



Legislation Details (With Text)

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Title: To amend Section 2331.01 of the Columbus City Codes to clarify that discrimination on the basis of hair texture or protective or cultural hairstyles is discrimination on the basis of race.

Sponsors: Priscilla Tyson, Shayla Favor

Indexes:

Code sections: 2331.01 - Definitions

Attachments:

Date	Ver.	Action By	Action	Result
12/17/2020	1	CITY CLERK	Attest	
12/16/2020	1	MAYOR	Signed	
12/14/2020	1	COUNCIL PRESIDENT	Signed	
12/14/2020	1	Columbus City Council	Approved	Pass
12/7/2020	1	Columbus City Council	Read for the First Time	

Columbus City Council passed Resolution 0115X-2020 expressing support for the CROWN ACT - Creating a Respectful and Open World for Natural Hair recognizing the impact of racism and implicit bias as a public health crisis in the City of Columbus. This ordinance will clarify Chapter 2331 to include hair texture and protective or cultural hairstyles on basis of race as a discriminatory practice in the Columbus City Code.

To amend Section 2331.01 of the Columbus City Codes to clarify that discrimination on the basis of hair texture or protective or cultural hairstyles is discrimination on the basis of race.

WHEREAS, Columbus City Council passed Resolution 0115X-2020 expressing support for the CROWN ACT - Creating a Respectful and Open World for Natural Hair and to recognize the impact of racism and implicit bias as a public health crisis in the City of Columbus; and

WHEREAS, this ordinance will clarify in Chapter 2331 that discrimination on the basis of race includes discrimination on the basis of hair texture and protective or cultural hairstyles; **NOW, THEREFORE**,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS, OHIO:

SECTION 1. That section 2331.01 of the Columbus City Codes shall be amended as follows:

2331.01 - Definitions.

(A) As used in Chapter 2331 of the Columbus City Codes:

- (1) "Person" includes one (1) or more individuals, partnerships, associations, organizations, corporations, legal representatives, trustees, trustees in bankruptcy, receivers, and other organized groups of persons. It also includes, but is not limited to, any owner, lessor, assignor, builder, manager, broker, salesman, agent, employee, lending institution; and the city of Columbus, and all political subdivisions, authorities, agencies, boards and commissions thereof.
- (2) "Employer" means any person who employs four (4) or more persons, within the City of Columbus, including the city of Columbus, its departments, boards, commissions, and authorities.
- (3) "Employee" does not include any individual employed in the domestic service of any person.
- (4) "Labor organization" includes any organization which exists for the purpose, in whole or in part, of collective bargaining or of dealing with employers concerning grievances, terms or conditions of employment, or for other mutual aid or protection in relation to employment.
- (5) "Employment agency" means any persons regularly undertaking; with or without compensation, to procure opportunities for employment or to procure, recruit, refer, or place employees.
- (6) "Discriminate and discrimination" includes segregate or separate and any difference in treatment based on race, sex, sexual orientation, gender identity or expression, color, religion, ancestry, national origin, age, disability, familial status or military status.
- (7) "Unlawful discriminatory practice" means any act prohibited by Title 23, Chapter 2331 of the Columbus City Codes.
- (8) "Place of public accommodation" means any inn, restaurant, eating house, barbershop, public conveyance by air, land or water, theater, store, or other place for the sale of merchandise, or any other place of public accommodation or amusement where the accommodation, advantages, facilities, or privileges thereof are available to the public, or a private club which has more than two hundred (200) members, provides regular meal service and 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. "Place of public accommodation" does not mean a benevolent corporation incorporated as such or a religious corporation incorporated as such under the laws of Ohio.
- (9) "Housing accommodations" includes any building or structure or portion thereof which is used or occupied or is intended, arranged, or designed to be used or occupied as a home residence or sleeping place of one (1) or more individuals, groups or families, whether or not living independently of each other; and any vacant land offered for sale or lease.

It also includes any housing accommodations held or offered for sale or rent by a real estate broker, salesman, or agent, or by any other person pursuant to authorization of the owner, by the owner, or by such person's legal representative.

- (10) "Restrictive covenant" means any specification in a deed, land contract or lease limiting the use of any housing because of race, sex, sexual orientation, gender identity or expression, color, religion, ancestry, national origin, age, disability, familial status or military status, or any limitation based upon affiliation with or approval by any person, directly or indirectly, employing race, sex, sexual orientation, gender identity or expression, color, religion, ancestry, national origin, age, disability, familial status or military status as a condition of affiliation or approval.
- (11) "Burial lot" means any lot for the burial of deceased persons within any public burial ground or cemetery, including but not limited to, cemeteries owned and operated by the City of Columbus or companies or associations incorporated for cemetery purposes.
- (12) "Sexual orientation" means a person's actual or perceived homosexuality; bisexuality; or heterosexuality, by orientation or practice, by and between consenting adults.

- (13) "Racial profiling" means to stop, detain, investigate, search, seize or arrest an individual based on the racial or ethnic status of such individual except when based upon a physical description of a suspect in a criminal or traffic offense. The use of race or ethnicity as a factor for determining the existence of reasonable suspicion and/or probable cause in the absence of actual physical evidence or observations linking that individual to a crime constitutes a violation of Section 2331.07 of this chapter.
- (14) "Age" means at least forty (40) years old.
- (15) "Disability" means a physical or mental impairment that substantially limits one (1) or more major life activities, including the functions of caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working; a record of a physical or mental impairment; or being regarded as having a physical or mental impairment.
- (16) (a) "Except as provided in division (b) of this subsection, "physical or mental impairment" includes any of the following:
- (i) Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one (1) or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genitor-urinary; hemic and lymphatic; skin; and endocrine;
 - (ii) Any mental or psychological disorder, including, but not limited to, mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities;
 - (iii) Diseases, blood disorders and conditions, including, but not limited to, orthopedic, visual, speech, and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, sickle cell, human immunodeficiency virus infection, mental retardation, emotional illness, drug addiction, and alcoholism.
- (b) "Physical or mental impairment" does not include any of the following:
- (i) Pedophilia, exhibitionism, voyeurism, or other sexual behavior disorders;
 - (ii) Compulsive gambling, kleptomania, or pyromania;
 - (iii) Psychoactive substance use disorders resulting from current illegal use of a controlled substance.
- (17) "Sex" means male or female. The terms "because of sex" and "on the basis of sex" include pregnancy, any illness arising out of and occurring during the course of a pregnancy, childbirth, or related medical conditions.
- (18) "Gender identity or expression" means having or being perceived as having gender-related identity, appearance, expression, or behavior, whether or not that identity, appearance, expression, or behavior is different from that traditionally associated with the person's actual or perceived sex.
- (19) "Familial status" means either of the following:
- (i) One (1) or more individuals who are under eighteen (18) years of age and who are domiciled with a parent or guardian having legal custody of the individual or domiciled, with the written permission of the parent or guardian having legal custody, with a designee of the parent or guardian;
 - (ii) Any person who is pregnant or in the process of securing legal custody of any individual who is under eighteen (18) years of age.
 - (iii) "Family" includes a single individual.
- (20) "Military status," means a person's status in "service in the uniformed services" as defined in Section 5923.05 of the Ohio Revised Code.
- (21) "Service in the uniformed services" means the performance of duty, on a voluntary or involuntary basis, in a uniformed service, under competent authority, and includes active duty, active duty for training, initial active duty for training, inactive duty for training, full-time national guard duty, and performance of duty or training by a member of the Ohio organized militia pursuant to Chapter 5923. of the Revised Code. "Service in the uniformed services" includes also the period of time for which a person is absent from a position of public or

private employment for the purpose of an examination to determine the fitness of the person to perform any duty described in this division.

(22) "Uniformed services" means the Armed Forces, the Ohio organized militia when engaged in active duty for training, inactive duty training, or full-time national guard duty, the commissioned corps of the public health service, and any other category of persons designated by the president of the United States in time of war or emergency.

(23) **"Race" is inclusive of traits historically associated with race, including, but not limited to, hair textures and protective and cultural hairstyles.**

(24) **"Protective and cultural hairstyles" includes, but is not limited to, such hairstyles as braids, locs, cornrows, bantu knots, afros, and twists, whether or not hair extensions or treatments are used to create or maintain any such style, and whether or not hair is adorned by hair ornaments, beads, or headwraps.**

SECTION 2. That existing section 2331.01 of the Columbus City Codes is hereby repealed.

SECTION 3. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.