

# EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



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## Action: Code Amendment of Protected Class Definition of Sexual Orientation

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Meeting Date: January 27, 2014  
Department: City Manager's Office  
[www.eugene-or.gov](http://www.eugene-or.gov)

Agenda Item Number: 4  
Staff Contact: Michael Kinnison  
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### ISSUE STATEMENT

SB 2, the Oregon Equality Act, expanded the definition of sexual orientation to include gender identity at the State level effective January 1, 2008. On November 13, 2013, at the recommendation of the Human Rights Commission, the council approved a motion to hold a public hearing and take action to amend the Eugene Code to include in the definition of sexual orientation, protections related to one's gender identity. A proposed ordinance is attached.

### BACKGROUND

The current Eugene Code (EC 4.615) protected class definition for sexual orientation is not consistent with state level definitions. The Legislature modified the state's definition in 2007 to include explicit protections related to gender identity, "regardless of whether the individual's gender identity, appearance, expression or behavior differs from those traditionally associated with the individual's sex at birth." Eugene Code defines sexual orientation more narrowly as "actual or perceived heterosexuality, homosexuality, or bisexuality."

This change would simply align language in the Eugene Code with existing protected class definitions in state law. Enforcement for discrimination related complaints regarding housing, employment, and public accommodation is already provided by state level agencies, which utilize the existing state definition for sexual orientation. Amending the Eugene Code to be consistent with state definitions would not afford any additional legal protections related to gender identity nor would it impose additional requirements for City operations beyond those currently required by state law.

### RELATED CITY POLICIES

City Council vision: Value all people, encouraging respect and appreciation for diversity, equity, justice, and social well-being. We recognize and appreciate our differences and embrace our common humanity as the source of our strength;

City Council goal for a *Safe Community* – a community where all people are safe, valued and welcome.

**COUNCIL OPTIONS**

Council can vote to support or oppose the ordinance amending Section 4.615 of the Eugene Code.

**CITY MANAGER’S RECOMMENDATION**

City Manager recommends adoption of the amending ordinance.

**SUGGESTED MOTION**

Move to adopt Council Bill 5107, amending Section 4.615 of the Eugene Code by revising the definition of “sexual orientation” to read: “actual or perceived heterosexuality, homosexuality, bisexuality, *or gender identity.*”

**ATTACHMENTS**

- A. Proposed Ordinance Amending Section 4.615

**FOR MORE INFORMATION**

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