



To: Mayor and City Council

From: Mark O. Lambert, City Attorney

Date: December 9, 2025

Subject: Discussion on Municipal Code Chapter 14, Human Relations regarding civil rights protection for gender identity

BACKGROUND:

At the November 18, 2025, joint meeting of the Ames City Council and the Ames Human Rights Commission, State Senator Herman Quirmbach asked the Council to consider adopting an ordinance providing civil rights protection for gender identity in employment, housing, and public accommodations in Ames. The Council directed that the matter be placed on a future agenda.

In 2007, the Iowa Legislature added “sexual orientation” and “gender identity” as protected classes under the Iowa Civil Rights Act. Earlier this year, the Iowa Legislature removed “gender identity” as a protected class under the law.

The first question is whether the Council has the authority to enact a civil rights ordinance establishing gender identity as a protected class. The answer to that question is “yes.”

The Iowa Civil Rights Act, Chapter 216 of the *Iowa Code*, specifically establishes that local governments can enact local ordinances protecting civil rights, and that such ordinances may include broader protections than state law, as long as such local ordinance doesn’t conflict with state law. The law specifically states that the Legislature is not “occupying the field” on this topic, and that a local government can adopt an ordinance giving broader civil rights protection than the state law.

Here is the Iowa relevant Iowa Code section, with italicized emphasis added:

216.19 Local laws implementing chapter.

1. All cities shall, to the extent possible, protect the rights of the citizens of this state secured by the Iowa civil rights Act. *Nothing in this chapter shall be construed as indicating any of the following:*
 - a. *An intent on the part of the general assembly to occupy the field in*

which this chapter operates to the exclusion of local laws not inconsistent with this chapter that deal with the same subject matter.

- b. An intent to prohibit an agency or commission of local government having as its purpose the investigation and resolution of violations of this chapter from developing procedures and remedies necessary to insure the protection of rights secured by this chapter.
- c. *Limiting a city or local government from enacting any ordinance or other law which prohibits broader or different categories of unfair or discriminatory practices.*

As an example, Iowa City has an ordinance that prohibits discrimination on the basis of gender identity (along with other defined classes of individuals).

One question the Council must consider is how would such an ordinance be enforced? Our current Human Relations ordinance (Chapter 14) does not include enforcement language, and states that we refer complaints about discrimination to the Iowa Civil Rights Commission (ICRC – now a part of the Iowa Office of Civil Rights). As gender identity is no longer a protected class under the Iowa Civil Rights Act, any complaint received alleging discrimination on that basis would not be able to be investigated by ICRC.

Iowa City has a staff person whose job is to investigate and process civil rights complaints under its ordinance. The Iowa City ordinance contains no specific penalty, so apparently default municipal infraction penalties would apply. **If the City of Ames were to adopt such an ordinance, the Council should consider establishing violations as a municipal infraction and setting a civil penalty level.** Unless a higher penalty amount is specifically adopted, the default penalties for a municipal infraction in Ames are \$30 for a first offense, \$100 for first repeat offense, and \$200 for subsequent repeat offenses. (Section 1.9, Ames Municipal Code). Iowa Code allows cities to establish civil penalties for municipal infractions at not more than \$750 for a first offense, and not more than \$1,000 for a repeat offense.

Please be aware that, upon determining that a violation has occurred, a municipal infraction would have to be filed and prosecuted in court.

NEXT STEPS:

In summary, the Council first has to decide whether or not to direct staff to proceed with drafting an ordinance for consideration. If so, the Council should decide in advance how to enforce the ordinance, including:

1. Who would investigate allegations of discrimination
2. What level the civil penalty should be.

ATTACHMENT(S):

[Iowa City Human Rights ordinance.pdf](#)

