

ORDINANCE NO. 9999

AN ORDINANCE OF THE CITY OF LAWRENCE, KANSAS, DECLARING THE CITY TO BE A SAFE HAVEN FOR ALL PERSONS FROM THE EFFECTS OF DISCRIMINATORY ACTS, LEGISLATION, REGULATION, AND OTHER ACTIONS.

WHEREAS, Chapter 10, Article 1, Section 10-101 of the Code of the City of Lawrence, Kansas, 2018 Edition and amendments thereto, declares that "[t]he practice or policy of discrimination against persons by reason of race, sex, religion, color, national origin, age, ancestry, familial status, sexual orientation, disability, gender identity, source of income, or immigration status is a matter of concern to the City ..., 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;"

WHEREAS, it is the express policy of the City, in the exercise of its police powers, for the protection of the public health, safety, and welfare, for the maintenance of business and good government, and for the promotion of the City's trade and commerce, to eliminate and to prevent discrimination, segregation, or separation because of race, sex, religion, color, national origin, age, ancestry, familial status, sexual orientation, disability, gender identity, source of income, or immigration status;

WHEREAS, it is the express policy of the City to assure equal opportunity for all persons within the City to full and equal access to Public Accommodations and the full and equal use and enjoyment of the services, facilities, privileges, and advantages of all governmental departments and agencies;

WHEREAS, the City is dedicated to building an inclusive community that creates a welcoming and safe environment for all individuals, regardless of race, sex, religion, color, national origin, age, ancestry, familial status, sexual orientation, disability, gender identity, source of income, or immigration status;

WHEREAS, the City reaffirms its commitment to embrace all persons and their numerous contributions to the cultural fabric, economic strength, and diversity of the community, while protecting the rights of all persons;

WHEREAS, since 2013, the City has been recognized as a top City pertaining to LGBTQ+ equity and inclusion by the Human Rights Campaign (HRC), a national education and advocacy organization working to achieve equality for LGBTQ+ persons, and in 2022, the most recent year for which rankings are available, the City earned a score of 100 points from the HRC – the highest ranking – thereby making history, since no city in Kansas previously had earned such a score;

WHEREAS, during the 2023 Kansas legislative session, over the Governor's vetoes, the Kansas Legislature passed a number of laws directed at gender identity, including what was introduced as Senate Bill 180, defining "sex" in state law and regulations as "biological sex, either male or female, at birth;" and

WHEREAS, as enacted, Senate Bill 180, threatens the health, safety, and welfare, as well as the rights and privileges, of persons located within the City, threatens the City's trade, commerce, and ability to attract new businesses, is antithetical to the City's goal of providing a safe, inclusive, and welcoming community for all persons, and menaces the institutions and foundations of a free democratic state.

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

SECTION 1. The above-stated recitals are hereby adopted and incorporated herein by reference as if set forth in full.

SECTION 2. The Code of the City of Lawrence, Kansas, 2018 Edition and amendments thereto, is hereby amended by adding Chapter 10, Article 3, which reads as follows:

ARTICLE 3. SAFE HAVEN

10-301 **DECLARATION.**

The Governing Body hereby finds that, in order to protect the health, safety and welfare, as well as the rights and privileges, of all persons located within the City, that the City is a safe, inclusive, and welcoming City and hereby declares the City to be a safe haven for all persons seeking shelter from the adversity of discrimination, in all its forms, including those persons affected by Senate Bill 180, as enacted.

10-302 **SAFEGUARDS.**

- (a) To the extent allowed by law, the City, its public officials, officers, employees, agents, or contractors, shall not:
 - (1) gather or disseminate information regarding any person's "biological sex, either male or female, at birth."
 - (2) assist or cooperate in any investigation, detention, or arrest procedures related to Senate Bill 180, as enacted, by any jurisdiction having authority to enforce it.
 - (3) assist or cooperate in any investigation, surveillance, or gathering of information related to Senate Bill 180, as enacted, by any jurisdiction having authority to enforce it.
 - (4) include, on any City application, questionnaire, or interview form, in relation to benefits, services, or opportunities offered or provided by the City, any question regarding any person's "biological sex, either male or female, at birth."
- (b) Nothing in this section shall limit the City's legitimate right of inquiry regarding a person's "sex" or "gender," as long as it does not require a person's "biological sex, either male or female, at birth."

10-303 **CONTINUING REVIEW.**

The City shall continue to evaluate future acts, legislation, regulations, or other actions that threaten, restrict, or eliminate the rights and privileges of persons by reason of race, sex, religion, color, national origin, age, ancestry, familial status, sexual orientation, disability, gender identity, source of income, or immigration status.

10-304 **INTENT.**

Through this Article, the City seeks only to promote the health, safety, and welfare of the community. This Article is not intended to create any new rights for any person, the breach of which would entitle any person to have a cause of action against the City, at law or in equity. This section shall not be construed, however, to limit or proscribe any other existing rights or remedies that would otherwise be available to any person, whether at law or in equity.

SECTION 3. 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 4. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

PASSED by the Governing Body of the City of Lawrence, Kansas, this 1st day of August, 2023.

APPROVED:

Lisa Larsen
Mayor

ATTEST:

Sherri Riedemann
City Clerk

APPROVED AS TO FORM:

Toni R. Wheeler
City Attorney