

County Council of Cuyahoga County, Ohio

Ordinance No. O2025-0004

<p>Sponsored by: Councilmembers Houser, Turner, Schleper, Simon, Miller and Jones</p> <p>Co-sponsored by: County Executive Ronayne</p>	<p>An Ordinance amending Sections 1501.01 and 1501.02 of the Cuyahoga County Code and Section 3.02 of the Cuyahoga County Employee Handbook to prohibit discrimination on the basis of a person’s hair texture or hair style commonly associated with a particular race or national origin in the areas of housing, employment, and places of public accommodation.</p>
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WHEREAS, this legislation, known as the Cuyahoga County CROWN Ordinance, affirms the right of individuals to wear their natural hair without fear of discrimination in housing, employment, or public accommodations.

WHEREAS, Racial and national origin discrimination can and do occur because of longstanding racial and national origin biases and stereotypes associated with hair texture and style; and

WHEREAS, The Project Noir survey of 1,324 Black women in Northeast Ohio conducted by Enlightened Solutions reports that 68% of respondents were subjected to inappropriate comments about their features such as hair in the workplace, and 51% were retaliated against when they objected to such inappropriate comments; and

WHEREAS, Cuyahoga County Council has determined to prohibit discrimination on the basis of a person’s hair texture or hairstyle commonly associated with a particular race or national origin in the areas of housing, employment, and places of public accommodation.

NOW, THEREFORE, BE IT ENACTED BY THE COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO:

SECTION 1. Section 1501.01 of the Cuyahoga County Code is hereby amended to add as follows (additions are underlined, deletions stricken):

Section 1501.01: Definitions

As used in this chapter of the Cuyahoga County Code:

- A. The prohibitions in this Title concerning “Age” mean individuals who are at least forty (40) years old.
- B. “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 companies or associations incorporated for cemetery purposes.
- C. “Commission” means the Human Rights Commission created by Section 206.13.
- D. “Complaint” means any petition or written statement under oath that alleges a violation of and/or discriminatory practice or act under this Title.
- E. “Complainant” means any person who claims to have suffered an injury under this Title.
- F. “Conciliation Agreement” means a written agreement resolving or otherwise disposing of issues raised by a Complaint through informal negotiations, and which is entered by the parties and the Commission or prior to an adjudicatory hearing.
- G. “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.
- H. “Physical or mental impairment” includes any of the following:
1. 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; genito-urinary; hemic and lymphatic; skin; and endocrine;
 2. Any mental or psychological disorder, including but not limited to an intellectual disability, organic brain syndrome, emotional or mental illness, and learning disabilities;
 3. Diseases 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, human immunodeficiency virus infection, intellectual disability, emotional illness, drug addiction, and alcoholism.

I. "Substantially limits" means the ability of an individual to perform a major life activity as compared to most people in the general population. An impairment need not prevent, or significantly or severely restrict, the individual from performing a major life activity to be considered substantially limiting.

A determination of whether a physical or mental impairment substantially limits a major life activity should be made without regard to the ameliorative effects of mitigating measures, except ordinary eyeglasses and contact lenses.

An impairment that is episodic in nature or in remission is a disability if it would substantially limit a major life activity when active.

J. "Physical or mental impairment" does not include any of the following:

1. Pedophilia, exhibitionism, voyeurism, or any other sexual or behavioral disorders;
2. Compulsive gambling, kleptomania, or pyromania;
3. Psychoactive substance use disorders resulting from current illegal use of controlled substance and current use of alcoholic beverages.

K. "Discriminate and discrimination" includes the segregation, separation, maltreatment, ill-treatment, or any unfavorable difference in treatment based on race, color, religion, military status, national origin, disability, age, ancestry, familial status, sex, sexual orientation, gender identity or expression.

L. "Employee" means an individual employed by any employer and includes "independent worker and/or contractor," but does not include any individual employed in the domestic service of any person.

M. "Employer" means any person who employs four (4) or more persons, within the County of Cuyahoga.

N. "Employment Agency" means any persons regularly undertaking with or without compensation, to procure opportunities for employment or to procure, recruit, refer, or place employees.

O. The prohibitions in this Title concerning "Familial Status" means individuals who fit either of the following circumstances:

1. 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;
2. Any person who is pregnant or in the process of securing legal custody of any individual who is under eighteen (18) years of age;

P. “Family” includes a single individual, civil unions, and same-sex or heterosexual-marriage based relationships.

Q. “Gender identity or expression” means an individual’s actual or perceived gender-related identity, appearance, expression, mannerisms, or other gender-related characteristics, regardless of the individual’s designated sex at birth.

R. “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 or more individuals, groups or families, whether 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, salesperson, or agent, or by any other person pursuant to authorization of the owner, by the owner, or by such person’s legal representative.

S. “Labor organization” includes any organization that exists for the purpose, in whole or in part, of collective bargaining or other mutual aid or protection in relation to employment.

T. “Mediation” means an informal conference held by a neutral third party to help the parties resolve their disputes prior to a hearing on Complaint filed under this Title.

U. “Military Status” means any person who is engaged in the “service in the uniformed services, a member of “uniformed services” or veteran.

V. “Person” includes one (1) or more individuals, partnerships, associations, organizations, corporations, legal representatives, trustees, and 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, salesperson, appraiser, agent, employee, and lending institutions.

W. “Place of public accommodation” means any hotel, motel, inn, restaurant, eating establishment, public swimming pool, public sports facility, public sports arena, theme park, amusement parks, museum, barbershop, public conveyance by air, land or water, movie theater, music arena, concert hall, performing arts venue, theater, store, or other place for the sale of merchandise to the public, or any other place of public accommodation or amusement where the accommodation advantages, facilities, or privileges thereof are available to the public.

X. “Respondent” means any person, business entity, organization or agency who is notified to defend or substantiate their alleged discriminatory actions or activities under this Title.

Y. “Restrictive covenant” means any specification in a contract, deed, land-contract, or lease limiting the transfer, rental, lease or other use of any housing accommodations because of race, color, religion, military status, national origin,

disability, age, ancestry, familial status, sex, sexual orientation, or gender identity or expression or any limitation based upon affiliation with or approval by any person, directly or indirectly, employing race, color, religion, military status, national origin, disability, age, ancestry, familial status, sex, sexual orientation, or gender identity or expression as a condition of affiliation or approval.

Z. “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, reserve duty in uniform, and performance of duty or training by a member of the Ohio organized militia pursuant to Chapter 5923 of the Ohio 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.

AA. The terms “because of sex” and “on the basis of sex” include, but are not limited to, because of or on the basis of pregnancy, any illness arising out of and occurring during the course of a pregnancy, childbirth, or related medical conditions, breastfeeding or pumping, or other sexual or reproductive health decisions. For the purposes of this Chapter, the term "sexual or reproductive health decisions" means decisions relating to the use or intended use of products or services for contraception, sterilization, fertility treatment, pregnancy or its termination, hormone therapy including that which alters gender expression or affirms gender identity, or medical treatments that affirm gender identity. Nothing in this division shall be construed to require an employer to provide health insurance benefits for sexual or reproductive health products or services.

AB. “Sexual orientation” means homosexuality, bisexuality, or heterosexuality.

AC. “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.

AD. “Unlawful discriminatory practice” means any act prohibited under this Title.

AE. “Veteran” means any person who has completed service in the armed forces, including the national guard of any state, or a reserve component of the armed forces.

AF. For purposes of this Title, “race,” “based on race,” or “because of race” includes discrimination against any person based on the person’s hair texture or hairstyle, if that hair texture or hairstyle is commonly associated with a particular race or national origin (including, but not limited to, a hairstyle in which hair is tightly coiled or tightly curled, locs, cornrows, twists, braids, Bantu knots, and Afros).

SECTION 2 Section 1501.02 of the Cuyahoga County Code is hereby amended to read as follows (additions are underlined, deletions stricken):

Section 1501.02 Prohibited Discriminatory Practices

A. Fair Housing

1. It shall be an unlawful discriminatory practice for any person to:

a. Refuse to sell, transfer, assign, rent, lease, sublease, finance or otherwise deny, withhold, or discriminate against any person in housing accommodations because of race, color, religion, military status, national origin, disability, ancestry, sex, familial status, sexual orientation, or gender identity or expression of any prospective owner, occupant, or user of such housing accommodations;

b. Represent to any person for a discriminatory purpose that housing accommodations are not available, or unavailable for inspection when in fact they are so available;

c. Refuse to lend money or extend credit, whether or not secured by mortgage or otherwise, for the rental, acquisition, construction, rehabilitation, repair, or maintenance of housing accommodations or otherwise withhold financing of housing accommodations from any person because of based on race, color, religion, military status, national origin, disability, ancestry, sex, familial status, sexual orientation, or gender identity or expression of any present or prospective owner, occupant, or user of such housing accommodations, provided such person, whether an individual, corporation, or association of any type, lends money as one of the principal aspects of their business or incidental to their principal business; but not as long as the lending is part of the purchase price of an owner-occupied residence who is selling their own residence or when such residence is sold by owner to a relative or friend;

d. Discriminate against any person in the terms or conditions of selling, transferring, assigning, renting, leasing or, subleasing any housing accommodations or in furnishing facilities, services, or privileges in connection with the ownership, occupancy or use of any housing accommodations, including the sale of fire, extended coverage, or homeowners insurance, because of race, color, religion, military status, national origin, disability, ancestry, sex, familial status, sexual orientation,

or gender identity or expression of any present or prospective owner, occupant, or user of such housing accommodations;

e. Discriminate against any person in the terms or conditions of any loan of money or credit extension, whether or not secured by mortgage or otherwise, for the acquisition, construction, rehabilitation, repair, or maintenance of any housing accommodations because of race, color, religion, military status, national origin, disability, ancestry, sex, familial status, sexual orientation, or gender identity or expression of any present or prospective owner, occupant, or user of such housing accommodations;

f. Make, print, publish, or circulate any statement or advertisement relating to the sale, transfer, assignment, rental, lease, sublease, or acquisition of any housing accommodations or the loan of money or credit extension, whether or not secured by mortgage or otherwise, for the acquisition, construction, rehabilitation, repair, or maintenance of housing accommodations which indicates any preference, limitation, specification, or discrimination based upon race, color, religion, military status, national origin, disability, ancestry, sex, familial status, sexual orientation, or gender identity or expression, of any present or prospective owner, occupant, or user of such housing accommodations;

g. Make any inquiry, elicit any information, or make or keep any record, or use any form of application containing questions or entries concerning race, color, religion, military status, national origin, disability, ancestry, sex, familial status, sexual orientation, or gender identity or expression, in connection with the sale, rent, or lease of any housing accommodations or the loan of any money or extension of credit, whether or not secured by a mortgage or otherwise, for the acquisition, construction, rehabilitation, repair or maintenance of housing accommodations;

h. Include in any contract, deed, land-contract, or lease of housing accommodations any restrictive covenant, or honor or exercise, or attempt to honor or exercise, any restrictive covenant, that would prohibit, restrict, or limit the sale, transfer, assignment, rental lease, sublease, or finance of housing accommodations to or for any person because of race, color, religion, military status, national origin, disability, ancestry, sex, familial status, sexual orientation, or gender identity or expression of any prospective owner, occupant, or user of such housing accommodations so long as in accordance with the law;

i. Induce or solicit, or attempt to induce or solicit, any housing accommodations listing, sale, rent, or transaction by representing that a

change has occurred or may occur in the block, neighborhood, or area in which the housing accommodations are located, which change is related to the presence or anticipated presence of any persons based on race, color, religion, military status, national origin, disability, ancestry, sex, familial status, sexual orientation, or gender identity or expression;

j. Induce or solicit or attempt to induce or solicit, any housing accommodations listing, sale, rent, or transaction by representing that the presence or anticipated presence of persons of any race, color, religion, military status, national origin, disability, ancestry, sex, familial status, sexual orientation, or gender identity or expression in the area will or may negatively impact the property, including, but not limited to:

- i. The lowering of property values;
- ii. A refusal by current or prospective neighbors to live in the area;
- iii. An increase in criminal or antisocial behavior in the area; or
- iv. A decline in the quality of schools serving the area.

k. Discourage or attempt 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 based upon race, color, religion, military status, national origin, disability, ancestry, sex, familial status, sexual orientation, or gender identity or expression of the residents;

l. Deny any person access to or membership or participation in any multiple listing service, 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 of conditions of such access, membership, or participation, on account of race, color, religion, military status, national origin, disability, ancestry, sex, familial status, sexual orientation, or gender identity or expression;

m. Coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or because of that person's having exercised or enjoyed, or on account of having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by this section;

n. Whether or not acting under color of law, by force or threat of force willfully injure, intimidate or interfere with, or attempt to injure, intimidate, or interfere with:

i. Any person based on race, color, religion, military status, national origin, disability, ancestry, sex, familial status, sexual orientation, or gender identity or expression 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;

ii. Any person because that person is or has been, or to intimidate such person or any other person or any class of persons from:

a. Participating, without discrimination based on race, color, religion, military status, national origin, disability, ancestry, sex, familial status, sexual orientation, or gender identity or expression in any of the activities, services, organizations, or facilities described in this Section;

b. Affording another person or class of persons the opportunity or protection so to participate; or

c. Discouraging any person from lawfully aiding or encouraging other persons to participate, without discrimination on account of based on race, color, religion, military status, national origin, disability, ancestry, sex, familial status, sexual orientation, or gender identity or expression in any of the activities, services, organizations, or facilities described in division of this Section, or participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to so participate.

o. Refuse to sell, transfer, assign, rent or lease, sublease, finance or otherwise deny or withhold a burial lot from any person because of race, color, religion, military status, national origin, disability, ancestry, sex, familial status, sexual orientation, or gender identity or expression of any prospective owner or user of such lot; or

p. For any person to discriminate in any manner against any other person because that person has opposed any unlawful discriminatory practice defined in this Title, 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 Title.

2. Exemptions:

a. Nothing in this Section shall bar any religious or denominational institution or organization, or any nonprofit charitable or educational organization that is operated, supervised, or controlled by or in connection with a religious organization, from limiting the sale, rental, or occupancy of housing accommodations that it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference in the sale, rental, or occupancy of such housing accommodations to persons of the same religion, unless membership in the religion is restricted on account of race, color, religion, military status, national origin, disability, ancestry, sex, familial status, sexual orientation, or gender identity or expression.

b. Nothing in this Section shall bar any bona fide private or fraternal organization that, incidental to its primary purpose, owns or operates lodgings for other than a commercial purpose, from limiting the rental or occupancy for the lodgings to its members or from giving preference to its members.

c. Nothing in this Section limits the applicability of any reasonable local, state, or federal restrictions regarding the maximum number of occupants permitted to occupy housing accommodations. Nothing in that division prohibits the owners or managers of housing accommodations from implementing reasonable occupancy standards based on the number and size of sleeping areas or bedrooms and the overall size of a dwelling unit, provided that the standards are not implemented to circumvent the purposes of this chapter and are formulated, implemented, and interpreted in a manner consistent with this chapter and any applicable local, state, or federal restrictions regarding the maximum number of occupants permitted to occupy housing accommodations.

d. Nothing in this Section requires that housing accommodations be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others.

e. Nothing in this Section pertaining to discrimination based on familial status shall be construed to apply to any of the following:

i. Housing accommodations provided under any state or federal program that have been determined under the “Fair Housing Amendments Act of 1988,” 102 Stat. 1623, 42 U.S.C. 3607, as amended, to be specifically designed and operated to assist elderly persons;

ii. Housing accommodations intended for and solely occupied by persons who are sixty-two years of age or older;

iii. Housing accommodations intended and operated for occupancy by at least one person who is fifty-five years of age or older per unit, as determined under the “Fair Housing Amendments Act of 1988,” 102 Stat. 1623, 42 U.S.C. 3607, as amended.

f. Nothing in Section shall be construed to require any person selling or renting property to modify the property in any way or to exercise a higher degree of care for a person with a disability, to relieve any person with a disability of any obligation generally imposed on all persons regardless of disability in a written lease, rental agreement, or contract of purchase or sale, or to forbid distinctions based on the inability to fulfill the terms and conditions, including financial obligations, of the lease, agreement, or contract.

g. The provisions of this Section relating to the rental of a dwelling shall not apply to the following:

i. If the dwelling unit is inadequate, under applicable laws and ordinances relating to occupancy, to house all persons who intend to live there;

ii. The refusal to rent to a person because the person is under the age of majority;

iii. Solely with respect to age and familial status, to the restriction of the sale, rental or lease of housing accommodations exclusively to individuals 62 years of age or older and the spouse of any such individual, or for housing intended and operated for occupancy by at least one individual 55 years of age or older per unit;

iv. To limit a landlord’s right to establish and enforce legitimate business practices necessary to protect and manage the rental property, such as the use of references. Further, nothing in this section requires that a housing accommodation or multiple dwelling be made available to an individual whose tenancy would constitute a direct threat to the health or safety of their individuals or whose tenancy would result in substantial physical damage to the property of others. However, this

subdivision shall not be used as a pretext for discrimination in violation of this Section.

B. Unlawful Employment Practices

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, because of race, color, religion, military status, national origin, disability, age, ancestry, sex, sexual orientation, or gender identity or expression, to discharge without cause, to refuse to hire a person or otherwise to discriminate against any person with respect to hire, promotion, tenure, discharge, or any terms, conditions or privileges of employment, or any matter related to employment;

b. For any employer, employment agency, or labor organization to establish, announce or follow a policy discriminating against, denying, or limiting, the employment or membership opportunities of any person or group of persons because of race, color, religion, military status, national origin, disability, age, ancestry, sex, sexual orientation, or gender identity or expression;

c. For any employer, labor organization, or joint labor-management committee controlling apprentice training programs to discriminate against any person because of that person's race, color, religion, military status, national origin, disability, age, ancestry, sex, sexual orientation, or gender identity or expression in 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, specification or discrimination based upon race, color, religion, military status, national origin, disability, age, ancestry, sex, sexual orientation, or gender identity or expression;

e. For any person seeking employment to publish or to cause to be published any advertisement which specifies or in any manner indicates that person's race, color, religion, military status, national origin, disability, age, ancestry, sex, sexual orientation, or gender identity or expression of any prospective employer;

f. For any employment agency to refuse or fail to accept, register, classify properly, or refer for employment or otherwise to discriminate against any person because of a person's race, color, religion, military status, national origin, disability, age, ancestry, sex, sexual orientation, or gender identity or expression;

g. 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 against persons because of race color, religion, military status, national origin, disability, age, ancestry, sex, sexual orientation, or gender identity or expression;

h. For any labor organization to discriminate against any person or limit that person's employment opportunities, or otherwise adversely affect that person's status as an employee, or that person's wages, hours, or employment conditions, because of race, color, religion, military status, national origin, disability, age, ancestry, sex, sexual orientation, gender identity or expression;

i. For an employment agency, to comply with, accommodate, or otherwise assist with locating an employee related to a request from an employer for referral of applicants for employment if the request indicates that the employer fails, or may fail, to comply with this Title;

j. For any labor organization to limit or classify its membership based on race, color, religion, military status, national origin, disability, age, ancestry, sex, sexual orientation, or gender identity or expression;

k. Except where based on a bona fide occupational qualification, for any employer, employment agency or labor organization to:

i. Elicit or attempt to elicit any information concerning the race, color, religion, military status, national origin, disability, age, ancestry, sex, sexual orientation, or gender identity or expression of an applicant for employment or membership;

ii. Use any form of application for employment or personnel or membership blank seeking to elicit information regarding race, color, religion, military status, national origin, disability, age, ancestry, sex, sexual orientation, or gender identity or expression but an employer holding a contract containing a non-discrimination 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;

iii, Voluntary requests for demographic information by an employer to aid in Diversity and Inclusion efforts are not unlawful.

iv. For any employer, employment agency or labor organization to discriminate against any person because that person has opposed any practice forbidden by this Title, or because that person has made a complaint or assisted in any manner in any investigation or proceeding or hearing under this Title.

v. For any person to aid, incite, compel, coerce, or participate in the doing of any act declared to be an unlawful discriminatory practice by this Title, or to obstruct or prevent any person from enforcing or complying with the provisions of this Title, or to attempt to commit any act declared by this Title, to be an unlawful discriminatory practice by this Title, or to attempt to obstruct or prevent any person from enforcing or complying with the provisions of this chapter, or to attempt to commit any act declared by this Title, to be an unlawful discriminatory practice.

2. Exemptions. This section does not apply to a religious corporation, association, educational institution, or society with respect to the employment of an individual of a particular religion to perform work connected with the carrying on by that religious corporation, association, educational institution, or society of religious activities. **Nothing in this section shall be construed to prohibit an employer from enforcing health or safety standards, provided such standards are applied equally and are not designed or used as a pretext for discrimination on the basis of hair texture or hairstyle.**

C. Unlawful Discrimination in a Place of Public Accommodations.

1. It shall be an unlawful discriminatory practice:

a. For any proprietor or any employee, agent, keeper, or manager of a place of public accommodation to deny, discriminate against, or treat differently any person except for reasons applicable alike to all persons regardless of race, color, religion, military status, national origin, disability, age, ancestry, sex, sexual orientation, or gender identity or expression the full

enjoyment of the accommodations, advantages, facilities, or privileges of a place of public accommodation;

b. For any person to knowingly aid, incite, compel, coerce, or participate in the doing of any act declared to be an unlawful discriminatory practice under this Section.

D. False Complaints

No person shall knowingly file a complaint including false or fraudulent information, submitted in bad faith with the intent to defame or to cause other reputational or material harm to an individual or organization. A determination or finding by the Commission that a complaint is unsubstantiated is, alone, insufficient to prove the existence of a false complaint. Upon a finding by the Commission that a Complainant has filed a false complaint, the Commission may impose a civil penalty on the Complainant as provided in Section 1501.05.

E. Diversity and Inclusion Efforts

1. Unless otherwise prohibited by law, nothing contained in this Title shall be construed to prohibit diversity and inclusion efforts and promotional activities and practices designed primarily to encourage participation by members of any historically marginalized protected group, in furtherance of the purposes of this Title.

2. It shall not be an unlawful discriminatory practice for any person to carry out an affirmative action plan. An affirmative action plan is any plan devised to effectuate remedial or corrective action taken in response to past discriminatory practices against a historically marginalized group, or as otherwise required by state or federal law.

SECTION 3. Section 1501.03(A) of the Cuyahoga County Code is hereby amended to read as follows (additions are underlined, deletions stricken):

Section 1501.03: Complaint and Enforcement Procedure

A. Complaints.

1. Whenever it is alleged in writing and under oath, by a person, referred to as the "Complainant", that any person, employer, employment agency, and/or labor organization referred to as the "Respondent", has engaged or is engaging in any unlawful discriminatory practice or act as defined in Section 1501.02 of this Title or is engaging in or has engaged in conversion therapy as defined in Section 1501.08 of this Title, the Commission or its authorized designee must

determine immediately, no later than five (5) business days of receipt of the Complaint, whether a Complaint of discrimination alleges a violation based on race, color, religion, military status, national origin, disability, age, ancestry, familial status, sex, sexual orientation, or gender identity or expression.

2. If the Complaint alleges a violation based on race, color, religion, military status, national origin, disability, age, ancestry, or sex, or familial status, the Complainant shall immediately be instructed to file a charge of discrimination, if he or she chooses, with the Ohio Civil Rights Commission (OCRC) and either the U.S. Department of Housing and Urban Development's Office of Fair Housing and Equal Opportunity (FHEO) or the Equal Employment Opportunity Commission (EEOC):

a. The Commission shall provide the Complainant with information about this requirement and the contact information for the OCRC, FHEO, and EEOC.

b. The Complainant shall be notified no later than five (5) business days via Certified Mail of the Commission's decision declining jurisdiction to investigate and hear the Complaint.

3. Complaints of discrimination alleging a violation of this Title based on sexual orientation or gender identity or expression, along with an allegation of race, color, religion, military status, national origin, disability, age, ancestry, familial status, or sex discrimination (a "hybrid complaint") may be subject to deferral to the OCRC/FHEO/EEOC as set forth in this section.

a. The Commission shall notify a Complainant of the potential additional rights and remedies available by filing a hybrid charge with OCRC/FHEO/EEOC, and that by failing to file with state and federal authorities the Complainant may forego their right to do so in the future. Such notification shall be in writing and by Certified Mail within five (5) business days via Certified mail of the Commission's decision to refer the Complaint to OCRC/FHEO/EEOC.

b. In the event a Complainant declines, in writing, to file a charge with OCRC/FHEO/EEOC, the Commission may adjudicate the complaint in accordance with this Chapter. In the event a Complainant elects to file a charge with OCRC/FHEO/EEOC, the Commission shall not hear the hybrid complaint while the matter remains pending at the state or federal level unless and until such complaint, in its entirety, reaches a final

disposition; provided, however, nothing in this paragraph prohibits a Complainant from filing a separate complaint as provided in paragraph (A)(4) of this Section.

4. Complaints of discrimination alleging a violation of this Title based exclusively on sexual orientation and/or gender identity or expression, or because of or on the basis of pregnancy, any illness arising out of and occurring during the course of a pregnancy, childbirth, or related medical conditions, breastfeeding or pumping, or other sexual or reproductive health decisions, **complaints alleging a Respondent is engaging in or has engaged in conversion therapy as defined in Section 1501.08 of this Chapter, or complaints alleging a violation of this Title founded exclusively on the basis of a person's hair texture or hair style commonly associated with a particular race or national origin**, or complaints alleging a Respondent is engaging in or has engaged in conversion therapy as defined in Section 1501.08 of this Chapter shall be adjudicated by the Commission in accordance with this Chapter without deferral of the complaint to OCRC/FHEO/EEOC unless and until state or federal law is revised to grant OCRC/FHEO/EEOC jurisdiction to adjudicate allegations of discrimination on the basis of sexual orientation and/or gender identity or expression at which time such complaints may be subject to deferral. If the OCRC/FHEO/EEOC dismisses a charge of discrimination timely filed under this Title based on sexual orientation, gender identity or expression, or any other protected category specified in this Title for lack of jurisdiction, the Complainant may, within thirty (30) days of such dismissal, request the charge to proceed under this Title. Upon the request, the Commission shall handle the case in accordance with this Title.

SECTION 2. Section 3.02 of the Cuyahoga County Employee Handbook is hereby amended to read as follows (additions are underlined):

3.02 Equal Employment Opportunity

The County is committed to providing equal employment opportunities for all individuals regardless of race, color, ancestry, national origin, **hair texture or hairstyle commonly associated with a particular race or national origin**, language, religion, citizenship status, sex, age, marital status, sexual preference or orientation, gender identity/expression, military/veteran status, disability, genetic information, membership in a collective bargaining unit, status with regard to public assistance, or political affiliation.

Equal opportunity extends to all aspects of the employment relationship, including but not limited to hiring, transfers, promotions, training, terminations, working conditions, compensation, benefits, and other terms and conditions of employment.

SECTION 3. It is found and determined that all formal actions of this Council relating to the adoption of this Ordinance were adopted in an open meeting of the Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

On a motion by _____, seconded by _____, the foregoing Ordinance was duly adopted.

Yeas:

Nays:

County Council President

Date

County Executive

Date

Clerk of Council

Date

First Reading/Referred to Committee: September 9, 2025
Committee(s) Assigned: Human Resources, Appointments & Equity

Additional Sponsorship Requested on the Floor: September 9, 2025

Legislation Substituted in Committee: September 16, 2025

Journal _____
_____, 20__

[Clerk's Note: Due to a typographical error, a technical correction was made by the Clerk, at the request of the Law Department, to delete the word Resolve and replace it with Enacted in the heading above Section 1. September 24, 2025]

Additional Sponsorship Requested in Committee: September 30, 2025