

COMMISSIONERS ORDINANCE NO. 0-23-20

AN ORDINANCE AMENDING SECTION 37.02, DEFINITIONS, OF THE COVINGTON CODE OF ORDINANCES TO ADD NATURAL HAIR TEXTURE, STYLE, AND PROTECTIVE COVERINGS AS A PROTECTED CHARACTERISTIC OF RACE AND NATIONAL ORIGIN TO PROHIBIT DISCRIMINATION BASED ON THESE CHARACTERISTICS.

\* \* \* \*

WHEREAS, Covington Code of Ordinances Chapter 37: Human Rights Commission sets forth a policy to protect all individuals with the City from discrimination in certain contexts because of disability, age, sex, race, color, religion, ancestry, national origin, sexual orientation, gender identity, familial status, marital and/or parental status, and place of birth; and

WHEREAS, a national campaign, led by the CROWN Coalition, aims to prohibit race-based hair discrimination through the adoption of legislation known as the Creating a Respectful and Open World for Natural Hair (CROWN) Act; and

WHEREAS, currently seven states as well as local governments, such as Cincinnati, have adopted the CROWN Act; and

WHEREAS, the City has a responsibility to ensure that all residents are treated with equal rights under the law with federally assisted programs, housing programs, public accommodations, and employment; and

WHEREAS, the City finds that, like one's skin color, one's hair texture, style, color, and head coverings serve as a basis discrimination on race and national origin; and

WHEREAS, the purpose of the CROWN Act is to institute definitions of race and national origin for City laws that effectuate the comprehensive scope of protections Covington intends to be afforded by such laws to eliminate racial and national origin discrimination in the City; and

WHEREAS, staff recommends revisions to Chapter 37 of the Covington Code of Ordinances to clearly prohibit race-based natural hair discrimination.

NOW THEREFORE,  
BE IT ORDAINED BY THE BOARD OF COMMISSIONER OF THE CITY  
OF COVINGTON, KENTON COUNTY, KENTUCKY:

Section 1

Section 37.02 of the Covington Code of Ordinances is amended to read as follows:

**§ 37.02 DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. These definitions shall be superseded by KRS 344.010(4) and KRS 344.030(1) and applicable federal and state law that may be in effect at the time of a violation.

**AGE.** Age 40 years and over.

**ANCESTRY.** The national origin of an individual's ancestors.

**CANVASSING.** Includes door-to-door solicitation by the use of circular advertisements or any other means where the canvasser or his employer has not been requested by the owner to obtain a listing of any housing accommodation or to confer with the owner regarding a transaction involving a housing accommodation.

**COLOR.** The hue or pigmentation of the human skin that distinguishes individuals as being members of a particular race or races.

**COMMISSION.** The Covington Human Rights Commission.

**COMMISSIONER.** A member of the Human Rights Commission.

**COMMITTEE.** The Covington Fair Housing Strategy Committee, consisting of the Neighborhood Services Coordinator, the Housing Development Director, the Section 8 Supervisor, and the EEO/ Contract Compliance Officer.

**DISABLED INDIVIDUAL.** Any person who:

(1) Has a physical or mental impairment that substantially limits one or more of the person's major life activities;

(a) MAJOR LIFE ACTIVITIES means functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

(b) SUBSTANTIALLY LIMITS means unable to perform a major life activity that the average person in the general population can perform; or significantly restricted as to the condition, manner or duration under which an individual can perform a particular major life activity as compared to the condition, manner, or duration under which the average person in the general population can perform that same major life activity.

(2) Has a record of the impairment; or

(3) Is regarded as having an impairment but the term does not include current, illegal use of or addiction to a controlled substance as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802).

**DISCRIMINATION.** Any direct or indirect act or practice of exclusion, restriction, segregation, limitation, refusal, denial or any other act or practice of differentiation or preference in the treatment of a person or persons, or the aiding, abetting, inciting, coercing or compelling thereof made unlawful under this chapter.

**EMPLOYEE.** Any person employed by an employer, but not including an individual employed by his or her parents, spouse, or child, or an individual employed to render services as a nurse, domestic, or personal companion in the home of the employer.

**EMPLOYER.** Any person who has eight or more employees in each of four or more calendar weeks in the current or preceding calendar year, and any agent of such person.

**EMPLOYMENT AGENCY.** Any person regularly undertaking, either with or without compensation, to procure employees for an employer or to procure for employees opportunities to work for an employer and includes any agent of such person.

**FAMILIAL STATUS.** One or more individuals who have not attained the age of 18 years being domiciled with:

(1) A parent or another person having legal custody of the individual or individuals; or

(2) The designee of the parent or other person having such custody, with the written permission of the parent or other person.

The protection afforded against discrimination on the basis of familial status shall apply to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of 18 years.

**FINANCIAL INSTITUTION.** Any person, as defined herein, engaged in the business of lending money or guaranteeing losses.

**GENDER IDENTITY.** Manifesting an identity not traditionally associated with one's biological maleness or femaleness.

**HOUSING ACCOMMODATION.**

(1) Any parcel or parcels of real property or lands, or any interest therein, whether contiguous or noncontiguous, located in the city, used for the building of one or more housing or rooming units or for mobile homes or mobile home parks owned by or otherwise subject to the control of one or more persons;

(2) Any real property, including vacant land intended for sale or lease, or any interest therein, located in the city; or

(3) Any single-family dwelling or multiple-family dwelling, or any portion thereof, including a housing unit or a rooming unit, or any interest therein, located in the city, which is used or occupied, or intended, arranged, assigned, or designated to be used or occupied, as the home, homesite, residence, or sleeping place of one or more persons.

**HOUSING UNIT.** A single room, suite of rooms, or apartment, containing cooking and kitchen facilities, occupied or intended for occupancy as living quarters, by a person, a family, or a group of persons living together.

**LABOR ORGANIZATION.** Any labor organization and an agent of such organization, including an organization of any kind, an agency or employee representation committee, group, association, or plan so engaged in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours, or other terms or conditions of employment, and a conference, general committee, joint or system board, or joint counsel so engaged, which is subordinate to a national or international labor organization.

**MEMBER OF HIS OR HER FAMILY.** The owner and his or her spouse and any son, daughter, parent or grandparent of the owner or his or her spouse.

**MINOR CHILD.** A person under 18 years of age.

**NATIONAL ORIGIN.** The country where a person was born, or, more broadly, the country from which his or her ancestors came. **National origin includes natural texture and color of hair, hair styles, and protective hair styles, including, but not limited to braids, locks, twists, and coverings, related to a person's place of birth or ancestry.** (Note: This chapter is designed to prevent discrimination against people based upon ethnic distinctions commonly recognized at the time of discrimination. National origin does not include the concept of United States regionalism.)

**OWNER.** A lessee, sublessee, co-tenant, assignee, managing agent, or other person having the right of ownership or possession, or the right to sell, rent, or lease any housing accommodation.

**PERSON or INDIVIDUAL.** An individual and any group of one or more natural persons such as, but not limited to, labor unions, joint apprenticeship committees, partnerships, associations, corporations, unincorporated organizations, mutual companies, joint-stock companies, trusts, legal representatives, trustees, trustees in bankruptcy, receivers, any individuals acting in a financial or representative capacity, either appointed by a court or otherwise, the city and county or any of its agencies, and any other legal, governmental, or commercial entity, as well as a natural person or persons. PERSONS, when applied to any of the foregoing includes members, representatives, officers and directors.

**PHYSICAL OR MENTAL DISABILITY.** A physical or mental impairment that substantially limits one or more major life activities, a record of such impairment, or being

regarded having such impairment. The term excludes current use of alcohol or drugs or other disabilities that prevent a person from acquiring, renting, or maintaining property, that would constitute a direct threat to the property or safety of others, or that would prevent performance of job responsibilities.

**PLACE OF PUBLIC ACCOMMODATION, RESORT or AMUSEMENT and EXEMPTION.** Any place, store or other establishment, either licensed or unlicensed, which supplies goods or services to the general public or which solicits or accepts the patronage or trade of the general public or which is supported directly or indirectly by government funds; except that a private club is not a place of public accommodation, resort or amusement if its policies are determined by its members and its facilities or services are available only to its members and their bona fide guests. The exemptions to a place of public accommodation, resort or amusement shall be the same as those contained in KRS 344.130.

**PURCHASER.** Includes any occupant, prospective tenant, assignee, prospective assignee, buyer, or any other person seeking the right of ownership or possession, or any agent of any of these.

**RACE.** A subdivision of mankind having a relatively constant set of physical traits, such as color of skin and eyes, stature, [~~texture of hair~~] **natural texture and color of hair, hair styles, and protective hair styles, including, but not limited to braids, locks, twists, and coverings,** and so forth.

**REAL ESTATE BROKER or REAL ESTATE SALESPERSON.** An individual, whether licensed or not, who for a fee, commission, salary, or other valuable consideration or who with the intention or expectation of receiving or collecting consideration, lists, sells, purchases, exchanges, rents, or leases any housing accommodation, including options thereupon, or who negotiates, rents or leases any housing accommodation, including options thereupon, or who negotiates or attempts to negotiate such activities; or who advertises or holds oneself out as engaged in such activities; or who negotiates or attempts to negotiate a loan secured by a mortgage or other encumbrance on transfer of any housing accommodation or who is engaged in the business of charging an advance fee or contracting for collection of a fee in connection with a contract whereby a person undertakes to promote the sale, purchase, exchange, rental, or lease of any housing accommodation through its listing in a publication issued primarily for such purpose; or an individual employed by or acting on behalf of any of these.

**REAL PROPERTY.** Includes buildings, structures, real estate, lands, tenements, leaseholds, cooperatives, condominiums, and hereditaments, corporeal and incorporeal.

**ROOMING UNIT.** Any room or group of rooms forming a single, habitable unit used for living or sleeping, but which does not contain cooking and kitchen facilities.

**SEXUAL ORIENTATION.** An individual's actual or imputed heterosexuality, homosexuality, or bisexuality.

Section 2

This Ordinance shall take effect and be in full force from and after its passage, publication, which may be in summary form, and recording, according to law.

Joseph A. Mayer  
MAYOR

ATTEST:

Margaret M. Hyban  
CITY CLERK

Passed: 10-27-20 (Second Reading)

10-13-20 (First Reading)



<b>Meeting Date:</b>					
<b>ORD.: 1ST</b>		<b>2ND</b>			
<b>OR:</b>					
	<b>Bowman</b>	<b>2</b> <b>Downing</b>	<b>Smith</b>	<b>1</b> <b>Williams</b>	<b>Meyer</b>
<b>Yeas</b>	✓	✓	✓	✓	✓
<b>Nays</b>					
<b>Present, not Voting</b>					