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1           **EMPLOYMENT AGENCY.** Any person regularly undertaking with or  
2 without compensation to procure opportunities to work or to procure, recruit,  
3 or refer employees.

4           **HOUSING ACCOMMODATION.** Any building or portion of a building which  
5 is constructed or to be constructed, which is used or intended for use as the  
6 residence or sleeping place of any individual.

7           **LABOR ORGANIZATION.** Any organization which exists for the purpose in  
8 whole or in part of collective bargaining or of dealing with employers  
9 concerning grievances, terms or conditions of employment or of other mutual  
10 aid or protection in connection with employment.

11           **PERSON.** One or more individuals, a partnership, association,  
12 organization, corporation, joint venture, legal representative, trustee, receiver,  
13 cooperative, or the city and any governmental unit created and/or sponsored  
14 by the city. Where any reference to the masculine is present, he or she, her or  
15 him, his or her or person (as in chairperson vs. chairman) should be in its  
16 place.

17           **PHYSICALLY HANDICAPPED.** Any person who, because of accident,  
18 illness, congenital condition or other condition of health, experiences any  
19 impairment in sight, hearing, touch, taste, smell, motor skills or appearance.

20           **PUBLIC ACCOMMODATION.** Any establishment that provides or offers its  
21 services, facilities, accommodations or goods to the public, but does not  
22 include a bona fide private club or other place or establishment which is by  
23 its nature and use distinctly private.

24           **[RACE. Includes, but is not limited to, traits historically and commonly**  
25 **associated with race or ethnicity, including hair types, hair texture, volume of**  
26 **hair, length of hair, protective hairstyles, or cultural headdresses.]**

27           **[RACE RELATED HAIRSTYLE. Includes, but is not limited to, those**  
28 **hairstyles necessitated by, or resulting from, the characteristics of a hair**  
29 **texture associated with race, such as braids, locs, afros, tight coils or curls,**  
30 **bantu knots, and twists.]**

31           **REAL PROPERTY.** Lands, leaseholds and tenements.

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1 UNLAWFUL DISCRIMINATORY PRACTICE. Those unlawful practices and  
2 acts as specified in § 11-3-7.

3 SECTION 2. Section 11-3-7, the “Unlawful Discriminatory Practice”  
4 Section of the Human Rights Ordinance, is hereby amended as follows:  
5 “§ 11-3-7 UNLAWFUL DISCRIMINATORY PRACTICE.

6 It is unlawful discriminatory practice and a violation of this article for:

7 (A) An employer, unless based on a bona fide occupational  
8 qualification, to refuse to hire, to discharge, to promote or demote or to  
9 discriminate in compensation or terms and conditions of employment,  
10 against any person otherwise qualified, because of race, color, religion, sex,  
11 national origin or ancestry, age[, race related hairstyle, the use of a cultural  
12 headdress,] or physical handicap.

13 (B) A labor organization to exclude an individual or to expel or  
14 otherwise discriminate against any of its members or against any employer or  
15 employee because of race, color, religion, sex, national origin or ancestry,  
16 age[, race related hairstyle, the use of a cultural headdress,] or physical  
17 handicap.

18 (C) Any employer, labor organization, or any other person to refuse to  
19 admit or employ any individual in any program established to provide an  
20 apprenticeship or other training or retraining because of race, color, religion,  
21 sex, national origin or ancestry, age[, race related hairstyle, the use of a  
22 cultural headdress,] or physical handicap.

23 (D) Any employer, labor organization, or any other person to print or  
24 circulate or cause to be printed or circulated any statement, advertisement, or  
25 publication or to use any form of application for employment or membership,  
26 or to make any inquiry regarding prospective employment or membership  
27 which expresses, directly or indirectly, any limitation, specification, or  
28 discrimination as to race, color, religion, sex, national origin or ancestry, age[,  
29 race related hairstyle, the use of a cultural headdress,] or physical handicap,  
30 unless based on a bona fide occupational qualification.

31 (E) An employment agency to refuse to list and properly classify for  
32 employment or to refer an individual for employment in a known available job

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1 for which the individual is otherwise qualified because of race, religion, color,  
2 national origin, ancestry, age, sex, [race related hairstyle, the use of a cultural  
3 headdress, or] any physical or mental handicap unless based on a bona fide  
4 occupational qualification; or to comply with a request from an employer for  
5 referral of applicants for employment if the request indicates either directly or  
6 indirectly that the employer discriminates in employment on the basis of race,  
7 religion, color, national origin, ancestry, sex, [race related hairstyle, the use of  
8 a cultural headdress,] or physical or mental handicap unless based on a bona  
9 fide occupational qualification.

10 (F) Any person who provides any public accommodation to make a  
11 distinction, directly or indirectly, in offering or refusing to offer its services,  
12 facilities, accommodations or goods to any individual because of race, color,  
13 religion, sex, [race related hairstyle, the use of a cultural headdress,] national  
14 origin or ancestry[,] or physical handicap.

15 (G) Any person to:

16 (1) Refuse to sell, rent, assign, lease or sublease, or offer for  
17 sale, rental, lease or sublease, or assignment, any housing accommodation,  
18 commercial space or real property to any individual, or to refuse to negotiate  
19 for the sale, rental, lease, assignment or sublease of any housing  
20 accommodation, commercial space or real property, or in the provision of  
21 facilities or services in connection therewith, because of race, color, religion,  
22 sex, [race related hairstyle, the use of a cultural headdress,] national origin or  
23 ancestry, or physical handicap.

24 (2) Print, circulate, display or mail, or cause to be printed,  
25 circulated, displayed or mailed, any statement, advertisement, publication or  
26 sign or use any form of application for the purchase, rental, lease, assignment  
27 or sublease of any housing accommodation, commercial space or real  
28 property, or to make any record or inquiry regarding the prospective  
29 purchase, rental, lease, assignment or sublease of any housing  
30 accommodation, commercial space or real property which expresses any  
31 preference, limitation or discrimination as to race, color, religion, sex, [race

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1 related hairstyle, the use of a cultural headdress,] national origin or ancestry,  
2 or physical handicap.

3 (H) Any person to whom application is made for financial assistance for  
4 the acquisition, construction, rehabilitation, repair or maintenance of any  
5 housing accommodation, commercial space or real property, to:

6 (1) Consider race, color, religion, sex, [race related hairstyle, the  
7 use of a cultural headdress,] national origin or ancestry or physical handicap  
8 in the granting, withholding, extending, modifying or renewing, or in the fixing  
9 of the rates, terms, conditions or provisions of any financial assistance, or in  
10 the extension of services in connection with the request for financial  
11 assistance; and

12 (2) Use any form of application for financial assistance or to  
13 make any record or inquiry in connection with applications for financial  
14 assistance which expresses, directly or indirectly, any limitation, specification  
15 or discrimination as to race, color, religion, sex, [race related hairstyle, the  
16 use of a cultural headdress,] national origin or ancestry or physical handicap.

17 (I) Any person or employer to:

18 (1) Aid, abet, incite, compel or coerce the doing of any unlawful  
19 discriminatory practice or to attempt to do so.

20 (2) Engage in any form of threats, reprisals or discrimination  
21 against any person who has opposed unlawful discriminatory practices or  
22 has filed a complaint, testified or participated in any proceeding under this  
23 article.

24 (3) Willfully obstruct or prevent any person from complying with  
25 the provisions of this article or to resist, prevent, impede or interface with the  
26 Board or any of its members, staff or representatives in the performance of  
27 their duties under this article.

28 be required by the Board. All complaints must be filed with the commission  
29 within 90 days after the alleged act was committed.”

30 SECTION 3. SEVERABILITY. If any section, paragraph, sentence, clause,  
31 word or phrase of this Ordinance is for any reason held to be invalid or  
32 unenforceable by any court of competent jurisdiction, such decision shall not

1 affect the validity of the remaining provisions of this Ordinance. The Council  
2 hereby declares that it would have passed this Ordinance and each section,  
3 paragraph, sentence, clause, word or phrase thereof irrespective of any  
4 provision being declared unconstitutional or otherwise invalid.

5 SECTION 4. COMPILATION. Sections 1 and 2 of this Ordinance shall  
6 amend, be incorporated in and complied as part of the Revised Ordinances of  
7 Albuquerque, New Mexico, 1994.

8 SECTION 5. EFFECTIVE DATE. This ordinance will become effective five  
9 days after publication by title and general summary.

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