



How Cities Can Embrace the LGBTQ+ Community Through Policies and Programs

This year, the National League of Cities (NLC) constituency group, LGBTQ+ Local Officials (LGBTQ+LO), asked municipal leaders who identify as or represent the LGBTQ+ community:

What should communities focus on in addressing LGBTQ+ inclusivity?

Introduction

ONE OF THE THINGS we were asked for was a template for how cities, towns and villages could implement non-discrimination ordinances – particularly in regions where state legislatures have imposed anti-LGBTQ+ legislation or are not willing to prevent LGBTQ+ discrimination.

This topic is near and dear to my heart. I am a mayor who represents the City of Doraville, GA – a municipality of about 10,000 people¹. We are a close-in suburb of Atlanta and have a diverse resident and business population. I am also a gay man who had to navigate discrimination and concerns about not being considered for jobs or accommodations because of Georgia’s lack of protections for LGBTQ+ people.

In 2018, I was elected council member, serving with another newly elected LGBTQ+ council member, Stephe Koontz – the first openly transgender elected official in the state of Georgia. Ms. Koontz was dedicated to the idea of passing a non-discrimination ordinance in our city. Atlanta had passed one in 2000 (and updated it to include gender identity in 2013)², but because of the resources involved and some specific requirements of the Georgia Constitution, it was not easy for other cities to follow Atlanta’s lead – and at the time Ms. Koontz was working on this, no other city in Georgia had passed such an ordinance.

Council Member Koontz was not willing to take “no” for an answer, and engaged our local LGBTQ+ rights organization, Georgia Equality, along with several other resources to identify ways that we could craft an enforceable non-discrimination ordinance in Doraville. She found an ordinance in Kansas that tied back to the city’s business licensing process. Taking this thread, she was able to weave an ordinance that our city attorney believed would be defensible under Georgia’s Constitution. Once Doraville passed its non-discrimination ordinance – only the second to do so in Georgia³ - we set off a wave of other cities and counties in our state taking similar measures. To date, at least 12 jurisdictions in Georgia now have passed some form of non-discrimination policy.

The purpose of this policy brief is for our peers to learn what has worked in other jurisdictions and to learn four beneficial actions you can take to become a more LGBTQ+ inclusive place to live, work and call home. We have included testimonials from local leaders representing various states and populations that have been awarded a Municipal Equality Index score of 90 or higher from the Human Rights Campaign to share their stories⁴. Please read on to find out how you can take steps towards becoming an LGBTQ+ friendly destination.

JOSEPH GEIERMAN, MAYOR, CITY OF DORAVILLE, GA,
Board Member, LGBTQ+ Local Officials (LGBTQ+LO)

Strategies for Creating an LGBTQ+ Inclusive Community

NON-DISCRIMINATION ORDINANCES

It is crucial to start by recommending a non-discrimination ordinance. The protection these ordinances provide is a basic right to most Americans. No one should be put in the position of losing their job, rental property or refused service because they identify as LGBTQ+.

Non-discrimination ordinances have been under attack in some states by preemption. Local governments are finding creative ways to protect their citizens despite opposition. Recently, six municipalities in Texas updated their laws to include protections for LGBTQ+ residents in their community while also incorporating other important local needs. For example, San Antonio has a non-discrimination ordinance that encompasses veterans because of the number of military families within their jurisdiction⁵.

Around the country, adoption of non-discrimination ordinances is an area where many municipalities are making progress year over year. According to the Human Rights Campaign Municipal Equality Index which measures 500 cities, 429 currently have equal employment opportunity policies that expressly include sexual orientation and/or gender identity⁶.

Please consider one mid-sized city that passed a non-discrimination ordinance in a red state: Brookings, South Dakota. Their local officials spent several years working towards making their city a more LGBTQ+ destination and in 2018 the city adopted a nondiscrimination ordinance to set themselves apart as an LGBTQ+ haven in South Dakota.

“We want to support our municipalities in any way they can distinguish themselves as being welcoming to our LGBTQ residents and visitors. Our primary and strongest way to do that is through a non-discrimination ordinances that cover housing, employment and public accommodations ideally with a Human Rights Commission...not every City is able to do that some have to have a criminal penalty at the end. We really don't want to do that, we don't want to criminalize this we want this to be a constructive and civil oriented process. We also have seen Cities start this journey with a simple Pride resolution or some sort of statement saying [their state] should be a welcoming state.”

ALANA JOCHUM, EXECUTIVE DIRECTOR, Equality Ohio

“Highlight the power of peer pressure... we’ve seen incredible success in northern Kentucky just on the other side on Cincinnati where the City of Covington issued a challenge about three years ago to its neighboring communities to its peer cities to pass their Fairness Ordinance. Covington had already had one for almost two decades at that point and, by heavens, they picked up the challenge and about ten cities surrounding that one have passed an ordinance now because the dominos just started falling and all we had to do was have that city issue the challenge.”

CHRIS HARTMAN, EXECUTIVE DIRECTOR, Fairness Campaign, Kentucky

ECONOMIC GROWTH

TOURISM

The tourism industry has seen the positive effects of how the LGBTQ+ community can help in times of recovery. As people have started travelling again, LGBTQ+ travelers are leading the charge, spending money to get back out in the world and see new places⁷. In the U.S. LGBTQ+ travel is a \$63.1 billion dollar industry⁸. Smart cities, towns, and villages are enticing these travelers as the U.S. heads toward recovery.

Not only do travelers spend money on lodging, food, shopping and experiences while visiting a new city or charming town but states offer grants to help generate tourism and attract the attention of visitors. Looking for funding to start generating buzz around your municipality? Why not apply for an Emerging Destination Marketing Grant⁹ or Tourism Marketing Grant¹⁰ to put your location in the minds of LGBTQ+ travelers looking to get out after a year inside.

ATTRACTING BUSINESSES

The LGBTQ+ community also has a big impact on Fortune 500 companies and sporting events. North Carolina suffered a major financial blow that would have cost them \$3.76 billion over a dozen years¹¹ if they hadn’t repealed their notorious ‘bathroom bill’ which removed gender identity and sexual orientation from statewide anti-discrimination protections and required transgender people to use the bathroom that matched the sex assigned on their birth certificate¹². The NCAA boycotted until the law was repealed¹³. Meanwhile in the Midwest, Salesforce cancelled all programs that required employees and customers traveling to Indiana when the state passed a religious freedom bill allowing for refusal of services to LGBTQ+ individuals based on one’s religious beliefs.¹⁴

On the upside, companies also reward municipalities that have non-discrimination laws in place to welcome their LGBTQ+ employees. When Amazon was selecting a second headquarters, a decision that would bring thousands of new jobs to its host, one of their requirements was a non-discrimination law protecting sexual orientation and gender identity¹⁵.

“One of the first things we did was launch a program called “Equality Means Business” and we got major companies. These are companies that had in their mission statement that these were their values and that they were inclusive but there was a total disconnect from what was happening at the local and state level in Florida and so we wanted to amplify those voices and what we heard back from companies was that it was a win-win because in terms of competing for the best and the brightest and retaining top talent they saw that they weren’t just selling their business they were selling quality of life in the community where they were located.”

NADINE SMITH, EXECUTIVE DIRECTOR, Equality Florida

MUNICIPALITY AS THE EMPLOYER

BENEFITS FOR SAME OR DIFFERENT SEX PARTNERS

Municipalities find themselves in the unique position of being both a governing body and employer. In some places, they may even be the largest local employer. Perhaps the most accessible route to making cities more LGBTQ+ inclusive starts by changing the policies a municipality has in place as the employer.

It is not uncommon for cities to offer benefits to full-time employees, spouses and their families. However, there is room to expand on this policy to include access to the same benefits for same or different sex partners and legal dependents. In spite of the US Supreme Court’s 2015 *Obergefell v. Hodges*¹⁶ ruling in support of same sex marriage, many state legislatures have kept their now void laws and continue to look for loopholes around the current ruling¹⁷.

With states continuing to poke holes in same sex marriage, allowing municipal employees the opportunity to share benefits with their significant others is both LGBTQ+ inclusive and stands as a protection from state legislatures’ continued roadblocks. As of 2020, 127 cities¹⁸ offer benefits like the one suggested here according to the Human Rights Campaign Municipal Equality Index which surveys 500 municipalities across the country.

There is room for municipalities to grow as employers and take a step towards both employee satisfaction and creating an LGBTQ+ welcoming workplace.

TRANSGENDER INCLUSIVE HEALTH CARE

Another benefit that can be extended to local government employees is to offer transgender inclusive health care. Currently, 179 cities offer this benefit for city employees which has increased from 2019 when 164 cities¹⁹ provided the same benefits. While over 1.4 million²⁰ adults in the United States now openly identify as transgender, that number is growing as Gen Z enters the workforce with at least two percent²¹ of their group identifying as gay, lesbian or transgender.

By offering transgender inclusive health care to municipal employees, municipal officials are opening benefits that should already be available. This also places local government as leaders preparing for the future as the next generation comes forward looking for employers that offer a welcoming environment and benefits.

CONTRACTORS WITH EMPLOYMENT NON-DISCRIMINATION POLICIES

Local governments don't just have avenues to be inclusive with their employees but to reward those they choose to work with, like contractors, who are also LGBTQ+ friendly. The Supreme Court case *Fulton v. City of Philadelphia* issued a ruling in favor of Catholic Social Services due to the city's inconsistent exemption language something that can be addressed not just with stronger ordinances but by building nondiscrimination language into city contracts.

NLC joined in a State and Local Legal Center brief on this case in support of the City of Philadelphia asking the Court to not overturn *Employment Division v. Smith*, holding that individuals must comply with "valid and neutral law of general applicability" regardless of their religious beliefs. This decision is very important to local governments because it provides a bright line disallowing religious discrimination claims where government is treating everyone the same. This case has been the law of the land for 30 years and is very favorable to minimizing lawsuits against local governments.

The City of Philadelphia never intended to block same-sex couples from serving as foster parents. However, they did not specifically require their contractors to have their own employment non-discrimination policies with language including sexual orientation and gender identity. As a result, this contractor was able to avoid breaking the terms of their contracts regardless of the municipality's preferences.

If your city, town or village already has non-discrimination policies in place for your workforce, ensuring that city contractors are covered by nondiscrimination requirements embedded in the contracts is a next step to protecting your municipality and its LGBTQ+ residents.

“The main takeaway from Fulton is that words matter. It was not a broad (Supreme Court) decision it was very narrow but it was very clear that the way that the contract was setup and the way the wording of the local ordinance was it mattered and it did not include the entity, the adoption agency, in that case as a public accommodation and the terms of the contract were not equally enforced and that was the problem...The two areas to really focus on or at least the areas where we get the most questions at Equality Ohio are the definition of public accommodations and the religious exemption language itself.”

ALANA JOCHUM, EXECUTIVE DIRECTOR, Equality Ohio

DEFINITION OF PUBLIC ACCOMMODATIONS:

A public accommodation is a private entity that owns, operates, leases, or leases to, a place of public accommodation. Places of public accommodation include a wide range of entities, such as restaurants, hotels, theaters, doctors' offices, pharmacies, retail stores, museums, libraries, amusement parks, private schools, and day care centers. Private clubs and religious organizations are exempt from the ADA's title III requirements for public accommodations.²²

DEFINITION OF RELIGIOUS EXEMPTION:

Religious exemption laws permit people, churches, non-profit organizations, and sometimes corporations to seek exemptions from state laws that burden their religious beliefs. There is a coordinated strategy to mount legislation and litigation across the country to undermine nondiscrimination protections, comprehensive health care, and the regulations administering social and public services by inserting exemptions into the laws based on religious or moral beliefs. These attacks on the law include the so-called First Amendment Defense Act (FADA), state religious exemption laws in adoption and foster care, religious exemptions in healthcare including for reproductive care, denial of government services including marriages, denial of service in public businesses, the denial of employee benefits, and cases like the Hobby Lobby U.S. Supreme Court decision.²³

MUNICIPAL SERVICES

LGBTQ+ LIAISON IN THE CITY EXECUTIVE OFFICE

To create an LGBTQ+ welcoming community, local leaders can also make a seat at the policy table. By having someone in the City Executive Office serve as the LGBTQ+ Liaison you are opening the door embracing the LGBTQ+ community. What programs could be more inclusive? How can you open your city to increased tourism and engagement opportunities that can be seen from a fresh perspective? Give members of your community a voice.

Of those cities surveyed in the Municipal Equality Index, as of 2020, 195 of them have LGBTQ+ Liaisons in their city executive offices²⁴. Perhaps hiring one individual for the role of liaison isn't a resource currently available. Consider creating a working group from your current workforce or volunteers. Take the example of Charleston, West Virginia with a population of 48,000. The city created a group with the goals of establishing an anti-bullying youth council, developing anti-bullying and harassment policies for city parks and Recreation facilities, developing LGBTQ-awareness training modules for city employees and reviewing city health insurance coverage to ensure it is LGBTQ-inclusive²⁵. Charleston's goals set an example on ways to become more LGBTQ+ inclusive.

“The role of LGBTQ Liaisons as a role designated typically by the Mayor [or City Manager is important]. I think when these bodies have teeth and the role of LGBTQ Liaison has teeth you're able to actually get some things moving and things done. In Georgia a lot of times once we have gotten an NDO (non-discrimination ordinance) passed the next step is working with the Mayor to appoint a specific staff role to create some sort of advisory body. It builds in a sort of watchdog mechanism around making sure that this isn't just an ordinance that is passed...but is actually operationalized and provides folks the real protections that they're looking for.”

ERIC PAULK, JD., DEPUTY DIRECTOR, Georgia Equality

LGBTQ+ LIAISON OR TASK FORCE IN THE POLICE DEPARTMENT

Perhaps after the 2020 protests and community outcry for more inclusive police training you might want to consider opening the door to an LGBTQ+ liaison primarily for the police department. Perhaps it is worth considering a liaison who offers multiple trainings, oversight and protections for a multitude of disparate communities.

RACIAL EQUITY LENS

It is estimated that one third of the LGBTQ+ population are people of color.²⁶ As with other spaces, there are racial disparities in the LGBTQ+ community as well. For example, while LGBTQ+ youth in general are over-represented in the houseless population, African American and Native American LGBTQ+ youth are even more disproportionately affected.²⁷ Similarly, incarceration rates and HIV infection are higher in BIPOC LGBTQ+ communities than in non-BIPOC LGBTQ+ communities.²⁸ Community organizers from various BIPOC-focused and LGBTQ+-focused organizations in New York and New Orleans worked together to specifically include a ban on police profiling of sexual orientation and gender identity along with race, religion, ethnicity, age, housing and immigration status, and disability (including HIV status).²⁹ Siloing and lack of relationships between communities can lead to opponents using wedge politics to divide LGBTQ+ advocates and voters from BIPOC advocates and voters leaving LGBTQ+ BIPOC caught in the middle³⁰.

Racial equity and LGBTQ+ equality can (and must) both be accomplished by utilizing partnerships and ensuring that Black, Indigenous, Latinx, Asian, and Pacific Islanders who identify as LGBTQ+ are represented by LGBTQ+ liaisons, included in non-discrimination ordinances, and served by municipal services.

Take Action

Whether your avenue for creating a more LGBTQ+ safe and inclusive community is through non-discrimination ordinances, municipal services or benefits to employees there are steps a municipality can take no matter the size. When advocating on behalf of these changes do remember to cite how it helps stimulate economic growth within the community either through tourism, attracting companies that have LGBTQ+ policies for establishing themselves in an area, or if your state offers funding for becoming attractive to tourists and newcomers.

Small to mid-size municipalities can implement similar actions to those listed above, like Brooking, South Dakota with a population of 24,000. Their community worked hard and improved from a 12 to 100 on the Human Right Campaign Municipal Equality Index ³¹ and now the city is lauded. Brooking is now ranked as a LGBTQ+ friendly tourist destination for those looking for a trip with small town charm. Diligent and intentional action proves that it is possible for a small city to make big strides as an LGBTQ+ welcoming destination.

Specifically including LGBTQ+ people of color in your LGBTQ+ outreach and partnering with BIPOC-led organizations is important to become a truly inclusive city. Being intentional in your partnerships and BIPOC representation in LGBTQ+ Liaisons and Human Rights Commissions can help make your city safe and accessible for everyone.

Review your state constitutions in preparation for doing this work of passing a non-discrimination ordinance. Start with some of the key points listed above based on the resources currently available. If your municipality is not able to hire an LGBTQ+ liaison for the city executive office, consider voluntary roles like a Human Rights Commission that are equally as passionate still moving the municipality in the right direction.

On Non-Discrimination Ordinances:

“Having a comprehensive and inclusive non-discrimination ordinance on the books has helped alleviate stress from working class members of the Anchorage community who constantly worried about being themselves in the workplace and being fired or getting evicted by their landlord because of who they love.”

ASSEMBLYMEMBER FELIX RIVERA, Municipality of Anchorage, Alaska

On Non-Discrimination Ordinances:

“In 2007, Charleston was the first municipality in the state of West Virginia to enact a non-discrimination ordinance to protect LGBTQ community members. Our state now has 15 of these local non-discrimination laws. On August 2, 2021 Charleston became the first municipality in the state to ban the harmful practice of conversion therapy for minors. We are pleased to join the 70-plus municipalities across the country that have already done so. The ordinance, which I was honored to sponsor, is not only about protecting our LGBTQ youth but recognizing and valuing who they are and their contributions to our community.”

COUNCILMEMBER CAITLIN COOK, CITY OF CHARLESTON, West Virginia

On Municipal Services:

“Anybody who follows the City of Covington on social media or reads our frequent news releases is crystal clear that we embrace diversity, especially as it relates to the LGBTQ+ community. We proudly tout this narrative in a number of visible ways: Through City leaders’ and staff participation in the annual NKY Pride Parade and Festival (that happens in our city), sponsorship of a regional awards celebration, our rainbow-colored crosswalks, our encouragement of neighboring Cities to follow our lead, and our support of the new NKY Pride Center down the street from City Hall. We also have LGBTQ+ representation in both elected and administrative leadership. In short, there’s a reason that NBC News in 2019 included Covington in its list of “11 gay-friendly small cities in big red states.”

COMMISSIONER SHANNON SMITH, CITY OF COVINGTON, Kentucky

On Municipality as The Employer:

“We know that creating a vision is great – but real change happens in hearts and minds but also by establishing LGBTQ+ friendly policies and creating an environment to make it happen. For us this means policies for non-discrimination in city employment for both sexual orientation and gender identity, implementing a Human Rights Commission, having a LGBTQ+ liaison to city executives and to the police department, having an anti-bullying school policy, and openly LGBTQ+ individuals appointed to city committees and as members of the City staff and leadership team.”

MAYOR OEPKE NIEMEYER, CITY OF BROOKINGS, South Dakota

On Economic Growth:

“Policies such as the Anti-Discrimination ordinances allow business owners and residents to freely participate in the economy without fear of discrimination or hostility. In fact, because of our reputation as an inclusive and progressive city, the City of Tempe is an attraction for valley residents as well as national and international visitors. One such example is our city hosting the National Gay Flag Football League tournament.”

COUNCILMEMBER JENNIFER ADAMS, CITY OF TEMPE, Arizona

Endnotes

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- 2 [LGBTQ Non-Discrimination in the States](#)- Freedom for All Americans
- 3 [Georgia Cities Protect LGBTQ Rights](#) - U.S. and World News Report
- 4 [Municipal Equality Index 2020](#) - Human Rights Campaign
- 5 [Preemption Issue Brief](#) - Equality Texas
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