



Legislation Details (With Text)

File #: 2020-0769 **Version:** 1
Type: Ordinance **Status:** Passed Finally
File created: 10/2/2020 **In control:** Committee on Human Resources
On agenda: 10/6/2020 **Final action:** 10/20/2020
Enactment date: 10/20/2020 **Enactment #:** 35
Effective date: 10/23/2020

Title: Ordinance amending and supplementing the Pittsburgh City Code, Title Six Conduct, Article V Discrimination, Chapter 659 Unlawful Practices, Sections 659.02 Unlawful Employment Practices, 659.03 Unlawful Housing Practices, and 659.04 Unlawful Public Accommodations Practices to prohibit employment, housing, and public accommodation discrimination based on hairstyle and protective and cultural hair textures and hairstyles.

Sponsors:

Indexes: PGH. CODE ORDINANCES TITLE 06 - CONDUCT

Code sections:

Attachments: 1. 2020-0769 Cover Ltr-CROWN Act Mayor Letter, 2. Summary 2020-0769

Date	Ver.	Action By	Action	Result
10/23/2020	1	Mayor	Signed by the Mayor	
10/20/2020	1	City Council	Passed Finally	Pass
10/14/2020	1	Standing Committee	Affirmatively Recommended	Pass
10/6/2020	1	City Council	Read and referred	

Ordinance amending and supplementing the Pittsburgh City Code, Title Six Conduct, Article V Discrimination, Chapter 659 Unlawful Practices, Sections 659.02 Unlawful Employment Practices, 659.03 Unlawful Housing Practices, and 659.04 Unlawful Public Accommodations Practices to prohibit employment, housing, and public accommodation discrimination based on hairstyle and protective and cultural hair textures and hairstyles.

Creating a Respectful and Open World for Natural Hair (CROWN) Act

WHEREAS, the Mayor understands and acknowledges the importance of racial equity and equal protection under the law in the City of Pittsburgh; and,

WHEREAS, Black people in the City of Pittsburgh deserve to wear their natural hair without being denied access to opportunity or experiencing discrimination; and,

WHEREAS, hairstyles also hold deep religious significance, and hair discrimination impacts religious minorities in housing, employment, and public accommodation; and,

WHEREAS, data collected for the CROWN Research Study by the JOY Collective, a digital marketing and production firm, reflects that in the workplace, Black women's hair is heavily policed through grooming policies; and,

WHEREAS, 80% of Black female subjects in the CROWN Research Study agreed that they felt the need to alter their natural hair to “fit in” in professional settings; and,

WHEREAS, according to the CROWN Research Study, Black women are 1.5 times more likely to be sent home from the workplace because of their hair, their hair is 3.4 times more likely to be considered “unprofessional,” and 83% more likely to report being judged more harshly on their looks than white women; and,

WHEREAS, the “Pittsburgh’s Inequality Across Gender and Race Report,” which was conducted by the University of Pittsburgh and the City’s Gender Equity Commission, highlights the deep inequities and barriers facing people of color and especially women of color in the workplace and in other aspects of professional and personal life in the city; and,

WHEREAS, Pittsburgh’s Inequality Across Gender and Race Report found that for Black residents the quality of life in Pittsburgh falls far below the quality of life for Black residents of similar cities with Black women and men in other cities have better health, income, employment and educational outcomes than Pittsburgh’s Black residents; and

WHEREAS, these conditions were evident as recently as 2019 despite application of existing anti-discrimination laws; and

WHEREAS, it is imperative that the City do its part to remove barriers to success and health for our communities of color; and,

WHEREAS, Black people’s natural hair grows in different textures, lengths, and colors, and can be worn in a variety of hairstyles, which hold cultural significance in the Black community; and,

WHEREAS, the notion of “professionalism,” aided by grooming policies that prohibit historically Black natural hairstyles, have long been used to exclude Black people from both professional and social environments; and,

WHEREAS, Black hair is and always has been “professional”; and,

WHEREAS, the City of Pittsburgh wants to make certain that Black residents and religious minorities do not face natural hair discrimination in the workplace, when searching for a home, and when entering a business; and,

WHEREAS, The Pennsylvania Human Relations Commission acknowledges the authority of a Home Rule municipality to enact protections against discrimination on the basis of classifications not expressly set forth in the state act; and

WHEREAS, as a Home Rule municipality, the City of Pittsburgh possesses authority to enact anti-discrimination laws pursuant to its police powers; and

WHEREAS, the City of Pittsburgh may use this authority as a civil society to respond to changing social, economic and political circumstances to maintain its vitality and order; and;

WHEREAS, the acknowledgment of rights proposed herein is necessary for the accomplishment of this purpose and not unduly oppressive upon individuals; and

WHEREAS, nothing in this amendment is intended to diminish the protections of rights all individuals currently enjoy under existing interpretations of antidiscrimination laws; and

WHEREAS, for these reasons, Mayor Peduto is introducing the below ordinance to be known as the *Creating a Respectful and Open World for Natural Hair (CROWN) Act*.

The Council of the City of Pittsburgh hereby enacts as follows:

Section 1. The Pittsburgh Code, Title Six Conduct, Article V Discrimination, Chapter 651 Findings and Policy, Section 651.04, Definitions is hereby amended as follows by adding subsections (uu) and (vv):

§ 651.04 - DEFINITIONS

- (uu) **HAIRSTYLE** Hair texture and styles of hair of any length, such as protective or cultural hairstyles, natural hairstyles, and other forms of hair presentation.
- (vv) **PROTECTIVE AND CULTURAL HAIR TEXTURES AND HAIRSTYLES** Hairstyles and hair textures most commonly associated with race, including, but not limited to braids, cornrows, locs, Bantu knots, Afros, and twists, 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, or headwraps.

Section 2. The Pittsburgh Code, Title Six Conduct, Article V Discrimination, Chapter 659, Unlawful Practices, Section 659.02, Unlawful Employment Practices, subsections (a) through (h) are hereby amended as follows:

§ 659.02 - UNLAWFUL EMPLOYMENT PRACTICES.

It shall be an unlawful employment practice, except where based upon applicable national security regulations established by the United States, the Commonwealth or any political subdivisions thereof, or except where based upon a bona fide occupational exemption certified by the Commission in accordance with Section 653.05(d):

- (a) For any employer to refuse to hire any person or otherwise to discriminate against any person with respect to hiring, tenure, compensation, promotion, discharge or any other terms, conditions or privileges directly or indirectly related to employment because of race, color, religion, ancestry, national origin, place of birth, pregnancy, childbirth, or related medical conditions and events, sex, sexual orientation, gender identity, gender expression, age, nonjob-related handicap or disability, **or hairstyles and protective and cultural hair textures and hairstyles.**
- (b) For any employer, employment agency or labor organization to establish, announce or follow a policy of denying or limiting, through a quota system or otherwise, the employment or membership opportunities of any person or group of persons because of race, color, religion, ancestry, national origin, place of birth, pregnancy, childbirth, or related medical conditions and events, sex, sexual orientation, gender identity, gender expression, age, nonjob-related handicap or disability, **or hairstyles and protective and cultural hair textures and hairstyles.**
- (c) For any employer, labor organization, employment agency or any joint labor management committee controlling apprentice training programs to deny to or withhold from any person the right to be admitted to or participate in a guidance program, an apprenticeship training program, an on-the-job training program or any other occupational training program because of race, color, religion, ancestry, national origin, place of birth, pregnancy, childbirth, or related medical conditions and events, sex, sexual orientation, gender identity, gender expression, age, nonjob-related handicap or disability, **or hairstyles and protective and cultural hair textures and hairstyles.**
- (d) For any employer, employment agency or labor organization to require of any applicant for employment or

membership any information concerning race, color, religion, ancestry, national origin, place of birth, pregnancy, childbirth, or related medical conditions and events, sex, sexual orientation, gender identity, gender expression, age, nonjob-related handicap or disability, **or hairstyles and protective and cultural hair textures and hairstyles.**

- (e) 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 discrimination because of race, color, religion, ancestry, national origin, place of birth, pregnancy, childbirth, or related medical conditions and events, sex, sexual orientation, gender identity, gender expression, age, nonjob-related handicap or disability, **or hairstyles and protective and cultural hair textures and hairstyles.**
- (f) For any employment agency to fail or refuse to classify properly or refer for employment or otherwise to discriminate against any person because of race, color, religion, ancestry, national origin, place of birth, pregnancy, childbirth, or related medical conditions and events, sex, sexual orientation, gender identity, gender expression, age, nonjob-related handicap or disability, **or hairstyles and protective and cultural hair textures and hairstyles.**
- (g) For any employer substantially to confine or limit recruitment or hiring of employees, with intent to circumvent the spirit and purpose of this Article, to any employment agency, employment service, labor organization, training school, training center or any other employee-referring source which serves persons who are predominantly of the same race, color, religion, ancestry, national origin, place of birth, pregnancy, childbirth, or related medical conditions and events, sex, sexual orientation, gender identity, gender expression, age, nonjob-related handicap or disability, **or hairstyles and protective and cultural hair textures and hairstyles.**
- (h) For any labor organization to discriminate against any person in any way which would deprive or limit their employment opportunities or otherwise adversely affect their status as an applicant for employment or as an employee with regard to tenure, compensation, promotion, discharge or any other terms, conditions or privileges directly or indirectly related to employment because of race, color, religion, ancestry, national origin, place of birth, pregnancy, childbirth, or related medical conditions and events, sex, sexual orientation, gender identity, gender expression, age, nonjob-related handicap or disability, **or hairstyles and protective and cultural hair textures and hairstyles.**

Section 3. The Pittsburgh Code, Title Six Conduct, Article V Discrimination, Chapter 659, Unlawful Practices, Section 659.03, Unlawful Housing Practices, subsections (a) through (f), and (i) are hereby amended as follows:

§ 659.03 - UNLAWFUL HOUSING PRACTICES.

It shall be an unlawful housing practice, except as otherwise provided in this section:

- (a) For any owner, real estate broker or any other person to refuse to sell, lease, sublease, rent, assign or otherwise transfer, or to refuse to negotiate for the sale, lease, sublease, rental, assignment or other transfer of, the title, leasehold or other interest in any dwelling to any person, or to represent that any dwelling is not available for inspection, sale, lease, sublease, rental, assignment or other transfer when in fact it is so available, or otherwise to deny or withhold any dwelling from any person because of race, color, religion, ancestry, national origin, place of birth, sex, sexual orientation, gender identity, gender expression, familial status, handicap, disability or use of support animals because of the handicap or disability of the user, actual or perceived status as a victim of domestic violence, actual or perceived citizenship or immigration status, or actual or perceived preferred language, **or hairstyles and protective and cultural hair textures and hairstyles.** or to discriminate against, segregate or assign quotas to any person or group of persons in connection with the sale, lease, sublease, rental, assignment or other transfer of the title, leasehold, or other interest in any dwelling or dwellings.
- (b) For any person, including any owner or real estate broker, to include in the terms, conditions or privileges of any sale, lease, sublease, rental, assignment or other transfer of any dwelling any clause, condition or restriction discriminating against or requiring any other person to discriminate against, any person in the use or occupancy of such dwelling because of race, color, religion, ancestry, national origin, place of birth, sex, sexual

orientation, gender identity, gender expression, familial status, handicap, disability or use of support animals because of the handicap or disability of the user, actual or perceived status as a victim of domestic violence, or actual or perceived citizenship or immigration status, or actual or perceived preferred language, **or hairstyles and protective and cultural hair textures and hairstyles.**

- (c) For any person, including any owner or real estate broker, to discriminate in the furnishing of any facilities or services for any dwelling because of race, color, religion, ancestry, national origin, place of birth, sexual orientation, gender identity, gender expression, familial status, handicap or disability or use of support animals because of the handicap or disability of the user, actual or perceived status as a victim of domestic violence, or actual or perceived citizenship or immigration status or actual or perceived preferred language, **or hairstyles and protective and cultural hair textures and hairstyles.**
- (d) For any person, including any owner or real estate broker, to publish, circulate, issue or display, or cause to be published, circulated, issued or displayed, any communication, notice, advertisement or sign of any kind relating to the sale, rental, lease, sublease, assignment, transfer or listing of a dwelling or accommodations which indicates any preference, limitation, specification or discrimination based on race, color, religion, ancestry, national origin, place of birth, sex, sexual orientation, gender identity, gender expression, familial status, handicap or disability or use of support animals because of the handicap or disability of the user, actual or perceived status as a victim of domestic violence, or actual or perceived citizenship or immigration status, or actual or perceived preferred language, **or hairstyles and protective and cultural hair textures and hairstyles.**
- (e) For any person, including any bank, banking organization, mortgage company, insurance company or other financial or lending institution, or any agent or employee thereof, engaged in whole or in part in the business of providing or arranging for appraisals and/or for financial assistance for the purchase, lease, acquisition, construction, rehabilitation, repair or maintenance of any dwelling or dwellings:
 - (1) To discriminate against any person or group of persons because of race, color, religion, ancestry, national origin, place of birth, sex, sexual orientation, gender identity, gender expression, familial status, handicap or disability or use of support animals because of the handicap or disability of the user, actual or perceived status as a victim of domestic violence, or actual or perceived citizenship or immigration status, or actual or perceived language preferred **or hairstyles and protective and cultural hair textures and hairstyles** of such person or group of persons or of the prospective occupants or tenants of such dwelling in the granting, withholding, extending, modifying or in the rates, terms, conditions or privileges of any such financial assistance in connection therewith; or
 - (2) To use any form of application for such financial assistance or make any record of inquiry in connection with applications for such financial assistance which indicates, directly or indirectly, any limitation, specification or discrimination as to race, color, religion, ancestry, national origin, place of birth, sex, sexual orientation, gender identity, gender expression, familial status, handicap or disability or use of support animals because of the handicap or disability of the user, actual or perceived status as a victim of domestic violence, or actual or perceived citizenship or immigration status, or actual or perceived language preferred **or hairstyles and protective and cultural hair textures and hairstyles** or any intent to make any such limitation, specification or discrimination.
- (f) For any real estate broker or real estate salesperson or agent, or any other person for business or economic purposes, to induce, directly or indirectly, or to attempt to induce directly or indirectly, the sale or rental or the listing for sale or rental, of any dwelling by representing that a change has occurred or will or may occur regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, ancestry, national origin, sex, sexual orientation, gender identity, gender expression, familial status, source of income, ~~or~~ handicap status, **or hairstyles and protective and cultural hair textures and hairstyles** of the street, block, neighborhood or area in which such dwelling is located.
- (i) For any person to deny access, 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 dwellings, or to discriminate in the terms or conditions of such access, membership or participation, on account of race,

color, religion, ancestry, national origin, place of birth, sex, sexual orientation, gender identity, gender expression, familial status, source of income, handicap or disability or use of support animals because of the handicap or disability of the user **or hairstyles and protective and cultural hair textures and hairstyles.**

Section 4. The Pittsburgh Code, Title Six Conduct, Article V Discrimination, Chapter 659, Unlawful Practices, Section 659.04, Unlawful Public Accommodation Practices, subsections (a) and (b) are hereby amended as follows:

§ 659.04 - UNLAWFUL PUBLIC ACCOMMODATIONS PRACTICES.

It shall be an unlawful public accommodation practice for the owner, lessee, proprietor, manager, superintendent, agent or employee of any business or place of public accommodation, resort, recreation or amusement to:

- (a) Refuse, withhold from or deny to any person because of their race, color, religion, ancestry, national origin, place of birth, sex, sexual orientation, gender identity, gender expression, handicap or disability or use of support animals because of the handicap, disability of the user, ~~or~~ actual or perceived citizenship or immigration status, or actual or perceived preferred language, **or hairstyles and protective and cultural hair textures and hairstyles** either directly or indirectly, any of the accommodations, advantages, facilities, services or privileges, products or goods in such place of public accommodation, resort or amusement.
- (b) Publish, circulate, issue, display, post or mail, either directly or indirectly, any printed, verbal, or written communication, notice or advertisement to the effect that indicates any preference, limitation, specification, or discrimination of any of the accommodations, advantages, facilities, goods, products, services and privileges of any such place shall be refused, withheld or denied to any person on account of race, color, religion, ancestry, national origin, place of birth, sex, sexual orientation, gender identity, gender expression, handicap or disability or use of support animals because of the handicap or disability of the user, or that the patronage of any person of any particular race, color, religion, ancestry, national origin, place of birth, sex, sexual orientation, gender identity, gender expression, handicap, disability or use of guide dogs because of the blindness of the user, or actual or perceived citizenship or immigration status, or actual or perceived preferred language **or hairstyles and protective and cultural hair textures and hairstyles** is unwelcome, objectionable, or not acceptable, desired or solicited.