

GENERAL PROVISIONS

Intent of Council.

It is the intent of the Birmingham City Council, in enacting this ordinance, to secure an end in the City of Birmingham to discrimination for any reason other than that of individual merit, including, but not limited to, discrimination by reason of race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity, family responsibilities, matriculation, political affiliation, disability, source of income, and place of residence or business.

Definitions.

The following words and terms when used in this ordinance have the following meanings:

"Age" means 18 years of age or older.

"Chairperson" means the duly appointed Chairperson of the Birmingham Human Rights Commission.

(4) "Commission" means the Birmingham Human Rights Commission established by the ordinance adopted contemporaneously and in conjunction with this ordinance.

(5) "Council" means the Birmingham City Council.

(5A) "Disability" means a physical or mental impairment that substantially limits one or more of the major life activities of an individual having a record of such an impairment or being regarded as having such an impairment.

(8) "Educational institution" means any public or private institution including an academy, college, elementary or secondary school, extension course, kindergarten, nursery, school system or university; and a business, nursing, professional, secretarial, technical, or vocational school; and includes an agent of an educational institution.

(9) "Employee" means any individual employed by or seeking employment from an employer.

(10) "Employer" means any person who, for compensation, employs an individual, except for the employer's parent, spouse, children or domestic servants, engaged in work in and about the employer's household; any person acting in the interest of such employer, directly or indirectly; and any professional association.

(11) "Employment agency" means any person regularly undertaking or attempting, with or without compensation, to procure employees for an employer or to procure for employees, opportunities to work for an employer, and includes an agent of such a person.

(12) "Family responsibilities" means the state of being, or the potential to become, a contributor to the support of a person or persons in a dependent relationship, irrespective of their number, including the state of being the subject of an order of withholding or similar proceedings for the purpose of paying child support or a debt related to child support.

(13) "Hearing tribunal" means members of the Commission, or 1 or more hearing examiners, appointed by the Commission to conduct a hearing.

(14) "Housing business" means a business operated under the authority of a license issued by the Mayor, or other authorized District agent, pursuant to § 47-2828 and the regulations promulgated thereunder.

(15) "Labor organization" means any organization, agency, employee representation committee, group, association, or plan in which employees participate directly or indirectly; and which exists for the purpose, in whole or in part, of dealing with employers, or any agent thereof, concerning grievances, labor disputes, wages, rates of pay, hours, or other terms, conditions, or privileges of employment; and any conference, general committee, joint or system board, or joint council, which is subordinate to a national or international organization.

(16) "Make public" means disclosure to the public or to the news media of any personal or business data obtained during the course of an investigation of a complaint filed under the provisions of this ordinance, but not to include the publication of EEO-1, EEO-2, or EEO-3 reports as required by the Equal Employment Opportunity Commission, or any other data in the course of any administrative or judicial proceeding under this ordinance; or any judicial proceeding under Title VII of the Civil Rights Act of 1964 involving such information; nor shall it include access to such data by staff or the Office of Human Rights, members of the Commission on Human Rights, or parties to a proceeding, nor shall it include publication of aggregated data from individual reports.

(17) "Marital status" means the state of being married, single, divorced, separated, or widowed and the usual conditions associated therewith, including pregnancy or parenthood.

(18) "Matriculation" means the condition of being enrolled in a college, or university; or in a business, nursing, professional, secretarial, technical or vocational school; or in an adult education program.

(20) (A) "Owner" means 1 of the following:

(i) Any person, or any one of a number of persons in whom is vested all or any part of the legal or equitable ownership, dominion, or title to any real property;

(ii) The committee, conservator, or any other legal guardian of a person who for any reason is non sui juris, in whom is vested the legal or equitable ownership, dominion or title to any real property; or

(iii) A trustee, elected or appointed or required by law to execute a trust, other than a trustee under a deed of trust to secure the payment of money; or one who, as agent of, or fiduciary, or officer appointed by the court for

the estate of the person defined in sub-subparagraph (i) of this subparagraph shall have charge, care or control of any real property.

(B) The term "owner" shall also include the lessee, the sublessee, assignee, managing agent, or other person having the right of ownership or possession of, or the right to sell, rent or lease, any real property.

(21) "Person" means any individual, firm, partnership, mutual company, joint-stock company, corporation, association, organization, unincorporated organization, labor union, government agency, incorporated society, statutory or common-law trust, estate, executor, administrator, receiver, trustee, conservator, liquidator, trustee in bankruptcy, committee, assignee, officer, employee, principal or agent, legal or personal representative, real estate broker or salesman or any agent or representative of any of the foregoing.

(22) "Personal appearance" means the outward appearance of any person, irrespective of sex, with regard to bodily condition or characteristics, manner or style of dress, and manner or style of personal grooming, including, but not limited to, hair style and beards. It shall not relate, however, to the requirement of cleanliness, uniforms, or prescribed standards, when uniformly applied for admittance to a public accommodation, or when uniformly applied to a class of employees for a reasonable business purpose; or when such bodily conditions or characteristics, style or manner of dress or personal grooming presents a danger to the health, welfare or safety of any individual.

(24) "Place of public accommodation" means all places included in the meaning of such terms as inns, taverns, road houses, hotels, motels, whether conducted for the entertainment of transient guests or for the accommodation of those seeking health, recreation or rest; restaurants or eating houses, or any place where food is sold for consumption on the premises; buffets, saloons, barrooms, or any store, park or enclosure where spirituous or malt liquors are sold; ice cream parlors, confectionaries, soda fountains and all stores where ice cream, ice and fruit preparation or their derivatives, or where beverages of any kind are retailed for consumption on the premises; wholesale and retail stores, and establishments dealing with goods or services of any kind, including, but not limited to, the credit facilities thereof; banks, savings and loan associations, establishments of mortgage bankers and brokers, all other financial institutions, and credit information bureaus; insurance companies and establishments of insurance policy brokers; dispensaries, clinics, hospitals, bath-houses, swimming pools, laundries and all other cleaning establishments; barber shops, beauty parlors, theatres, motion picture houses, airdromes, roof gardens, music halls, race courses, skating rinks, amusement and recreation parks, trailer camps, resort camps, fairs, bowling alleys, golf courses, gymnasiums, shooting galleries, billiards and pool parlors; garages, all public conveyances operated on land or water or in the air, as well as the stations and terminals thereof; travel or tour advisory services, agencies or bureaus; public halls and public elevators of buildings and structures, occupied by 2 or more tenants, or by the owner and 1 or more tenants. Such term shall not include any institution, club, or place of

accommodation which is in its nature distinctly private except, that any such institution, club or place of accommodation shall be subject to the . A place of accommodation, institution, or club shall not be considered in its nature distinctly private if the place of accommodation, institution, or club:

(A) Has 350 or more members;

(B) Serves meals on a regular basis; and

(C) Regularly receives payment for dues, fees, use of space, facilities, services, meals, or beverages directly or indirectly from or on behalf of nonmembers for the furtherance of trade or business.

(25) "Political affiliation" means the state of belonging to or endorsing any political party.

(26) "Real estate broker (or salesperson)" means any person licensed as such in accordance with the provisions of Ordinance 19 of Title 45.

(27) "Real Estate Commission" means the Real Estate Commission of the City of Birmingham established by § 45-1923.

(28) "Sexual orientation" means male or female homosexuality, heterosexuality and bisexuality, by preference or practice.

(29) "Source of income" means the point, the cause, or the form of the origination, or transmittal of gains of property accruing to a person in a stated period of time; including, but not limited to, money and property secured from any occupation, profession or activity, from any contract, agreement or settlement, from federal payments, court-ordered payments, from payments received as gifts, bequests, annuities, life insurance policies and compensation for illness or injury, except in a case where conflict of interest may exist.

(30) "Transaction in real property" means the exhibiting, listing, advertising, negotiating, agreeing to transfer or transferring, whether by sale, lease, sublease, rent, assignment or other agreement, any interest in real property or improvements thereon, including, but not limited to, leaseholds and other real chattels.

(31) "Unlawful discriminatory practice" means those discriminatory practices which are so specified in Sub Ordinance II of this ordinance.

Exceptions.

(a) Any practice which has a discriminatory effect and which would otherwise be prohibited by this ordinance shall not be deemed unlawful if it can be established that such practice is not intentionally devised or operated to contravene the prohibitions of this ordinance and can be justified by business necessity. Under this ordinance, a "business necessity" exception is

applicable only in each individual case where it can be proved by a respondent that, without such exception, such business cannot be conducted; a "business necessity" exception cannot be justified by the facts of increased cost to business, business efficiency, the comparative characteristics of 1 group as opposed to another, the stereotyped characterization of 1 group as opposed to another, and the preferences of co-workers, employers, customers or any other person.

(b) Nothing contained in the provisions of this ordinance shall be construed to bar any religious or political organization, or any organization operated for charitable or educational purposes, which is operated, supervised or controlled by or in connection with a religious or political organization, from limiting employment, or sales, or rental of housing accommodations, or admission to or giving preference to persons of the same religion or political persuasion as is calculated by such organization to promote the religious or political principles for which it is established or maintained.

(c) Nothing in this ordinance shall be construed to supersede any federal rule, regulation or act.

Severability.

If any provision, or part thereof of this ordinance or application thereof to any person or circumstances is held invalid, the remainder of the ordinance and the application of the provision, or part thereof, to other persons not similarly situated or to other circumstances is not to be affected thereby.

Discrimination based on pregnancy, childbirth, or related medical conditions.

(a) For the purposes of interpreting this ordinance, discrimination on the basis of sex shall include, but not be limited to, discrimination on the basis of pregnancy, childbirth, or related medical conditions.

(b) Women affected by pregnancy, childbirth, or related medical conditions shall be treated the same for all employment-related purposes, including receipt of benefits under fringe benefit programs, as other persons not so affected but similar in their ability or inability to work, and this requirement shall include, but not be limited to, a requirement that an employer must treat an employee temporarily unable to perform the functions of her job because of her pregnancy-related condition in the same manner as it treats other temporarily disabled employees

PROHIBITED ACTS OF DISCRIMINATION

Equal opportunities.

Every individual shall have an equal opportunity to participate fully in the economic, cultural and intellectual life of the City of Birmingham and to have an equal opportunity to participate in

all aspects of life, including, but not limited to, employment, places of public accommodation, resort or amusement, educational institutions, public service, and housing and commercial space accommodations.

Unlawful discriminatory practices in employment.

(a) General. It shall be an unlawful discriminatory practice to do any of the following acts, wholly or partially for a discriminatory reason based upon the race, color, sex, language, religion, political or other opinion, national or social origin, citizenship, gender identity, sexual orientation, disability, birth or other status to any individual:

(1) By an employer. To fail or refuse to hire, or to discharge, any individual; or otherwise to discriminate against any individual, with respect to his compensation, terms, conditions, or privileges of employment, including promotion; or to limit, segregate, or classify employees in any way which would deprive or tend to deprive any individual of employment opportunities, or otherwise adversely affect his status as an employee;

(2) By an employment agency. To fail or refuse to refer for employment, or to classify or refer for employment, any individual, or otherwise to discriminate against, any individual; or

(3) By a labor organization. To exclude or to expel from its membership, or otherwise to discriminate against, any individual; or to limit, segregate, or classify its membership; or to classify, or fail, or refuse to refer for employment any individual in any way, which would deprive such individual of employment opportunities, or would limit such employment opportunities, or otherwise adversely affect his status as an employee or as an applicant for employment; or

(4) By an employer, employment agency or labor organization.

(A) To discriminate against any individual in admission to or the employment in, any program established to provide apprenticeship or other training or retraining, including an on-the-job training program;

(B) To print or publish, or cause to be printed or published, any notice or advertisement, or use any publication form, relating to employment by such an employer, or to membership in, or any classification or referral for employment by such a labor organization, or to any classification or referral for employment by such an employment agency, unlawfully indicating any preference, limitation, specification, or distinction.

(b) Subterfuge. It shall further be an unlawful discriminatory practice to do any of the above said acts for any reason that would not have been asserted but for, wholly or partially, a discriminatory reason.

(c) Accommodation for religious observance.

(1) It shall further be an unlawful discriminatory practice for an employer to refuse to make a reasonable accommodation for an employee's religious observance by permitting the employee to make up work time lost due to such observance, unless such an accommodation would cause the employer undue hardship. An accommodation would cause an employer undue hardship when it would cause the employer to incur more than de minimis costs.

(2) Such an accommodation may be made by permitting the employee to work:

(A) During the employee's scheduled lunch time or other work breaks;

(B) Before or after the employee's usual working hours;

(C) Outside of the employer's normal business hours;

(D) During the employee's paid vacation days;

(E) During another employee's working hours as part of a voluntary swap with such other employee; or

(F) In any other manner that is mutually agreeable to the employer and employee.

(3) When an employee's request for a particular form of accommodation would cause undue hardship to the employer, the employer shall reasonably accommodate the employee in a manner that does not cause undue hardship to the employer. Where other means of accommodation would cause undue hardship to the employer, an employee shall have the option of taking leave without pay if granting leave without pay would not cause undue hardship to the employer.

(4) An employee shall notify the employer of the need for an accommodation at least 10 working days prior to the day or days for which the accommodation is needed, unless the need for the accommodation cannot reasonably be foreseen.

(5) In any proceeding brought under this section, the employer shall have the burden of establishing that it would be unable reasonably to accommodate an employee's religious observance without incurring an undue hardship, provided, however, that in the case of an employer that employs more than 5 but fewer than 15 full-time employees, or where accommodation of an employee's observance of a religious practice would require the employee to take more than 3 consecutive days off from work, the employee shall have the burden of establishing that the employer could reasonably accommodate the employee's religious observance without incurring an undue hardship; and provided further, that it shall be considered an undue hardship if an employer would be required to pay any additional compensation to an employee by reason of an accommodation for an employee's religious observance. The mere assumption that other employees with the same religious beliefs might also request accommodation shall not be considered evidence of undue hardship. An employer that employs 5 or fewer full-time employees shall be exempt from the provisions of this subsection.

Exceptions regarding seniority system and officer cadet programs.

(a) It shall not be an unlawful discriminatory practice for an employer to observe the conditions of a bona fide seniority system or a bona fide employee benefit system such as retirement, pension or insurance plan which is not a subterfuge to evade the purposes of this ordinance, except that no such employee seniority system or benefit plan shall excuse the failure to hire any individual.

(b) It shall not be an unlawful discriminatory practice for the City of Birmingham to prescribe minimum and maximum age limits for appointment to the police officer and firefighter cadet programs.

Reports furnished to Office.

Every employer, employment agency, and labor organization, subject both to this ordinance and to Title VII of the Civil Rights Act of 1964, as amended, is to furnish to the Office, all reports that may be required by the Equal Employment Opportunity Commission established under the Civil Rights Act of 1964.

§ 1-2515. Unlawful discriminatory practices in real estate transactions.

(a) General. It shall be an unlawful discriminatory practice to do any of the following acts, wholly or partially for a discriminatory reason based on the race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity, family responsibilities, disability, matriculation, political affiliation, source of income, or place of residence or business of any individual:

(1) To interrupt or terminate, or refuse or fail to initiate or conduct any transaction in real property; or to require different terms for such transaction; or to represent falsely that an interest in real property is not available for transaction;

(2) To include in the terms or conditions of a transaction in real property, any clause, condition or restriction;

(3) To refuse to lend money, guarantee a loan, accept a deed of trust or mortgage, or otherwise refuse to make funds available for the purchase, acquisition, construction, alteration, rehabilitation, repair or maintenance of real property; or impose different conditions on such financing; or refuse to provide title or other insurance relating to the ownership or use of any interest in real property;

(4) To refuse or restrict facilities, services, repairs or improvements for a tenant or lessee;

(5) To make, print, or publish, or cause to be made, printed, or published any notice, statement, or advertisement, with respect to a transaction, or proposed transaction, in real property, or financing relating thereto, which notice, statement, or advertisement unlawfully indicates or attempts unlawfully to indicate any preference, limitation, or discrimination based on race, color,

religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity, family responsibilities, disability, matriculation, political affiliation, source of income, or place of residence or business, of any individual; or

(6) To discriminate in any financial transaction involving real property, on account of the location of residence or business (i.e. to "red-line").

(b) Subterfuge. It shall further be an unlawful discriminatory practice to do any of the above said acts for any reason that would not have been asserted but for, wholly or partially, any one or more of the discriminatory reasons listed in subparagraph (a), above.

(c) Families with children.

(1) It shall be an unlawful discriminatory practice to do any of the acts prohibited in subsections (a) and (b) of this section wholly or partially based on the fact that a person has 1 or more children who reside with that person.

(2) There shall be a rebuttable presumption that an unlawful discriminatory practice has occurred if the person alleging discrimination has 1 or more children who reside with that person and any of the acts prohibited by subsections (a) and (b) of this section are done to maintain residential occupancies more restrictive than the following:

(A) In an efficiency apartment, 2 persons; or

(B) In an apartment with 1 or more bedrooms, 2 times the number of bedrooms plus 1.

(3) Notwithstanding paragraphs (1) and (2) of this subsection, it shall not be an unlawful discriminatory practice for an owner to limit occupancy of a building to tenants who are natural persons 60 years of age or over.

Blockbusting and steering.

It shall be an unlawful discriminatory practice for any person, whether or not acting for monetary gain, directly or indirectly to engage in the practices of "blockbusting" and "steering," including, but not limited to, the commission of any 1 or more of the following acts:

(1) To promote, induce, influence, or attempt to promote, induce, or influence a transaction in real property through any representation, means or device whatsoever calculated to induce a person to discriminate or to engage in such transaction wholly or partially in response to discrimination, prejudice, fear or unrest adduced by such means, device or representation;

(2) To place a sign, or display any other device, either purporting to offer or tending to lead to the belief that an offer is being made for a transaction in real property that is not in fact available or offered for transaction, or which purports that any transaction in real property has occurred that in fact has not.

Exceptions.

(a) Nothing in this ordinance is to be construed to apply to the rental or leasing of housing accommodations in a building in which the owner, or members of his family occupy one of the living units and in which there are, or the owner intends that there be, accommodations for not more than:

(1) Five families, and only with respect to a prospective tenant, not related to the owner-occupant with whom the owner-occupant anticipates the necessity of sharing a kitchen or bath; and

(2) Two families living independently of each other.

(b) Nothing contained in the provisions of this ordinance shall be deemed to permit any rental or occupancy otherwise prohibited by any statute, or by any regulation previously enacted and not repealed herein.

Unlawful discriminatory practices in public accommodations.

(a) General. It shall be an unlawful discriminatory practice to do any of the following acts, wholly or partially for a discriminatory reason based on the race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity, family responsibilities, disability, matriculation, political affiliation, source of income, or place of residence or business of any individual:

(1) To deny, directly or indirectly, any person the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of any place of public accommodations;

(2) To print, circulate, post, or mail, or otherwise cause, directly or indirectly, to be published a statement, advertisement, or sign which indicates that the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of a place of public accommodation will be unlawfully refused, withheld from or denied an individual; or that an individual's patronage of, or presence at, a place of public accommodation is objectionable, unwelcome, unacceptable, or undesirable.

(b) Subterfuge. It is further unlawful to do any of the above said acts for any reason that would not have been asserted but for, wholly or partially, a discriminatory reason based on the race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity, family responsibilities, disability, matriculation, political affiliation, source of income, or place of residence or business of any individual.

Unlawful discriminatory practices in educational institutions.

It is an unlawful discriminatory practice for an educational institution:

(1) To deny, restrict, or to abridge or condition the use of, or access to, any of its facilities and services to any person otherwise qualified, wholly or partially, for a discriminatory reason, based upon the race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity, family responsibilities, political affiliation, source of income, or disability of any individual; or

(2) To make or use a written or oral inquiry, or form of application for admission, that elicits or attempts to elicit information, or to make or keep a record, concerning the race, color, religion, or national origin of an applicant for admission.

(3) Notwithstanding any other provision of the laws of the City of Birmingham, it shall not be an unlawful discriminatory practice in the City of Birmingham for any educational institution that is affiliated with a religious organization or closely associated with the tenets of a religious organization to deny, restrict, abridge, or condition -

(A) the use of any fund, service, facility, or benefit; or

(B) the granting of any endorsement, approval, or recognition, to any person or persons that are organized for, or engaged in, promoting, encouraging, or condoning any homosexual act, lifestyle, orientation, or belief.

Exceptions regarding sex discrimination and age.

(a) Nothing in this ordinance regarding sex discrimination in admission policy shall apply to any private undergraduate college or to any private preschool, elementary or secondary school;

(b) It shall not be an unlawful discriminatory practice for the City of Birmingham to prescribe minimum and maximum age limits for appointment to the police officer and firefighter cadet programs.

Posting of notice.

Every person subject to this ordinance shall post and keep posted in a conspicuous location where business or activity is customarily conducted or negotiated, a notice whose language and form has been prepared by the Office, setting forth excerpts from or summaries of, the pertinent provisions of this ordinance and information pertinent to the filing of a complaint.

Preservation of business records; contents; reports to Office.

(a) Every person subject to this ordinance shall preserve any regularly kept business records for a period of 6 months from the date of the making of the record, or from the date of the action which is the subject of the record, whichever is longer; such records shall include, but not be limited to, application forms submitted by applicants, sales and rental records, credit and reference reports, personnel records, and any other record pertaining to the status of an individual's enjoyment of the rights and privileges protected or granted under this ordinance.

(b) Where a charge of discrimination has been filed against a person under this ordinance, the respondent shall preserve all records which may be relevant to the charge or action, until a final disposition of the charge in accordance with subsection (c) of this section.

(c) All persons subject to this ordinance shall furnish to the Human Rights Commission upon its request, such reports relating to information under their control as the Office may require. The identities of persons and properties contained in reports submitted to the Office under the provisions of this section shall not be made public.

Affirmative action plans.

(a) It shall not be an unlawful discriminatory practice for any person to carry out an affirmative action plan that has been approved by the Human Rights Commission. An affirmative action plan is any plan devised to effectuate remedial or corrective action in response to past discriminatory practices or effects prohibited under this ordinance and may also include those plans devised to provide preferential treatment for a class or classes of persons, which preferential treatment by class would otherwise be prohibited by this ordinance and which plan is not devised to contravene the intent of this ordinance.

Coercion or retaliation.

(a) It shall be an unlawful discriminatory practice to coerce, threaten, retaliate against, or interfere with any person in the exercise or enjoyment of, or on account of having exercised or enjoyed, or on account of having aided or encouraged any other person in the exercise or enjoyment of any right granted or protected under this ordinance.

(b) It shall be an unlawful discriminatory practice for any person to require, request, or suggest that a person retaliate against, interfere with, intimidate or discriminate against a person, because that person has opposed any practice made unlawful by this ordinance, or because that person has made a charge, testified, assisted, or participated in any manner in an investigation, proceeding or hearing authorized under this ordinance.

(c) It shall be an unlawful discriminatory practice for any person to cause or coerce, or attempt to cause or coerce, directly or indirectly, any person to prevent any person from complying with the provisions of this ordinance.

Aiding or abetting.

It shall be an unlawful discriminatory practice for any person to aid, abet, invite, compel, or coerce the doing of any of the acts forbidden under the provisions of this ordinance or to attempt to do so.

Conciliation agreements.

It shall be an unlawful discriminatory practice for a party to a conciliation agreement, made under the provisions of this ordinance, to violate the terms of such agreement.

Resisting the Office or Commission.

(a) Any person who shall willfully resist, prevent, impede or interfere with the Human Rights Commission, or any of its representatives, in the performance of any duty prescribed it by ordinance, or shall willfully violate an order of the Commission, shall upon conviction, be punished by incarceration for not more than 30 days, or by a fine of not more than \$500, or by both, except, that filing a petition for review of an order, pursuant to the provisions of this ordinance, shall not be deemed to constitute such willful conduct, nor shall compliance with any procedure regarding a subpoena in accord with § 1-331, be deemed to constitute such willful conduct.

(b) It shall be an unlawful discriminatory practice for a person subject to this ordinance, to fail to post notices, maintain records, file reports, as required by §§ 1-2522 to 1-2524, or to supply documents and information requested by the Office in connection with a matter under investigation.

Falsifying documents and testimony.

It shall be unlawful to willfully falsify documents, records, or reports, which are required or subpoenaed pursuant to this ordinance, or willfully to falsify testimony, or to intimidate any witness or complainant; such violations shall be punishable by incarceration for not more than six months, or by a fine of not more than \$500, or by both.

Arrest records.

It shall be an unlawful practice, punishable by a fine of not more than \$500, or incarceration for not more than 30 days, or both, for any person to require the production of any arrest record or any copy, extract, or statement thereof, at the monetary expense of any individual to whom such record may relate. Such "arrest records" shall contain only listings of convictions and forfeitures of collateral that have occurred within 10 years of the time at which such record is requested. Further, no one subject to this ordinance shall be required to provide any information in response to any question or application for employment, housing or admission to a school regarding any juvenile finding, any conviction as a youthful offender or any arrest that did not result in a conviction.

Compliance with ordinance prerequisite for licenses.

All permits, licenses, franchises, benefits, exemptions, or advantages issued by or on behalf of the City of Birmingham, shall specifically require and be conditioned upon full compliance with the provisions of this ordinance; and shall further specify that the failure or refusal to comply with any provision of this ordinance shall be a proper basis for revocation of such permit, license, franchise, benefit, exemption, or advantage.

Discriminatory effects of practices.

Any practice which has the effect or consequence of violating any of the provisions of this ordinance or adversely affecting a particular class of persons protected by this ordinance shall be deemed to be an unlawful discriminatory practice irrespective of intent.

Sale of motor vehicle insurance.

It is unlawful discriminatory practice for an insurer authorized to sell motor vehicle insurance in the City of Birmingham to do any of the following acts, wholly or partially for a discriminatory reason based on race, color, religion, national origin, sex, marital status, personal appearance, sexual orientation, family responsibilities, disability, matriculation, political affiliation, lawful occupation, or location within the geographical area of the City of Birmingham of any individual:

- (1) To fail or refuse to issue a policy of motor vehicle insurance;
- (2) To fail or refuse to renew a policy of motor vehicle insurance; or
- (3) To cancel a policy of motor vehicle insurance.

Motor vehicle rental companies.

Notwithstanding any other provision of this ordinance, it shall not be an unlawful practice for a motor vehicle rental company to fail or refuse to rent a motor vehicle, or to impose differential terms and conditions upon the rental of a motor vehicle, based on the age of any person, where such action is reasonably related to accident risk or threat to public safety.
