

BY AUTHORITY

ORDINANCE NO. _____
SERIES OF 2021

COUNCIL BILL NO. CB21-0773
COMMITTEE OF REFERENCE:

Safety, Housing, Education & Homelessness

A BILL

For an ordinance amending Article IV of Chapter 28 of the Revised Municipal Code concerning the Prohibition of Discrimination in Employment, Housing and Commercial Space, Public Accommodations, Educational Institutions, and Health and Welfare Services on the basis of a protective hairstyle.

WHEREAS, Throughout the history of the United States, society has used hair texture, hair type, and protective hairstyles, in conjunction with skin color, to discriminate against people; and

WHEREAS, Racial discrimination can and does occur because of longstanding racial biases and stereotypes associated with protective hairstyles including hair texture, hair type, and/or hairstyles commonly or historically associated with one’s race; and

WHEREAS, People who have hair texture or wear a hairstyle that is historically and contemporarily associated with persons of African, Jewish, Latinx, or Native American descent systematically suffer harmful discrimination in employment, housing and commercial space, public accommodations, educational institutions, and health and welfare services based upon longstanding race stereotypes and biases; and

WHEREAS, the City and County of Denver seeks to prohibit incidences of race discrimination based upon hair texture, hair type, and to prevent educational, employment, and other decisions, practices, and policies generated by or reflecting negative biases and stereotypes related to race; and

WHEREAS, During the 2020 legislative session, the Colorado General Assembly passed House Bill 20-1048, known as “The CROWN Act of 2020”, and now codified in Titles 22 and 24 of the Colorado Revised Statutes. The CROWN Act of 2020 sought to prohibit and provide remedies for the harms suffered as a result of race discrimination because of hair texture, hair type, and protective hairstyles and this Council Bill seeks to mirror this intent in the City and County of Denver.

BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:

Section 1. Short title. The short title of this act is the "Creating a Respectful and Open World for Natural Hair Act of 2021" or the "CROWN Act of 2021."

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Section 2. That section 28-91(b), D.R.M.C., is amended by deleting the language stricken and adding the language underlined to read as follows:

Sec. 28-91. - Intent of council.

(b) It is the intent of the council in enacting this article to eliminate discrimination in the city by reason of race, color, religion, national origin, ethnicity, citizenship, immigration status, gender, age, sexual orientation, gender identity, gender expression, marital status, source of income, military status, protective hairstyle, or disability. Discriminatory practices as defined in this article may be subject to investigation, conciliation, administrative hearings and orders or other enforcement procedures.

Section 3. That Section 28-92, D.R.M.C., is amended by deleting the language stricken and adding the language underlined, to read as follows:

Sec. 28-92. - Definitions.

The following words and terms when used in this article shall have the following meanings:
...

~~(p)~~ (p) *Protective Hairstyle:* A hair texture, hair type, or hairstyle commonly or historically associated with one’s race, including but not limited to, braids, locs, twists, tight coils or curls, cornrows, bantu knots, afros, and headwraps.

~~(q)~~ (q) *Real estate broker or salesperson:* Any person licensed as such in accordance with the provisions of the Colorado Real Estate Commission.

~~(r)~~ (r) *Religious entity:* A church, synagogue, mosque, temple, congregation, or other place that is principally used for religious purposes.

~~(s)~~ (s) *Religious organization:* A religious corporation, religious institution, religious society, or other organization or association that is: not organized for private profit, not supported in whole or in part by money raised by taxation or public borrowing, controlled by a religious entity, and engages in the study or advancement of religion or engages in the works of education, benevolence, charity, or missions.

~~(t)~~ (t) *Sexual orientation:* A component of a person’s identity that includes sexual and emotional attraction to another person and the behavior or social affiliation that may result from this attraction. A person may be attracted to men, women, both, neither, or to people who are genderqueer, androgynous, or have other gender identities. Individuals may identify as lesbian, gay, heterosexual, bisexual, queer, pansexual, or asexual, among others.

1 ~~(t)~~ (u) *Source of income*: Any lawful, verifiable source of income or housing assistance paid
2 to or on behalf of a renter or buyer including, but not limited, to monies from any occupation or
3 activity, from any contract, agreement, loan or settlement, from any court-ordered payments such as
4 child support, from payments received as gifts, bequests, annuities or life insurance policies, or from
5 federal, state or local payments, including disability benefits and housing choice vouchers or any
6 other rent subsidy or rent assistance program and related program requirements.

7 ~~(u)~~ (v) *Transaction in real property*: Exhibiting, listing, advertising, negotiating, agreeing to
8 transfer or transferring, whether by sale, lease, sublease, rent, assignment or other agreement,
9 any interest in real property or improvements thereon.

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11 **Section 4.** That Section 28-93 (a) (4) b., D.R.M.C., is amended by deleting the language
12 stricken and adding the language underlined, to read as follows:

13 **Sec. 28-93. - Discriminatory practices in employment.**

14 (a) *Generally.* It is a discriminatory practice to do any of the following acts based
15 upon the race, color, religion, national origin, ethnicity, citizenship, immigration status, gender,
16 age, sexual orientation, gender expression, gender identity, marital status, military status,
17 protective hairstyle, or disability of any individual who is otherwise qualified:

18 ...

19 (4) *By an employer, employment agency, apprenticeship program, labor organization*
20 *or joint labor/management council:*

21 ...

22 b. To communicate, print or publish or cause to be communicated, printed or
23 published any notice or advertisement or use any publication form relating to
24 employment by such employer or to membership in or any classification or referral for
25 employment by such a labor organization or to any classification or referral for
26 employment by such an employment agency indicating any preference, limitation,
27 specification or distinction based on the race, color, religion, national origin, ethnicity,
28 citizenship, immigration status, gender, age, sexual orientation, gender expression,
29 gender identity, marital status, military status, protective hairstyle, or disability of any
30 individual.

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32 **Section 5.** That Section 28-94 (a), D.R.M.C., is amended by deleting the language stricken
33 and adding the language underlined, to read as follows:

1 **Sec. 28-94. - Discriminatory practices in educational institutions.**

2 (a) *Generally.* It is a discriminatory practice for an educational institution to deny or
3 restrict or to abridge or condition the use of or access to any of its facilities and services to any
4 person otherwise qualified or to discriminate based on the race, color, religion, national origin,
5 ethnicity, citizenship, immigration status, gender, age, sexual orientation, gender expression,
6 gender identity, marital status, military status, protective hairstyle, or disability of any individual.
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8 **Section 6.** That Section 28-95 (a) (5), D.R.M.C., is amended by deleting the language stricken
9 and adding the language underlined, to read as follows:

10 **Sec. 28-95. - Discriminatory practices in real estate transactions.**

11 (a) *Generally.* It is a discriminatory practice to do any of the following acts based
12 upon the race, color, religion, national origin, ethnicity, citizenship, immigration status, gender,
13 age, sexual orientation, gender expression, gender identity, marital status, source of income,
14 military status, protective hairstyle, or disability of any individual:

15 ...

16 (5) To communicate, make, print or publish or cause to be communicated,
17 made, printed or published any notice, statement or advertisement with respect to a
18 transaction or proposed transaction in real property or financing related thereto, which notice,
19 statement or advertisement indicates or attempts to indicate any preference, limitation or
20 discrimination based on race, color, religion, national origin, ethnicity, citizenship, immigration
21 status, gender, age, sexual orientation, gender expression, gender identity, marital status,
22 source of income, military status, family status, protective hairstyle, or disability of any
23 individual;

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25 **Section 7.** That Section 28-96 (a), D.R.M.C., is amended by deleting the language stricken
26 and adding the language underlined, to read as follows:

27 **Sec. 28-96. - Discriminatory practices in places of public accommodation.**

28 (a) *Generally.* It is a discriminatory practice to do any of the following acts based
29 upon the race, color, religion, national origin, ethnicity, citizenship, immigration status, gender,
30 age, sexual orientation, gender expression, gender identity, marital status, military status,
31 protective hairstyle, or disability of any individual:
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1 **Section 8.** That Section 28-97 (a), D.R.M.C., is amended by deleting the language stricken
2 and adding the language underlined, to read as follows:

3 **Sec. 28-97. - Discriminatory practices in health and welfare services.**

4 (a) *Generally.* It is a discriminatory practice to do any of the following acts based
5 upon the race, color, religion, national origin, ethnicity, citizenship, immigration status, gender,
6 age, sexual orientation, gender expression, gender identity, marital status, military status,
7 protective hairstyle, or disability, of any individual:

8 COMMITTEE APPROVAL DATE: July 14, 2021

9 MAYOR-COUNCIL DATE: July 20, 2021

10 PASSED BY THE COUNCIL: _____ August 2, 2021

11 Stacie Gilman _____ - PRESIDENT

12 APPROVED: _____ - MAYOR [Signature] _____ Aug 4, 2021

13 ATTEST: _____ - CLERK AND RECORDER,
14 EX-OFFICIO CLERK OF THE
15 CITY AND COUNTY OF DENVER

16 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____; _____

17 PREPARED BY: Gabrielle Corica, Assistant City Attorney DATE: July 22, 2021

18 Pursuant to section 13-9, D.R.M.C., this proposed ordinance has been reviewed by the office of the
19 City Attorney. We find no irregularity as to form and have no legal objection to the proposed
20 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to
21 §3.2.6 of the Charter.

22
23 Kristin M. Bronson, Denver City Attorney

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25 BY: Jonathan Griffin, Assistant City Attorney DATE: Jul 22, 2021, 2021