

Introduced by: _____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF PASADENA ADDING PASADENA MUNICIPAL CODE TITLE 9, ARTICLE XIII, CHAPTER 100 TO ADOPT AN ANTI-DISCRIMINATION STATEMENT AND CREATE A PRIVATE RIGHT OF ACTION FOR AGGRIEVED INDIVIDUALS

The People of the City of Pasadena ordain as follows:

SECTION 1. Pasadena Municipal Code, Title 9, Article XIII, is amended by adding Chapter 100 as follows:

SECTION 2. Short Title.

- A. This chapter shall be known as the "Anti-discrimination ordinance."

SECTION 3. Definitions.

- A. "City" shall mean the City of Pasadena.
- B. "Protected Characteristic" shall mean race; color; ethnicity; creed; age; national origin; religion; citizenship or immigration status; gender; gender identity or expression; sexual orientation; visible or non-visible disability; medical condition; genetic information; marital status; partnership status; pregnancy and/or reproductive health choice(s); employment status; housing status; source of income; military status; veteran status; primary language; or any other characteristic protected by law.
- C. "Business establishment" includes 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 the payment of fees; (b) consist of requirements under which a substantial portion of the residents of this city could qualify.
- D. "Educational institution" includes any institution of higher education, vocational school, high school, or elementary school.
- E. "Employee" includes any person employed by an employer as defined below.
- F. "Employer" includes any person regularly employing one or more persons, or any person acting directly or indirectly as an agent of an employer.

G. "Housing services" shall mean services connected with the use or occupancy of a rental unit including, but not limited to: utilities (including light, heat, water and telephone), ordinary repairs or replacement, and maintenance of elevator service, laundry facilities and privileges, common recreational facilities, janitorial service, resident manager, refuse removal, furnishings, food service, parking and any other benefits, privileges or facilities.

H "Person" includes one or more individuals, partnerships, associations, corporations, labor organizations, legal representatives, trustees, trustees in bankruptcy, and receivers or other fiduciaries.

I. "Rent" shall mean the consideration, including any bonus, benefits or gratuity, demanded or received by a landlord for or in connection with the use or occupancy of a rental unit, including, but not limited to, moneys demanded or paid for the following: meals where required by the landlord as a condition of the tenancy; parking; furnishings; other housing services of any kind; subletting; or security deposits.

J. "Rental units" shall mean all dwelling units, efficiency dwelling units, guest rooms, suites, and dormitories in the city, rented or offered for rent for living or dwelling purposes, the land and buildings appurtenant thereto and all housing services, privileges, furnishings and facilities supplied in connection with the use or occupancy thereof, including garage and parking facilities. This term shall also include mobile homes, whether rent is paid for the mobile homes and the land upon which the mobile home is located, or rent is paid for the land alone. The term shall not include housing accommodations which a government unit, agency or authority owns, operates, or manages, or which are specifically exempted from municipal regulation by state or federal law or administrative regulation.

SECTION 4. Authority.

A. This article is adopted pursuant to the powers vested in the City of Pasadena under the laws and Constitution of the State of California and the City Charter, including, but not limited to, the police powers vested in the City pursuant to Article XI, Section 7 of the California Constitution.

SECTION 5. Discrimination Prohibited.

A. No person shall discriminate against another person in private employment, housing, education or commerce, because of that person's actual or perceived: race; color; ethnicity; creed; age; national origin; religion; citizenship or immigration status; gender; gender identity or expression; sexual orientation; visible or non-visible disability; medical condition; genetic information; marital status; partnership status; pregnancy and/or reproductive health choice(s); employment status; housing status; source of income; military status; veteran status; or primary language or any other characteristic protected by law.

SECTION 6. Unlawful Employment Practices.

A. It shall be an unlawful employment practice for any employer, employment agency or labor organization or any agent or employee thereof to do, or attempt to do, any of the following on the basis (in whole or in part) of a person's Protected Characteristic:

1. Fail or refuse to hire, or to discharge any person, or otherwise to discriminate against any person with respect to compensation, terms, conditions, or privileges of employment;
2. Limit, segregate or classify employees or applicants for employment in any manner which would deprive or tend to deprive any person of employment opportunities, or adversely affect his or her employment status;
3. Fail or refuse to refer for employment any person, or otherwise to discriminate against any person;
4. Fail or refuse to include in its membership or to otherwise discriminate against any person; or to limit, segregate or classify its membership; or to classify or fail or refuse to refer for employment any person in any way which would deprive or tend to deprive such person of employment opportunities, or otherwise adversely affect his/her status as an employee or as an applicant for employment;
5. Discriminate against any person in admission to, or employment in, any program established to provide apprenticeship or other training or retraining, including any on-the-job training program.

B. Nothing contained in this section shall be deemed to prohibit selection, rejection or dismissal based upon a bona fide occupational qualification. In

any action brought under this chapter, 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 bona fide occupational qualification; and

2. That there exists no less discriminatory means of satisfying the occupational qualification.

C. It shall not be an 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 chapter; provided further that no such system shall provide an excuse for failure to hire any person.

SECTION 7. Unlawful Housing Practices.

A. It shall be unlawful for any person having a housing accommodation for rent or lease, or any authorized agent or employee of such person, to do or attempt to do any of the following on the basis (in whole or in part) of an individual's Protected Characteristic:

1. Refuse to rent or lease a rental unit, refuse to negotiate for the rental or lease of a rental unit, evict from a rental unit, or otherwise deny to or withhold a rental unit from any person;

2. Rent or lease a rental unit on less favorable terms, conditions or privileges, or discriminate in the provision of housing services to any person;

3. Represent to any person that a rental unit is not available for inspection, rental or lease when such rental unit is, in fact, available.

B. Nothing in this chapter shall:

1. 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 the same living unit in common with the prospective tenant;

2. Be deemed to permit any rental or occupancy of any dwelling unit or commercial space otherwise prohibited by law;

3. Be deemed to require the renting of units and/or dormitories reserved for the housing of students to non-student persons on the basis of Protected Characteristics.

SECTION 8. Unlawful Business Practices.

A. 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 including, but not limited to, restaurants, motels and hotels, on the basis (in whole or in part) that such individual's Protected Characteristic.

SECTION 9. Unlawful Educational Practices.

A. It shall be an unlawful educational practice for any person to do any of the following on the basis (in whole or in part) of an individual's Protected Characteristic:

1. Deny admission, or to impose different terms or conditions on admission;

2. Deny any individual the full and equal enjoyment of, or impose different terms or conditions upon the availability of, any facility owned or operated by or any service or program offered by an educational institution.

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

SECTION 10. Liability.

A. Any person who violates any of the provisions of this chapter or who aids in the violation of any provisions of this chapter shall be liable for, and the court shall award to, the individual whose rights are violated, actual damages, costs, and attorney's fees, of not less than \$250 but not more than \$10,000 per violation, in addition thereto.

B. Any aggrieved person may enforce the provisions of this chapter by means of a civil action in a court of competent jurisdiction.

C. Any person who commits, or proposes to commit, an act in violation of this chapter may be enjoined therefrom by a court of competent jurisdiction. Action for

injunction under this subsection may be brought by any aggrieved person, or by any person which will fairly and adequately represent the interests of the protected individual or class.

D. Nothing in this section shall preclude, or otherwise limit, a separate or criminal prosecution under the Municipal Code or state law.

E. The right of an aggrieved person to bring a civil action under this section shall not be waived by private agreement.

F. Nothing in this chapter shall preclude any aggrieved person from seeking any other remedy provided by law.

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

SECTION 11. No Conflict With State Law.

A. This article is not intended to conflict with state law. This article shall be interpreted to be compatible with state enactments and in furtherance of the public purposes that those enactments encompass. To the extent that the Fair Employment and Housing Act (FEHA), Cal. Gov. Code § 12900, et seq., has occupied the field of enforcement of discrimination in employment and housing encompassed by the provisions of that act, this article shall provide no separate remedy. To the extent that the Unruh Act, Cal. Civil Code § 51, et seq., has occupied the field of enforcement of discrimination in commerce encompassed by the provisions of that act, this article shall provide no separate remedy. Notwithstanding the foregoing, this article is intended to remedy those discriminatory actions in housing, employment, and commerce and provide remedies to those protected classes that are not encompassed by the provisions of FEHA or the Unruh Act.

SECTION 12. No Conflict with Federal Law.

A. This article is not intended to conflict with federal law or stand as an obstacle or conflict with any efforts by the federal government to enforce Federal laws.

SECTION 13. Severability.

A. If any subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction,

such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have adopted this section, and each and every subsection, sentence, clause and phrase thereof not declared invalid or unconstitutional, without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

SECTION 14. The City Clerk shall certify the adoption of this ordinance and shall cause this ordinance to be published by title and summary. This ordinance shall take effect 30 days from its publication.

SECTION 15. This ordinance shall take effect 30 days from its publication.

Signed and approved this _____ day of _____, 2026.

Victor M. Gordo
Mayor of the City of Pasadena

I HEREBY CERTIFY that the foregoing ordinance was adopted by the City Council of the City of Pasadena at its meeting held this _____ day of _____ 2026, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Date Published:

Mark Jomsky
City Clerk

Approved as to form:



Aaron K. Ganser
Deputy City Attorney