

ORDINANCE NO. 049 - 2023

AN ORDINANCE, KNOWN AS THE C.R.O.W.N. ACT, CREATING SECTION 2-31.1 OF THE CODE OF ORDINANCES TO DECLARE NATURAL HAIR TEXTURE, STYLE, AND PROTECTIVE COVERINGS AS A PROTECTED CHARACTERISTIC OF RACE AND NATIONAL ORIGIN IN ORDER TO PROHIBIT DISCRIMINATION BASED ON THESE CHARACTERISTICS.

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WHEREAS, the Lexington-Fayette Urban County Government Code of Ordinances Chapter 2, Article II adopts the provisions of state law protecting all individuals in Lexington-Fayette County from discrimination in employment, public accommodations, and housing on the basis of race and national origin; and

WHEREAS, bans or restrictions on natural hair or hairstyles exacerbate anti-Black bias in employment, at school, while playing sports, and in other areas of daily living; and

WHEREAS, research has found that 70 percent of all suspension disciplines are discretionary. Specifically, Black students are more likely to be suspended for discretionary reasons such as dress code or long hair violations, neither of which have been found to be predictive of student misconduct. (Brookings Institute, "Penalizing Black hair in the name of academic success is undeniably racist, unfounded, and against the law," Feb. 23, 2011); and

WHEREAS, the purpose of the Creating a Respectful and Open World for Natural Hair coalition (C.R.O.W.N.) is to prohibit race-based hair discrimination through the adoption of legislation commonly known as C.R.O.W.N. acts, which institute definitions of race and national origin inclusive of a person's hair texture, style, color, and head coverings; and

WHEREAS, the Urban County Council desires to recognize that a person's hair texture, style, color and head coverings are protected characteristics of race and national origin, subject to the protections of state and local laws prohibiting discrimination based on race and national origin.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT:

Section 1 – That a new section of the Code of Ordinances of the Lexington-Fayette Urban County Government be and hereby is created, to read as follows:

Sec. 2-31.1 – Natural texture and color of hair and protective hair styles as protected characteristics of race, national origin and religion.

(1) It is the policy of the Lexington-Fayette Urban County Government to safeguard all persons within Fayette County from discrimination in employment, public accommodation, and housing on the basis of race, national origin, and religion.

(2) For purposes of this section, “race” shall include traits historically associated with race, including but not limited to natural texture and color of hair; hair styles; whether or not hair is adorned by hair ornaments such as ribbon, headwraps, beads or barrettes; and protective hair styles.

(a) Natural hair includes, but is not limited to, hair that is treated or untreated, protective styles, and hair types and styles that are commonly associated with African-Americans and their racial, ethnic, cultural identities and expressions, and the unwanted touching thereof;

(b) Protective hair styles include, but are not limited to braids, locs, twists, cornrows, Bantu Knots, afros, whether or not hair extensions or treatments are used to create or maintain any such style, whether or not hair is adorned by hair ornaments, beads, headwraps or hair covering, necessary protective hair styles needed due to medical conditions, and the unwanted touching thereof;

(3) For purposes of this section, “national origin” includes natural texture and color of hair, hair styles, and protective hair styles, including but not limited to braids, locs, twists, cornrows, Bantu Knots, afros, whether or not hair extensions or treatments are used to create or maintain any such style, and whether or not hair is adorned by hair ornaments, beads, headwraps, or hair coverings, related to a person’s place of birth or ancestry.

(4) For purposes of this section, “religion” includes hair styles that are an expression of religious observance and practice, as well as belief, unless an employer demonstrates that they are unable to reasonably accommodate to an employee's or prospective employee's religious observance or practice without undue hardship on the conduct of the employer's business;

(5) The Lexington Fayette Urban County Human Rights Commission shall have jurisdiction to receive, investigate, conciliate, hold hearings, and issue orders relating to complaints filed alleging discrimination in employment, public accommodation, or housing based on the race or national origin, specifically as it pertains to the natural hair or protective hairstyle of the complaining party.

Section 2 – That this Ordinance shall be known as the “C.R.O.W.N. Act.”

Section 3 – That this Ordinance shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL: May 11, 2023



MAYOR

ATTEST:



CLERK OF URBAN COUNTY COUNCIL

PUBLISHED:

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