

ORDINANCE NO. 20220609-043

AN ORDINANCE AMENDING CITY CODE CHAPTER 5-1 (*HOUSING DISCRIMINATION*), CHAPTER 5-2 (*DISCRIMINATION IN PUBLIC ACCOMMODATIONS*), CHAPTER 5-3 (*DISCRIMINATION IN EMPLOYMENT GENERALLY*), AND CHAPTER 5-4 (*DISCRIMINATION IN EMPLOYMENT BY CITY CONTRACTORS*) TO PROHIBIT DISCRIMINATION BASED ON PROTECTIVE HAIRSTYLE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. Findings:

- (A) Black people, indigenous people, and other people of color often face discrimination because of their natural hair texture or hairstyle. This type of discrimination is frequently employed as a proxy for discrimination based on a person's race.
- (B) In many cultures, a person's hairstyle is a unique way to identify their culture, familial relationships, age, marital status, or religion. Enslaved Africans often used their hair as a means of communication by coding messages in the patterns of their braids.
- (C) Discrimination based on hair texture or hairstyle results in a denial of basic civil rights, including educational, housing, and employment opportunities.
- (D) The City Council of the City of Austin has determined that discrimination based on hair texture or hairstyle should be prohibited.
- (E) This ordinance is known as the "Austin CROWN (Creating a Respectful and Open World for Natural Hair) Act."

PART 2. City Code Section 5-1-13 (*Definitions*) is amended to add a new definition for "Protective Hairstyle" and to renumber the remaining definitions accordingly:

- (19) PROTECTIVE HAIRSTYLE means a hairstyle necessitated by, or resulting from, the characteristics of a hair texture or hairstyle commonly associated with race, national origin, ethnicity, or culture, and includes but is not limited to afros, bantu knots, braids, cornrows, curls, locs, twists, or hair that is tightly coiled or tightly curled.

PART 3. City Code Section 5-1-17 (*Appraisal Exemption*); Subsections (A) and (B) of City Code Section 5-1-51 (*Discrimination in Sale or Rental of Housing*); City Code Section 5-1-52 (*Publication Indicating Discrimination*), Section 5-1-53 (*Availability for Inspection, Sale, or Rental*), and Section 5-1-54 (*Entry into Neighborhood*); Subsection

(A) of City Code Section 5-1-56 (*Residential Real Estate Related Transaction*); and City Code Section 5-1-57 (*Brokerage Services*) are amended as follows:

§ 5-1-17 APPRAISAL EXEMPTION.

This article does not prohibit a person engaged in the business of furnishing appraisals of residential real property from taking into consideration factors other than race, color, religion, sex, sexual orientation, gender identity, disability, age, familial status, marital status, student status, creed, ~~[or]~~ national origin, or protective hairstyle.

§ 5-1-51 DISCRIMINATION IN SALE OR RENTAL OF HOUSING.

- (A) A person may not refuse to sell or rent a dwelling to a person who has made a bona fide offer; refuse to negotiate for the sale or rental of a dwelling; or otherwise make unavailable or deny ~~[to]~~ a dwelling to any person based on race, color, religion, sex, sexual orientation, gender identity, age, familial status, disability, marital status, student status, creed, national origin, protective hairstyle, or source of income.
- (B) A person may not discriminate against a person in the terms, conditions, or privileges of sale or rental of a dwelling or in providing services or facilities in connection with the sale or rental, based on race, color, religion, sex, sexual orientation, gender identity, age, familial status, disability, marital status, student status, creed, national origin, protective hairstyle, or source of income.

§ 5-1-52 PUBLICATION INDICATING DISCRIMINATION.

A person may not make, print, or publish or cause to be made, printed, or published any notice, statement, or advertisement with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, sex, sexual orientation, gender identity, disability, age, familial status, marital status, student status, creed, national origin, protective hairstyle, or source of income, or an intention to make such a preference, limitation, or discrimination.

§ 5-1-53 AVAILABILITY FOR INSPECTION, SALE, OR RENTAL.

A person may not represent to a person based on race, color, religion, sex, sexual orientation, gender identity, disability, age, familial status, marital status, student status, creed, national origin, protective hairstyle, or source of income that a dwelling is not available for inspection, sale or rental when the dwelling is available for inspection.

§ 5-1-54 ENTRY INTO NEIGHBORHOOD.

A person may not, for profit, induce or attempt to induce a person to sell or rent a dwelling by representations regarding the entry or prospective entry into a neighborhood of a person of a particular race, color, religion, sex, sexual orientation, gender identity, disability, age, familial status, marital status, student status, creed, national origin, protective hairstyle, or source of income.

§ 5-1-56 RESIDENTIAL REAL ESTATE RELATED TRANSACTION.

- (A) A person whose business includes engaging in residential real estate related transactions may not discriminate against a person in making a real estate related transaction available or in the terms or conditions of a real estate related transaction because of race, color, religion, sex, sexual orientation, gender identity, disability, age, familial status, marital status, student status, creed, national origin, protective hairstyle, or source of income.

§ 5-1-57 BROKERAGE SERVICES.

A person may not deny any person access to, or membership or participation in, a multiple-listing service, real estate brokers' organization or other service, organization, or facility relating to the business of selling or renting dwellings, or discriminate against a person in the terms or conditions of access, membership, or participation in such an organization, service, or facility because race, color, religion, sex, sexual orientation, gender identity, disability, age, familial status, marital status, student status, creed, national origin, protective hairstyle, or source of income.

PART 4. City Code Section 5-2-2 (*Definitions*) is amended to add a new definition for "Protective Hairstyle" and to renumber the remaining definitions accordingly:

- (9) PROTECTIVE HAIRSTYLE means a hairstyle necessitated by, or resulting from, the characteristics of a hair texture or hairstyle commonly associated with race, national origin, ethnicity, or culture, and includes but is not limited to afros, bantu knots, braids, cornrows, curls, locs, twists, or hair that is tightly coiled or tightly curled.

PART 5. City Code Section 5-2-4 (*Prohibited Practices*) is amended as follows:

§ 5-2-4 PROHIBITED PRACTICES.

- (A) A person whose business includes engaging in residential real estate related transactions may not discriminate against a person in making a real estate related transaction available or in the terms or conditions of a real estate related transaction because of race, color, religion, sex, sexual orientation,

gender identity, disability, age, familial status, marital status, student status, creed, national origin, protective hairstyle, or source of income.

- (B) A person, including the owner, operator, or lessee of a public accommodation may not directly or indirectly exclude, segregate, limit, refuse or deny a person the accommodations, advantages, facilities, benefits, privileges, services, or goods of the public accommodation based on race, color, religion, sex, sexual orientation, gender identification, national origin, age, protective hairstyle, or disability.
- (C) A person, including the owner, operator, or lessee of a public accommodation, may not circulate, issue, display, post, mail, or publish a statement, advertisement, or sign that indicates that the accommodations, advantages, facilities, benefits, privileges, services, or goods of the public accommodation will be denied to an individual based on race, color, religion, sex, sexual orientation, gender identification, national origin, age, protective hairstyle, or disability, or that the patronage or presence of an individual is objectionable, unwelcome, unacceptable, undesirable, or unsolicited based on race, color, religion, sex, sexual orientation, gender identification, national origin, age, protective hairstyle, or disability.

PART 6. City Code Section 5-3-2 (*Definitions*) is amended to add a new definition for “Protective Hairstyle” and to renumber the remaining definitions accordingly:

- (14) PROTECTIVE HAIRSTYLE means a hairstyle necessitated by, or resulting from, the characteristics of a hair texture or hairstyle commonly associated with race, national origin, ethnicity, or culture, and includes but is not limited to afros, bantu knots, braids, cornrows, curls, locs, twists, or hair that is tightly coiled or tightly curled.

PART 7. Subsections (A) through (E) of City Code Section 5-3-4 (*Unlawful Employment Practices*) are amended as follows:

§ 5-3-4 UNLAWFUL EMPLOYMENT PRACTICES.

(A) An employer may not:

- (1) fail or refuse to hire or to discharge any individual, or otherwise discriminate against an individual with respect to compensation, terms, conditions, or privileges of employment, based on the individual’s race, color, religion, sex, sexual orientation, gender identity, national origin, age, protective hairstyle, or disability; or

- (2) limit, segregate, or classify an employee or applicant for employment in a way which would deprive or tend to deprive an individual of employment opportunities or otherwise adversely affect the individual's status as an employee, based on the individual's race, color, religion, sex, sexual orientation, gender identity, national origin, age, protective hairstyle, or disability.

(B) An employment agency may not:

- (1) fail or refuse to refer for employment, or otherwise discriminate against, an individual based on race, color, religion, sex, sexual orientation, gender identity, national origin, age, protective hairstyle, or disability; or
- (2) classify or refer for employment an individual based on race, color, religion, sex, sexual orientation, gender identity, national origin, age, protective hairstyle, or disability.

(C) A labor organization may not:

- (1) exclude or ~~[to]~~ expel from its membership, or otherwise discriminate against, an individual based on race, color, religion, sex, sexual orientation, gender identity, national origin, age, protective hairstyle, or disability.
- (2) limit, segregate, or classify its membership, or applicants for membership, or classify or fail or refuse to refer for employment an individual in a way which would deprive or tend to deprive the individual of employment opportunities, limit employment opportunities, or otherwise adversely affect the individual's status as an employee or as an applicant for employment, based on the individual's race, color, religion, sex, sexual orientation, gender identity, national origin, age, protective hairstyle, or disability; or
- (3) cause or attempt to cause an employer to discriminate against an individual in violation of this section.

(D) An employer, labor organization, or joint labor-management committee controlling apprenticeship or other training or retraining, including on-the-job training programs, may not discriminate against an individual based on race, color, religion, sex, sexual orientation, gender identity, national origin, age, protective hairstyle, or disability in admission to or employment in a program established to provide apprenticeship or other training.

(E) Unless it is a bona fide occupational qualification for employment, an employer, labor organization, employment agency, or joint labor-management committee controlling apprenticeship or other training or retraining, including on-the-job training programs, may not print, publish, or cause to be printed or published a notice or advertisement that indicates a preference, limitation, specification, or discrimination based on race, color, religion, sex, sexual orientation, gender identity, national origin, age, protective hairstyle, or disability related to:

- (1) employment by the employer;
- (2) membership in or classification or referral for employment by an employment agency; or
- (3) admission to, or employment in, a program established to provide apprenticeship or other training by a joint labor-management committee.

PART 8. City Code Section 5-4-1 (*Definitions*) is amended to revise the definition of “Discriminatory Employment Practice,” to add a new definition for “Protective Hairstyle,” and to renumber the remaining definitions accordingly:

(3) DISCRIMINATORY EMPLOYMENT PRACTICE means discrimination against an individual because of race, creed, color, religion, national origin, sexual orientation, gender identity, disability, protective hairstyle, sex or age, unless sex or age is a bona fide occupational qualification of employment during an employment action, including recruiting, advertising, hiring, layoff, termination, classification, training or selection for training, promotion, demotion, transfer, or compensation.

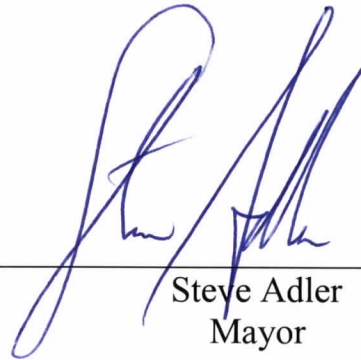
(6) PROTECTIVE HAIRSTYLE means a hairstyle necessitated by, or resulting from, the characteristics of a hair texture or hairstyle commonly associated with race, national origin, ethnicity, or culture, and includes but is not limited to afros, bantu knots, braids, cornrows, curls, locs, twists, or hair that is tightly coiled or tightly curled.

PART 9. This ordinance takes effect on June 20, 2022.

PASSED AND APPROVED

_____, June 9, 2022

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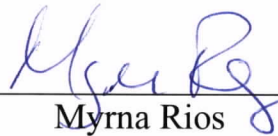
Steve Adler
Mayor

APPROVED:



Anne L. Morgan
City Attorney

ATTEST:



Myrna Rios
City Clerk