

City of Cincinnati

KKF *BBM*

An Ordinance No. 379

- 2019

MODIFYING provisions of Chapter 914 of the Cincinnati Municipal Code, “Unlawful Discriminatory Practices,” by **AMENDING** Section 914-1-D1, “Discriminate,” **AMENDING** Section 914-1-R, “Restrictive Covenant”; **ENACTING** new Section 914-1-T1, “Natural Hair Types and Natural Hairstyles Commonly Associated With Race”; **AMENDING** Section 914-3, “Housing Discrimination Prohibited”; and **AMENDING** Section 914-5, “Employment Discrimination Prohibited,” for the purpose of prohibiting discrimination based on natural hair types and natural hairstyles historically and commonly associated with race, including but not limited to, hair textures and protective hairstyles commonly associated with African-Americans and their racial, ethnic, and cultural identities, in order to create an inclusive, respectful, and open community.

WHEREAS, in the United States, Eurocentric races, ethnicities, and cultures have been historically and traditionally accepted as the racial, ethnic, and cultural norms, and other American communities have been historically and traditionally marginalized in American culture as a result; and

WHEREAS, dating from the days of slavery and the institutional oppression of African-American people and their communities in the United States, the natural hair types and natural hair styles commonly associated with African-Americans have frequently been the focus of intentional as well as unintended discrimination against those individuals, based on negative, lingering, cultural biases that frequently favor hair styles and hair types that more closely resemble Eurocentric hair types and hair styles; and

WHEREAS, in today’s society, overreaching grooming and appearance policies adversely impact many communities, and policies addressing natural hair or hairstyles are most commonly associated with African-Americans, who are frequent targets of race discrimination based on natural hair types and natural hairstyles; and

WHEREAS, dress code and grooming policies that prohibit treated or untreated hair, natural hair, afros, braids, twists, cornrows, and locks, have a disparate impact on African-Americans’ racial, ethnic, or cultural identities, and are more likely to deter African-American job applicants, adversely impact educational opportunities for African-Americans, and burden or punish African-Americans; and

WHEREAS, natural hair types and natural hairstyles commonly associated with African-Americans are an extension of, and an intrinsic part of, their cultural identity, and grooming policies that discriminate against African-Americans have the potential to stigmatize, shame, and impose undue burdens on those individuals in many professional, economic, and social contexts; and

WHEREAS, grooming or appearance policies that ban, limit, or otherwise restrict natural hair types or natural hairstyles commonly associated with African-Americans and their racial, ethnic, and cultural identities violate the intent and spirit of Cincinnati's anti-discrimination regulations; now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That Chapter 914 "Unlawful Discriminatory Practices," Section 914-1-D1, "Discriminate," is hereby amended as follows:

Sec. 914-1-D1. – Discriminate.

"Discriminate" shall mean to unlawfully segregate, separate or treat individuals differently based on race, natural hair types and natural hair styles commonly associated with race, gender, age, color, religion, disability status, marital status, sexual orientation or transgender status, or ethnic, national or Appalachian regional origin.

Section 2. That Chapter 914 "Unlawful Discriminatory Practices," Section 914-1-R, "Restrictive Covenant," is hereby amended as follows:

Sec. 914-1-R. – Restrictive Covenant.

"Restrictive covenant" shall mean any specification in a deed, land contract or lease limiting the transfer, rental, lease or other use of any housing because of race, natural hair types and hair styles commonly associated with race, gender, age, color, religion, disability status, marital status, sexual orientation or transgender status, or ethnic, national or Appalachian regional origin or any limitation based upon affiliation with or approval by any person, directly or indirectly, employing race, natural hair types and natural hair styles commonly associated with race, gender, age, color, religion, disability status, marital status, sexual orientation or transgender status, or ethnic, national or Appalachian regional origin as a condition of affiliation or approval.

Section 3. That Chapter 914, "Unlawful Discriminatory Practices," Section 914-1-T1, "Natural Hair Types and Hair Styles Commonly Associated With Race," of the Cincinnati Municipal Code is hereby added as follows:

Sec. 914-1-T1. –Natural Hair Types and Natural Hair Styles Commonly Associated With Race.

"Natural hair types and natural hair styles commonly associated with race" includes, but is not limited to, hair style, type, and texture, treated or untreated, as well as protective hairstyles such as natural hair, afros, braids, twists, cornrows, and locks, which hair types and hair styles are commonly associated with African-Americans and their racial, ethnic, and cultural identities.

Section 4. That Chapter 914 "Unlawful Discriminatory Practices," Section 914-3, "Housing Discrimination Prohibited," is hereby amended as follows:

Sec. 914-3. - Housing Discrimination Prohibited.

- (A) It shall be an unlawful discriminatory practice for a person to discriminate:
- (1) In the sale, transfer, assignment, rental, lease, sublease, or financing of housing accommodations or otherwise deny or withhold housing accommodations from any prospective owner, occupant, or user of such housing accommodations.
 - (2) By representing to any person that housing accommodations are not available for inspection when they are available.
 - (3) By refusing to lend money, whether or not secured by mortgage or otherwise, for the acquisition, construction, rehabilitation, repair, or maintenance of housing accommodations or otherwise withhold financing of housing accommodations from any present or prospective owner, occupant, or user of such housing accommodations, provided such person lends money as one of the principal aspects of his business or incident to his principal business and not only as a part of the purchase price of an owner-occupied residence he is selling nor merely casually or occasionally to a relative or friend.
 - (4) In the terms or conditions of sale, transfer, assignment, rental, lease, or sublease of any housing accommodations or in furnishing facilities, services, or privileges in connection with the ownership, occupancy or use of any housing accommodations of any present or prospective owner, occupant, or user of such housing accommodations.
 - (5) In the terms or conditions of any loan of money, whether or not secured by mortgage or otherwise, for the acquisition, construction, rehabilitation, repair, or maintenance of any housing accommodations of any present or prospective owner, occupant, or user of such housing accommodations.
 - (6) By printing, publishing, or circulating any statement or advertisement relating to the sale, transfer, assignment, rental lease, sublease, or acquisition of any housing accommodations or the loan of money, whether or not secured by mortgage or otherwise, for the acquisition, construction, rehabilitation, repair, or maintenance of housing accommodations which indicates any discrimination or preference, limitation, or specification based on the groups designated in this chapter.
 - (7) By making any inquiry, eliciting any information, making or keeping any record, or using any form of application containing questions or entries concerning race, natural hair types and hair styles commonly associated with race, gender, age, color, religion, disability status, marital status, sexual orientation or transgender status, or ethnic, national or Appalachian regional origin, except as may be otherwise required by or for compliance with state, federal, or local laws, rules and regulations, or other legal requirements or any other stipulation set forth by the U.S. Department of Housing and Urban Development in connection with the sale or lease of any housing accommodations or the loan of any money, whether or not secured by a mortgage or otherwise, for the acquisition, construction, rehabilitation, repair or maintenance of housing accommodations.

- (8) By including in any deed, land contract, or lease of accommodations any restrictive covenant, or honoring or exercising, or attempting to honor or exercise, any such restrictive covenant, provided that the prior inclusion of a restrictive covenant in the chain of title shall not be deemed a violation of this provision.
- (9) By inducing or soliciting or attempting to induce or solicit housing accommodations listing, sale, or transaction by representing that a change has occurred or may occur with respect to the ethnic composition of the block, neighborhood, or area in which the property is located, or inducing or soliciting or attempting to induce or solicit such sale or listing by representing that the presence or anticipated presence of persons of any race, natural hair types and hair styles commonly associated with race, gender, age, color, religion, disability status, marital status, sexual orientation or transgender status, or ethnic, national or Appalachian regional origin, in the area will or may have results such as the following:
 - (a) The lowering of property values;
 - (b) A change in the racial, religious, sexual or ethnic composition of the block, neighborhood, or area in which the property is located;
 - (c) An increase in criminal or antisocial behavior in the area;
 - (d) A decline in the quality of schools serving the area.
- (10) By discouraging or attempting to discourage the purchase by prospective purchasers of any housing accommodations by representing that any block, neighborhood, or area has or might undergo a change with respect to the race, natural hair types and hair styles commonly associated with race, religion, sexual, or ethnic composition of the block, neighborhood, or area.
- (11) By denying any otherwise qualified person access to or membership or participation in any real estate, brokers' organization, or other service, organization, or facility relating to the business of selling or renting housing accommodations, or to discriminate against them in the terms or conditions of such access, membership, or participation.
- (12) By coercing, intimidating, threatening, or interfering with any person in the exercise or enjoyment of, or on account of their having exercised or enjoyed, or on account of their having aided or encouraged any other person in the exercise or enjoyment of, any right protected by this section.
- (13) By force or threat of force, willfully injuring, intimidating or interfering with, or attempting to injure, intimidate, or interfere with:
 - (a) Any person because of their race, natural hair types and hair styles commonly associated with race, gender, age, color, religion, disability status, marital status, sexual orientation or transgender status, or ethnic, national or Appalachian regional origin and because that person is or has been selling, purchasing, renting, financing, occupying, or contracting or negotiating for the sale, purchase, rental, financing, or occupation of any dwelling, or applying for or participating in any service, organization, or facility relating to the business of selling or renting housing accommodations.
 - (b) Any person because that person is or has been, or in order to intimidate such person or any other person or any class of persons from:

- (1) Participating, without discrimination in any of the activities, services, organizations, or facilities described in division (A)(13)(a) of this section.
- (2) Affording another person or class of persons opportunity or protection so to participate.
- (c) Any person because that person is or has been, or in order to discourage such person or any other person from lawfully aiding or encouraging other persons to participate, without discrimination in any of the activities, services, organizations, or facilities described in division (A)(13)(a) of this section, or participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to so participate.
- (14) In any manner against any other person because that person has opposed any unlawful practice defined in this chapter, or because that person has made a charge, testified, assisted, or participated in any manner, in any investigation, proceeding, or hearing under the provisions of this chapter.
- (B) No person shall discriminate in the sale, transfer, assignment, rental or lease, sublease, finance, or otherwise deny or withhold a burial lot from any prospective owner or user of such lot.
- (C) Nothing in this section shall bar any person from refusing to rent, lease, or sublease any room, suite of rooms, or apartment to any person because of sex if such room, suite of rooms, or apartment is located in a building in which the only toilet and bathroom facilities provided for such room, suite of rooms, or apartment are for the common use of all occupants.

Section 5. That Chapter 914 "Unlawful Discriminatory Practices," Section 914-5,

"Employment Discrimination Prohibited," is hereby amended as follows:

Sec. 914-5. - Employment Discrimination Prohibited.

- (1) It shall be an unlawful discriminatory practice, except where based upon applicable national security regulations established by the United States:
 - (A) For any employer to discriminate by refusing to hire any person or otherwise to discriminate against that person with respect to hire, tenure, terms, conditions or privileges of employment, or any matter directly or indirectly related to employment.
 - (B) For any employer, employment agency, or labor organization to discriminate in the establishment, announcement or to follow a policy of discrimination by denying or limiting, through a quota system or otherwise, the employment or membership opportunities of any person or group of persons.
 - (C) For any employer, labor organization, or joint labor-management committee controlling apprentice training programs to discriminate against any person in the admission to employment in any program established to provide apprentice training.
 - (D) For any employer, employment agency, or labor organization to publish or circulate or to cause to be published or circulated any notice or advertisement relating to employment or membership which indicates any preference,

- limitation, specifications or discrimination based upon race, natural hair types and hair styles commonly associated with race, gender, age, color, religion, disability status, marital status, sexual orientation or transgender status, or ethnic, national or Appalachian regional origin.
- (E) For any employment agency to discriminate by refusing or failing to accept register, classify properly, or refer for employment or otherwise to discriminate against any person.
 - (F) For any employer, employment agency, or labor organization to utilize in the recruitment or hiring of persons, any employment agency, placement service, labor organization, training school or center or any other employee-referring source known to discriminate.
 - (G) For any labor organization to discriminate against any person by limiting their employment opportunities or otherwise adversely affect their status as an employee, or their wages, hours, or employment conditions.
 - (H) For an employment agency to discriminate by complying with a request from an employer for the referral of applicants for employment if the request indicates, directly or indirectly, that the employer fails to comply with this chapter.
 - (I) For any labor organization to discriminate by limiting or classifying its membership.
 - (J) For any employer, employment agency or labor organization to:
 - (1) Elicit or attempt to elicit any information concerning the race, natural hair types and hair styles commonly associated with race, gender, age, color, religion, disability status, marital status, sexual orientation or transgender status, or ethnic, national or Appalachian regional origin of an applicant for employment or membership, except as may otherwise be required by or for compliance with state, federal, or local laws, rules and regulations.
 - (2) Make or keep a record of the race, natural hair types and hair styles commonly associated with race, gender, age, color, religion, disability status, marital status, sexual orientation or transgender status, or ethnic, national or Appalachian regional origin, of any applicant for employment or membership, except as may otherwise be required by or for compliance with state, federal, or local laws, rules and regulations.
 - (3) Use any form of application for employment or personnel or membership blank seeking to elicit information regarding race, natural hair types and hair styles commonly associated with race, gender, age, color, religion, disability status, marital status, sexual orientation or transgender status, or ethnic, national or Appalachian regional origin, except as may otherwise be required by or for compliance with state, federal, or local laws, rules and regulations; but an employer holding a contract containing a nondiscrimination clause with the government of the United States or any department or agency thereof, may require an employee or applicant for employment to furnish documentary proof of United States citizenship and may retain such proof in the employer's personnel records and may use photographic or fingerprint identification for security purposes.
 - (K) For any employer, employment agency or labor organization to discriminate against any person because he has opposed any practice forbidden by this chapter,

or because he has made a complaint or testified or assisted in any manner any investigation or proceeding under this chapter.


- (L) For any person, whether or not an employer, employment agency or labor organization, to aid, incite, compel, coerce, or participate in the doing of any act declared to be an unlawful discriminatory practice by this chapter or to obstruct or prevent any person from enforcing or complying with the provisions of this chapter, or to attempt directly or indirectly to commit any act declared by this chapter to be an unlawful discriminatory practice.
- (2) For purposes of this chapter, "employment conditions" or "conditions or privileges of employment" shall not include the designation of beneficiaries under insurance or health benefits provided by an employer or labor organization, unless such designee otherwise qualifies for benefits under the employer's or labor organization's existing policies.

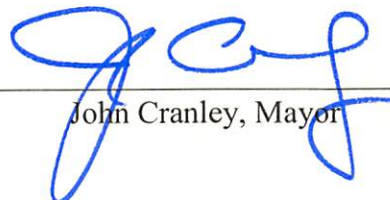
Section 6. That Sections 1 through 5 of this ordinance shall take effect on January 1, 2020.

Section 7. That the proper City officials are authorized to do all things necessary and proper to carry out the terms of Sections 1 through 6 hereof.

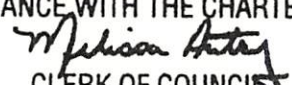
Section 8. That except as otherwise stated herein, this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: October 9, 2019

Attest: 
Clerk


John Cranley, Mayor

New language underscored. Deleted language shown by strike-through.

I HEREBY CERTIFY THAT ORDINANCE NO. 379-2019
WAS PUBLISHED IN THE CITY BULLETIN
IN ACCORDANCE WITH THE CHARTER ON 10-22-2019

CLERK OF COUNCIL