

# County Council of Cuyahoga County, Ohio

## Ordinance No. O2025-XXXX

Sponsored by: <b>Councilmember Houser</b>	<b>An Ordinance</b> amending Section 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.
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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 RESOLVED BY THE COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO:**

**SECTION 1.** 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.

**q. Discriminate 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).**

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.

**I. For any employer to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against an individual, based on the individual's hair texture or hairstyle, if that hair texture or that 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). Nothing in this paragraph shall be construed to prohibit an employer from enforcing health or safety standards required by law, 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.**

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.

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 proprietor or any employee, agent, keeper, or manager of a place of public accommodation to deny, discriminate against, or treat differently any person based on the person's hair texture or hairstyle, if that hair texture or that 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).**

~~b.c.~~ 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 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:  
Committee(s) Assigned:

Journal \_\_\_\_\_  
\_\_\_\_\_, 20\_\_\_\_