or structure having all or a portion thereof which is occupied or designed or intended for occupancy as a residence by one or more families.
- 10-102.21 **LABOR ORGANIZATION.**
 includes any organization which exists for the purpose, in whole or in part, of collective bargaining or of dealing with employers on behalf of employees concerning grievances, terms or conditions of employment, or other mutual aid or protection in relation to employment.
- 10-102.22 **MAJOR LIFE ACTIVITIES.**
 means major life activities that include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working.
- It also includes the operation of a major bodily function, including, but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine and reproductive functions.
- 10-102.23 **OFFICIAL OFFICE OF THE COMMISSION.**
 means the Office of the Human Relations Division of the City of Lawrence, Kansas.

- 10-102.24 **PERSON.**
means and includes one or more individuals, partnerships, associations, organizations, labor organizations, corporations, municipal corporations, quasi-municipal corporations, governmental agencies, public bodies, legal representatives, trust, trustees, trustees in bankruptcy, receivers, fiduciaries, mutual companies, joint-stock companies, liability companies, or unincorporated organizations.
- 10-102.25 **PROTECTED PERSON.**
means a protected person, as defined at K.S.A. 2021 Supp. 58-25,137(f)(1), and amendments thereto.
- 10-102.2526 **PUBLIC ACCOMMODATION.**
means any person who caters or offers goods, services, facilities, and accommodations to the public. Public accommodations include, but are not limited to, any lodging establishment ~~or food service establishment~~, as defined by K.S.A. 36-501 and amendments thereto; any food service establishment, bar, tavern, barbershop, beauty parlor, theater, skating rink, bowling alley, billiard parlor, amusement park, recreation park, swimming pool, lake, gymnasium, mortuary or cemetery ~~which that~~ is open to the public; ~~or any public transportation facility;~~ and all governmental departments or agencies ~~which that~~ serve the public. Public accommodations do not include a religious or nonprofit fraternal or social organization or corporation.
- 10-102.2627 **REASONABLE ACCOMMODATION.**
means making places of employment, public accommodations, and housing/real property readily accessible to and usable by persons with disabilities, including in rules, policies, practices, procedures, and services, in accordance with applicable local, state and federal laws and regulations.
- 10-102.2728 **REGARDED AS HAVING SUCH AN IMPAIRMENT.**
means the absence of a physical or mental impairment but regarding or treating an individual as though such an impairment exists. An individual meets the requirement of “being regarded as having such an impairment” if the individual establishes that such individual has been subjected to an action prohibited under this act because of an actual or perceived physical or mental impairment whether or not the impairment limits or is perceived to limit a major life activity. A person is not regarded as having such an impairment if the impairment is transitory or minor. A transitory impairment is an impairment with an actual or expected duration of six months or less.
- 10-102.2829 **RESPONDENT.**
means the person, as defined herein, against whom a written verified complaint alleging discrimination has been filed with the Director.
- 10-102.2930 **TO RENT.**
means to lease, sublease, to let, to assign or otherwise grant for a consideration, the right to occupy premises not owned by the occupant.

10-102.3031 **SEXUAL ORIENTATION.**
means heterosexuality, homosexuality or bisexuality. Sexual Orientation shall not mean conduct which is prohibited by law.

10-102.32 **SOURCE OF INCOME.**
means any source of money paid to an individual or family or in behalf of an individual or family, including, but not limited to:

- (A) Money derived from any lawful profession, occupation, or activity;
- (B) money derived from any contract, agreement, loan, settlement, court order (such as court-ordered child support or alimony), gift, grant, bequest, annuity, or life insurance policy; and
- (C) money derived from any assistance, benefit, or subsidy program.
 - (1) Assistance, benefit, or subsidy programs include, but are not limited to: Any housing assistance, such as Housing Choice Vouchers, Veterans Affairs Supportive Housing (VASH) Vouchers, tribal grants or vouchers, or any other form of housing assistance payment or credit, whether or not paid or distributed directly to a landlord or other owner of land; public assistance; emergency rental assistance; tribal or Native American benefit programs; veterans benefits; Social Security or other retirement programs; supplemental security income; or other assistance program administered by any federal, state, or local agency or nonprofit entity.

10-102.3133 **UNLAWFUL ACT OR PRACTICE.**
means any unlawful employment practice, any unlawful public accommodations practice, or any unlawful housing practice as defined herein, and includes segregate or separate.

10-102.3234 **UNLAWFUL EMPLOYMENT PRACTICE.**
means and includes those practices and acts specified as unlawful in Section 10-109 of this Article, and includes segregate or separate.

10-102.3335 **UNLAWFUL HOUSING PRACTICE.**
means and includes any act or practice specified as unlawful in Section 10-111 of this Article.

10-102.3436 **UNLAWFUL PUBLIC ACCOMMODATIONS PRACTICE.**
means and includes any act or practice specified as unlawful in Section 10-110 of this Article.

10-102.3537 **WRITTEN VERIFIED COMPLAINT.**
means a complaint, in writing, alleging unlawful discrimination, filed in accordance with Section 10-108.1 of this Article, which has been witnessed and signed by a notary public.

SECTION 3: Chapter 10, Article 1, Section 1-110, of the Code of the City of Lawrence, Kansas, 2018 Edition and amendments thereto, is hereby amended to read as follows:

- 10-110 **UNLAWFUL PUBLIC ACCOMMODATIONS PRACTICES.**
It shall be an unlawful public accommodations practice for any person, who is the owner, operator, lessee, manager, administrator, public servant, agent, or employee of any place of public accommodation:
- 10-110.1 To refuse, deny, segregate, separate, discriminate, or make a distinction, directly or indirectly, in offering its goods, services, facilities, or accommodations to any person because of race, sex, religion, color, national origin, age, ancestry, sexual orientation, disability, ~~or gender identity, or immigration status.~~
- 10-110.2 To refuse, deny, segregate, separate, discriminate, or make a distinction, directly or indirectly, in any way, against any person in the full and equal use and enjoyment of the services, facilities, privileges, advantages, or enforcement powers of any institution, department, or agency of the City or any political subdivision thereof, or any other governmental entity within the City limits because of race, sex, religion, color, national origin, age, ancestry, sexual orientation, disability, ~~or gender identity, or immigration status.~~
- 10-110.3 For any person, whether or not specifically prohibited from discriminating under any provisions of this Article, to aid, abet, incite, compel, or coerce the doing of any of the acts forbidden under this Article, or to attempt to do so.
- 10-110.4 To coerce, intimidate, threaten, retaliate against, or otherwise interfere with, any person, or attempt to do so, because ~~he or she~~ such person has promoted the provisions of this Article, or because ~~he or she~~ such person has filed a complaint, testified, or assisted in any proceeding, investigation or hearing authorized by this Article or by appropriate state or federal law.
- 10-110.5 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 its offerings of goods, services, facilities and accommodations to persons of the same religion, or from giving preference to such persons, provided that such offerings mentioned above are not, in fact, offered for commercial purposes. Nor shall anything in this Article prohibit a religious or nonprofit fraternal or social organization or corporation, not in fact open to the public which, incident to its primary purpose, provides public accommodations as herein defined, for other than commercial purposes, from limiting such accommodations to its members or giving preference to its members.
- 10-110.6 Nothing in this Section shall require physical changes to make a place of public accommodation accessible to persons with disabilities unless required by other state, federal or municipal laws, statutes, ordinances, or regulations, including the federal Americans with Disabilities Act.
- 10-110.7 Nothing in this Section shall prohibit the establishment of programs or other public accommodations designed and operated for a particular age group. However, such public accommodations shall not discriminate on the basis of race, sex, religion, color, national origin, ancestry, sexual orientation, disability, or gender identity.

SECTION 4: Chapter 10, Article 1, Section 10-111, of the Code of the City of Lawrence, Kansas, 2018 Edition and amendments thereto, is hereby amended to read as follows:

- 10-111 **UNLAWFUL HOUSING/REAL PROPERTY PRACTICES.**
It shall be an unlawful housing/real property practice for any person:
- 10-111.1 To refuse to sell, broker, appraise, assign, or rent, or make unavailable sales, brokerage, appraisal, assignment, or rental services with regard to any housing/real property available for sale, assignment, or rental, or fail to transmit, or otherwise make unavailable, any application for assignment or rental, or fail to transmit a bona fide offer or refuse to negotiate in good faith for the sale, assignment, or rental of such housing/real property, or otherwise make unavailable or deny any housing/real property or services or facilities in connection therewith, because of the race, sex, religion, color, national origin, age, ancestry, sexual orientation, familial status, disability, ~~or gender identity,~~ source of income, or immigration status of: any buyer, renter or person involved in any such transaction; any person residing in or intending to reside in the housing/real property before or after it is sold, rented, or made available; or any person associated with the buyer, renter, or any other person involved in any transaction or representation related to the sale, assignment or rental of housing/real property or services or facilities in connection therewith.
- 10-111.2 To make, print, publish, disseminate, or use, or cause to be made, printed, published, disseminated, or used, any notice, statement, advertisement or application with respect to the sale or rental of housing/real property, that indicates any preference, limitation, specification or discrimination based on race, sex, religion, color, national origin, age, ancestry, sexual orientation, familial status, disability, ~~or gender identity,~~ source of income, or immigration status or any intention to make any such preference, limitation, specification or discrimination.
- 10-111.3 To discriminate against any person in the terms, conditions, or privileges of the sale, brokerage, appraisal, assignment, or rental of housing/real property or in the provision of services or facilities in connection therewith, because of the race, sex, religion, color, national origin, age, ancestry, sexual orientation, familial status, disability, ~~or gender identity,~~ source of income, or immigration status of: any buyer, renter or person involved in any such transaction; any person residing in or intending to reside in the housing/real property before or after it is sold, rented, or made available; or any other person involved in any transaction or representation related to the sale, assignment or rental of housing/real property or services or facilities in connection therewith.
- 10-111.4 To represent to any person that any housing/real property is not available, or to make any housing/real property otherwise unavailable, for inspection, sale, assignment, or rental, when such housing/real property is, in fact, so available, on the basis of race, sex, religion, color, national origin, age, ancestry, sexual orientation, familial status, disability, ~~or gender identity,~~ source of income, or immigration status.
- 10-111.5 To induce, or attempt to induce, any person to sell, assign or rent housing/real property by any representation regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, sex, religion, color,

national origin, age, ancestry, sexual orientation, familial status, disability, ~~or~~ gender identity, source of income, or immigration status.

10-111.6 To deny any person access to, or membership in, or participation in, or otherwise make unavailable, any multiple listing service, real estate brokers' organization or other service, organization, or facility relating to the business of selling or renting housing/real property, or to discriminate against ~~him or her~~ such person in the terms or conditions of such access, membership, or participation because of race, sex, religion, color, national origin, age, ancestry, sexual orientation, familial status, disability, ~~or~~ gender identity.

10-111.7 To discriminate against any person in, or otherwise make unavailable for, ~~his or her~~ a person's use or occupancy of housing/real property because of the race, sex, religion, color, national origin, age, ancestry, sexual orientation, familial status, disability, ~~or~~ gender identity, source of income, or immigration status of the person or persons with whom such person associates.

10-111.8 To deny or not make available: a loan or other financial assistance to a person applying therefor for the purpose of purchasing, constructing, improving, repairing, or maintaining housing/real property; or any loan or other financial assistance secured by housing/real property, because of the race, sex, religion, color, national origin, age, ancestry, sexual orientation, familial status, disability, ~~or~~ gender identity, or source of income of:

(~~1~~)(A) Such person; or

(~~2~~)(B) Any person associated with such person in connection with such loan or other financial assistance or associated with ~~him or her~~ the person in connection with the purposes of such loan or other financial assistance.

10-111.9 To discriminate against any person in the fixing of the amount, interest rate, duration, or other terms or conditions of: such loan or other financial assistance, or such loan or financial assistance secured by housing/real property because of the race, sex, religion, color, national origin, age, ancestry, sexual orientation, familial status, disability, ~~or~~ gender identity, or source of income of:

(~~1~~)(A) Such person;

(~~2~~)(B) Any person associated with such person in connection with such loan or other financial assistance, or such loan or financial assistance secured by housing/real property, or associated with ~~him or her~~ such person in connection with the purpose of such loan or other financial assistance, or such loan or financial assistance secured by housing/real property; or

(~~3~~)(C) The present or prospective owners, lessees, tenants, or occupants of the housing/real property in relation to which such loan or other financial assistance, or loan or financial assistance secured by housing/real property, is to be made, given, or secured.

10-111.10 To use a form of application for financial assistance, or to make any inquiry or make or keep any record in connection with such application which indicates,

directly or indirectly, an intention to make any preference, limitation, specification, or discrimination because of race, sex, religion, color, national origin, age, ancestry, sexual orientation, familial status, disability, ~~or~~ gender identity, source of income.

10-111.11 To separate, segregate, or discriminate against, any person who has, is regarded as having, or has a record of having, or being regarded as having, a disability in any manner which is prohibited by local, state or federal laws, regulations or orders. For the purposes of this Subsection, discrimination includes:

(A) A refusal 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;

(B) 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 housing/real property; or

(C) In connection with the design and construction of covered multifamily housing/real property for first occupancy on and after March 13, 1991, a failure to design and construct such residential real property in accordance with the provisions of K.S.A. 44-1016, and amendments thereto.

(D) As used in Subsection 10-111.11 (C), above, "covered multifamily housing/real property" means:

(1) buildings consisting of 4 or more units if such buildings have one or more elevators; and

(2) ground floor units in other buildings consisting of 4 or more units.

10-111.12 To coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of their having exercised or enjoyed, or on account of their having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by any of the provisions of this Article.

10-111.13 To refuse to comply with the administrative requirements of any assistance, benefit, or subsidy program, including but not limited to housing quality inspections for Housing Choice Vouchers.

10-111.14 To deny tenancy, evict, or find in violation of a rental agreement any person on the basis of, or as a direct result of, the fact that the person is a protected person under this Article if the applicant for housing, tenant, or lessee otherwise qualifies for tenancy in or occupancy of the premises, in accordance with K.S.A. 2021 Supp. 58-25,137, and amendments thereto.

10-111.4315 (A) Nothing in this Section 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, assignment, or occupancy of any

housing/real property which it owns or operates, for other than commercial purposes, to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, sex, color, national origin, age, ancestry, familial status, sexual orientation, disability, or gender identity.

- (B) Nor shall anything in this Section prohibit a nonprofit private club, not, in fact, open to the public, which, incident to its primary purpose or purposes, provides lodging which it owns and 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.
- (C) Nor shall anything (other than Sections 10-111.2, 10-111.6, 10-111.8, 10-111.9 and 10-111.12) in this Article apply:
 - (1) To the rental or leasing of housing accommodations for not more than two (2) families living independently of each other, if the owner resides in one (1) such housing unit; or
 - (2) To the rental or leasing to less than four (4) persons within a single housing accommodation by the occupant or owner of such housing accommodation if the owner resides therein.

10-111.4416 Nothing in this Section limits the applicability of any reasonable local, state or federal restrictions regarding the maximum number of occupants permitted to occupy a dwelling. Nor does any provision in this Section regarding familial status apply with respect to housing/real property provided under any state or federal program, which has been approved by the Secretary of the United States Department of Housing and Urban Development, specifically designed and operated as housing to assist elderly persons, as defined in the state or federal program, and approved by the Secretary of the United States Department of Housing and Urban Development, or to housing for older persons.

- (A) As used in this ~~Subsection~~ ~~Section 10-111.~~, "housing for older persons" means housing communities:
 - (1) Provided under any state or federal program that the Secretary of the United States Department of Housing and Urban Development has determined is specifically designed and operated to assist elderly persons (as defined in the state or federal program); or
 - (2) Intended for, and solely occupied by, persons 62 years of age or older; or
 - (3) Intended for, and at least 80% occupied 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 regulations developed by the Secretary of the United States Department of Housing and Urban Development shall be followed, which require at least the following factors:

- (a) the existence of significant facilities and services specifically designed to meet the physical or social needs of such 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; and
- (b) that at least 80 percent of the units are occupied by at least one person 55 years of age or older per unit; and
- (c) 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. However, discrimination, segregation or separation in said housing for older persons on the basis of race, sex, religion, color, national origin, ancestry, sexual orientation, disability, or gender identity, or source of income is prohibited as defined elsewhere in this Section.

10-111.17 Nothing in this Section prohibits conduct against a person because such person has been convicted two or more times by any court of competent jurisdiction of the illegal manufacture or distribution of a controlled substance as defined in Section 102 of the Federal Controlled Substances Act (21 U.S.C. 802).

10-111.18 The prohibitions against discrimination based on source of income established in this Article shall not limit the ability of a landlord, participating in any government-sponsored rental assistance program, voucher, or certificate system, from reserving rental units for tenants who qualify for such governmental programs.

10-111.19 The prohibitions against discrimination based on source of income established in this Article shall not prevent any seller, broker, or lender from advertising or conducting cash-only sales of real property or from using industry-accepted lending practices.

10-111.20 Nothing in this Article shall: (a) Control or be deemed to control the amount of rent charged or the purchase price agreed upon between the parties to the transaction for the lease or purchase of privately owned residential or commercial real property; (b) require the waiver any security deposit, fee or similar charge required from all tenants renting rental units from a person; or (c) require repairs, improvements, or maintenance to a rental unit or real estate property not otherwise legally required by City Code or by the applicable laws and regulations of the State of Kansas.

10-111.21 The prohibitions against discrimination based on immigration status established in this Article shall not apply when any federal, state, or City law requires lawful immigration status as a requirement or condition for receiving any contract, benefit, or service.

SECTION 5: If any section, sentence, clause, or phrase of this ordinance is found to be unconstitutional or is otherwise held invalid by any court of competent jurisdiction, it shall not affect the validity of any remaining parts of this ordinance.

SECTION 6: Existing Sections 10-101, 10-102, 10-110, and 10-111 of the Code of the City of Lawrence, Kansas, 2018 Edition, and amendments thereto, are hereby repealed in their entirety, it being the intent of the Governing Body that the provisions of this ordinance supersede them.

SECTION 7: After passage, approval, and publication, as provided by law, this ordinance shall be in full force and effect commencing June 1, 2023.

PASSED by the Governing Body of the City of Lawrence, Kansas, this ____ day of February, 2023.

APPROVED:

Lisa Larsen
Mayor

ATTEST:

Sherri Riedemann
City Clerk

APPROVED AS TO FORM:

Toni R. Wheeler
City Attorney