



CITY OF FORT WAYNE

THOMAS C. HENRY, MAYOR

Metropolitan Human Relations Commission

Fort Wayne Metropolitan Human Relations Commission Letter of Interpretation

April 12, 2023

Issued by Executive Director Nikki Quintana

I. Purpose

The purpose of this letter of interpretation is to communicate the Commission's agreement not to interpret Fort Wayne General Ordinance Chapter 93 Discrimination and Human Relations § 93.021 to apply to housing discrimination provisions of the Fort Wayne General Ordinance G-33-92.

II. Background

The United States Supreme Court's June 15, 2020, decision in *Bostock v. Clayton County*, held that the prohibitions against sex discrimination in the workplace contained in Title VII of the Civil Rights Act of 1964 extend to and include discrimination on the basis of sexual orientation and gender identity.

On January 20, 2021, President Biden issued Executive Order 13988 on Preventing and Combating Discrimination on the Basis of Gender Identity or Sexual Orientation. Relying on the *Bostock* decision, the Executive Order directs every federal agency to assess all agency actions taken under federal statutes that prohibit sex discrimination and to fully enforce those statutes to combat discrimination based on sexual orientation and gender identity.

The United States Department of Housing and Urban Development's Office of General Counsel has concluded that the Fair Housing Act's sex discrimination provisions are comparable to those in Title VII of the Civil Rights Act of 1964 and that they likewise prohibit discrimination because of sexual orientation and gender identity.

III. Commission's Interpretation

The Fort Wayne Metropolitan Human Relations Commission assures that it interprets discrimination "because of sex" under Fort Wayne General Ordinance Chapter 93 Discrimination and Human Relations, G-33-92, in a manner consistent with the Supreme Court's holding in *Bostock*. Specifically, the Commission assures that it interprets discrimination "because of sex" to include discrimination because of sexual orientation and gender identity.

Fort Wayne General Ordinance Chapter 93 Discrimination and Human Relations § 93.021 states that, "[w]ith respect to complaints of discrimination based on sexual orientation, the Commission's authority shall be limited to power to accept such complaints, notify

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respondents of the complaint(s) and attempt voluntary investigation(s) and voluntary mediation(s). The Commission assures that it agrees to not interpret this provision of Fort Wayne General Ordinance, §93.021, to apply to the housing discrimination provisions set forth in Fort Wayne General Ordinance G-33-92. The language in § 93.021 does not affect the Commission's ability to interpret and apply Fort Wayne General Ordinance G-33-92 in a manner consistent with *Bostock*.