

ORDINANCE NO. 10003

**AN ORDINANCE OF THE CITY OF LAWRENCE, KANSAS,
AMENDING CHAPTER 10, ARTICLE 1, SECTIONS 10-102,
OF THE CODE OF THE CITY OF LAWRENCE, KANSAS, 2018
EDITION, AND AMENDMENTS THERETO, PERTAINING TO
THE DEFINITION OF RACE TO PROHIBIT DISCRIMINATION
BASED ON PROTECTIVE HAIRSTYLE**

WHEREAS, Black people, indigenous people, and other people of color often face discrimination because of their natural hair texture or style;

WHEREAS, discrimination based on a person's hair texture or style has serious health, housing, workplace, educational, and economic consequences and results in a denial of basic civil rights, especially for Black people;

WHEREAS, a person's hairstyle, in many cultures, is a unique way to identify a person's culture, familial relationships, marital status, religion, or age. Restrictions or bans on natural hair or hairstyles violate the intent and spirit of Lawrence Kansas' antidiscrimination regulations set forth in Chapter 10 of the City Code; and

WHEREAS, the Governing Body of the City of Lawrence, Kansas has determined that natural hair types or hairstyles are an inherent part of an individual's racial and cultural identity and should be respected and protected. Discrimination based on hair texture or hairstyles that are commonly associated with a particular race, ethnicity, or national origin should be prohibited.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LAWRENCE, KANSAS:

SECTION 1: Chapter 10, Article 1, Section 10-102 of the Code of the City of Lawrence, Kansas, 2018 Edition, and amendments thereto, is hereby amended to read as follows:

10-102 **DEFINITIONS.**
As used in this Article, the following words and phrases shall have the following meanings: (Ord. 8672, Ord. 9960)

10-102.1 **AFFIRMATIVE ACTION PROGRAM.**
means a positive program designed to ensure that a good faith effort will be made to employ applicants and to treat employees equally without regard to their race, sex, religion, color, national origin, age, ancestry, disability or gender identity. An affirmative action program shall include, where applicable, but not be limited to, the following: recruitment, recruitment advertising, employment, upgrading, promotion, demotion, transfer, layoff, termination, rates of pay, other forms of compensation, other terms or conditions of employment, selection for training, and apprenticeship. An affirmative action program shall include goals, methodology and a timetable for implementation of the program. Submission of an affirmative action program to the Director shall be required only as: (Ord. 8672)

(A) A provision of a conciliation agreement or order in the event of failure of

conciliation;

- (B) As required in Section 10-113 of this Article. The words "applicants" and "employees" as used in this Subsection shall include Minority and Women Business Enterprise subcontractors in contracts addressed in Section 10-113 of this Article.

10-102.2 **AGE.**
means the chronological age of a person who is at least 40 years of age, but less than 70 years of age.

10-102.3 **AGGRIEVED PERSON.**
means any person who claims they are being or have been injured by an unlawfully discriminatory act or practice; and/or believes they will be injured by an unlawfully discriminatory act or practice that is about to occur.

10-102.4 **COMMISSION.**
means the Human Relations Commission as established by this Article.

10-102.5 **COMPLAINANT.**
means an aggrieved person who has filed a written verified complaint alleging unlawful discrimination, or on whose behalf another person has filed such a complaint, in accordance with Section 10-108 of this Article.

10-102.6 **CONCILIATION.**
means the attempted resolution of issues raised by a complaint, or by the investigation of such complaint, through informal negotiations involving the complainant, the respondent, and the Director or the Director's designee.

10-102.7 **CONCILIATION AGREEMENT.**
means a written agreement setting forth the resolution of the issues in conciliation.

10-102.8 **CONTRACT.**
means any contract to which the City of Lawrence is a contracting party from the effective date of this ordinance except as otherwise provided in this Article, and specifically including "contract" as defined in Section 10-113.

10-102.9 **DIRECTOR.**
means the City Attorney, Director of the City Attorney's Office, Human Relations Division as established by this Article. (Ord. 8672)

10-102.10 **DISABILITY.**
means, with respect to a person: (Ord. 8750)

- (A) a physical or mental impairment which substantially limits one or more of such person's major life activities;

(B) a record of having such an impairment; or

- (C) being regarded as having such an impairment. Disability 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), in housing. In employment and public accommodations, the term "disability" does not include an individual who is currently engaging in the illegal use of drugs where possession or distribution of such drugs is unlawful under the Controlled Substances Act (21 U.S.C. 812), when the covered entity acts on the basis of such use.

- (D) The definition of disability in this act shall be construed in favor of broad coverage of individuals under this act, to the maximum extent permitted by the terms of this act;
- (E) an impairment that substantially limits one major life activity need not limit other major life activities in order to be considered a disability;
- (F) an impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active; and
- (G) the determination of whether an impairment substantially limits a major life activity shall be made without regard to the ameliorative effects of mitigating measures such as the following:
 - (1) Medication, medical supplies, equipment, or appliances, low-vision devices (which do not include ordinary eyeglasses or contact lenses), prosthetics including limbs and devices, hearing aids and cochlear implants or other implantable hearing devices, mobility devices, or oxygen therapy equipment and supplies;
 - (2) use of assistive technology;
 - (3) reasonable accommodations or auxiliary aides or services; or
 - (4) learned behavioral or adaptive neurological modifications.
- (H) The ameliorative effects of the mitigating measures of ordinary eyeglasses or contact lenses shall be considered in determining whether and impairment substantially limits a major life activity.
- (I) As used in this subparagraph:
 - (1) "Ordinary eyeglasses or contact lenses" means lenses that are intended to fully correct visual acuity or eliminate refractive error; and
 - (2) "low-vision devices" means devices that magnify, enhance, or otherwise augment a visual image.

10-102.11

EMPLOYEE.

means any person employed by an employer, but does not include any individual employed by a member of the person's immediate family, as defined in Section 10-102.15, or in the domestic service of any person.

- 10-102.12 **EMPLOYER.**
means any person in this city employing four (4) or more persons who are not members of such person's immediate family, as defined in Section 10-102.15, any person acting directly or indirectly for any employer, and labor organizations, nonsectarian organizations, organizations engaged in social service work and all political subdivisions of the city, state and federal governments, but shall not include a nonprofit fraternal or social association or corporation. (Ord. 8750)
- 10-102.13 **EMPLOYMENT AGENCY.**
includes any person or government agency undertaking, with or without compensation, to procure opportunities to work or to procure, recruit, refer or place employees.
- 10-102.14 **FAMILIAL STATUS.**
means one or more individuals, who have not attained the age of 18 years, being domiciled with:
- (A) a parent or another person who has legal custody of such individual or individuals; or
 - (B) the designee of such parent or other person who has such custody, with the written permission of such parent or other person. The protections 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, or individuals who have not, attained the age of 18 years.
- 10-102.15 **FAMILY.**
includes a single individual; **IMMEDIATE FAMILY** means and includes parent, child, grandparent, grandchild, sibling and spouse.
- 10-102.16 **FRATERNAL OR SOCIAL ORGANIZATION.**
means and includes organizations founded and operated primarily for social purposes and shall neither mean nor include organizations founded or maintained primarily for trade or professional purposes.
- 10-102.17 **GENDER IDENTITY.**
means the persistent sense of one's gender-related identity, appearance, behavior, and other characteristics of an individual, as perceived by the individual or another, and without regard to the individual's actual or assigned sex at birth. (Ord. 8672)
- 10-102.18 **GENETIC SCREENING OR TESTING.**
means a laboratory test of a person's genes or chromosomes for abnormalities, defects or deficiencies, including carrier status, that are linked to physical or mental disorders or impairments, or that indicate a susceptibility to illness, disease or other disorders, whether physical or mental, which test is a direct test for abnormalities, defects or deficiencies, and not an indirect manifestation of genetic disorders. (Ord. 8750)

- 10-102.19 **GOVERNING BODY.**
means the Governing Body of the City of Lawrence, Kansas.
- 10-102.20 **HOUSING/REAL PROPERTY.**
means and includes:
- (A) All vacant or unimproved land which is offered for sale or lease for the construction or location thereon of any building, structure, or portion thereof which is occupied or designed or intended for occupancy as a residence by one or more families;
 - (B) Any residential or commercial building or structure having all or a portion thereof which is occupied or designed or intended for occupancy as a residence by one or more families.
- 10-102.21 **LABOR ORGANIZATION.**
includes any organization which exists for the purpose, in whole or in part, of collective bargaining or of dealing with employers on behalf of employees concerning grievances, terms or conditions of employment or other mutual aid or protection in relation to employment.
- 10-102.22 **MAJOR LIFE ACTIVITIES.**
means major life activities that include, but are not limited to, caring for one-self, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working.
- It also includes the operation of a major bodily function, including, but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine and reproductive functions. (Ord. 8750)
- 10-102.23 **OFFICIAL OFFICE OF THE COMMISSION.**
means the Office of the Human Relations Division of the City of Lawrence, Kansas. (Ord. 8672)
- 10-102.24 **PERSON.**
means and includes one or more individuals, partnerships, associations, organizations, labor organizations, corporations, municipal corporations, quasi-municipal corporations, governmental agencies, public bodies, legal representatives, trust, trustees, trustees in bankruptcy, receivers, fiduciaries, mutual companies, joint-stock companies, liability companies, or unincorporated organizations.
- 10-102.25 **PROTECTED PERSON.**
means a protected person, as defined at K.S.A. 2021 Supp. 58-25,137(f)(1), and amendments thereto.
- 10.102.26 **PROTECTIVE HAIRSTYLES.**
means inclusive, but not limited to, such hairstyles as braids, afros, bantu knots, cornrows, curls, locs, twists, or hair that is tightly coiled or tightly curled.

10-102.276 **PUBLIC ACCOMMODATION.**

means any person who caters or offers goods, services, facilities and accommodations to the public. Public accommodations include, but are not limited to, any lodging establishment, as defined by K.S.A. 36-501 and amendments thereto; any food service establishment, bar, tavern, barbershop, beauty parlor, theater, skating rink, bowling alley, billiard parlor, amusement park, recreation park, swimming pool, lake, gymnasium, mortuary or cemetery that is open to the public; any public transportation facility, and all governmental departments or agencies that serve the public. Public accommodations do not include a religious or nonprofit fraternal or social organization or corporation.

10-102.28 **RACE.**

means inclusive of traits including, but not limited to, skin color, certain facial features, hair texture and protective hairstyles.

10-102.297 **REASONABLE ACCOMMODATION.**

means making places of employment, public accommodations, and housing/real property readily accessible to and usable by persons with disabilities, including in rules, policies, practices, procedures, and services, in accordance with applicable local, state and federal laws and regulations.

10-102.2830 **REGARDED AS HAVING SUCH AN IMPAIRMENT.**

means the absence of a physical or mental impairment but regarding or treating an individual as though such an impairment exists. An individual meets the requirement of “being regarded as having such an impairment” if the individual establishes that such individual has been subjected to an action prohibited under this act because of an actual or perceived physical or mental impairment whether or not the impairment limits or is perceived to limit a major life activity. A person is not regarded as having such an impairment if the impairment is transitory or minor. A transitory impairment is an impairment with an actual or expected duration of six months or less. (Ord. 8750)

10-102.2931 **RESPONDENT.**

means the person, as defined herein, against whom a written verified complaint alleging discrimination has been filed with the Director.

10-102.3032 **TO RENT.**

means to lease, sublease, to let, to assign or otherwise grant for a consideration, the right to occupy premises not owned by the occupant.

10-102.3433 **SEXUAL ORIENTATION.**

means heterosexuality, homosexuality or bisexuality. Sexual Orientation shall not mean conduct which is prohibited by law. (Ord. 6658)

10-102.3234 **SOURCE OF INCOME.**

means any source of money paid to an individual or family or in behalf of an individual or family, including, but not limited to:

- (A) Money derived from any lawful profession, occupation, or activity;

- (B) money derived from any contract, agreement, loan, settlement, court order (such as court-ordered child support or alimony), gift, grant, bequest, annuity, or life insurance policy; and
- (C) money derived from any assistance, benefit, or subsidy program.
 - (1) Assistance, benefit, or subsidy programs include, but are not limited to: Any housing assistance, such as Housing Choice Vouchers, Veterans Affairs Supportive Housing (VASH) Vouchers, tribal grants or vouchers, or any other form of housing assistance payment or credit, whether or not paid or distributed directly to a landlord or other owner of land; public assistance; emergency rental assistance; tribal or Native American benefit programs; veterans benefits; Social Security or other retirement programs; supplemental security income; or other assistance program administered by any federal, state, or local agency or nonprofit entity.

10-102.~~3335~~ **UNLAWFUL ACT OR PRACTICE.**

means any unlawful employment practice, any unlawful public accommodations practice, or any unlawful housing practice as defined herein, and includes segregate or separate. (Ord. 8750)

10-102.~~3436~~ **UNLAWFUL EMPLOYMENT PRACTICE.**

means and includes those practices and acts specified as unlawful in Section 10-109 of this Article and includes segregate or separate. (Ord. 8750)

10-102.~~3537~~ **UNLAWFUL HOUSING PRACTICE.**

means and includes any act or practice specified as unlawful in Section 10-111 of this Article.

10-102.~~3638~~ **UNLAWFUL PUBLIC ACCOMMODATIONS PRACTICE.**

means and includes any act or practice specified as unlawful in Section 10-110 of this Article.

10-102.~~3739~~ **WRITTEN VERIFIED COMPLAINT.**

means a complaint, in writing, alleging unlawful discrimination, filed in accordance with Section 10-108.1 of this Article, which has been witnessed and signed by a notary public. (Ord. 5436; Ord. 6522; Ord. 6658)

SECTION 2: If any section, sentence, clause, or phrase of this ordinance is found to be unconstitutional or is otherwise held invalid by any court of competent jurisdiction, it shall not affect the validity of any remaining parts of this ordinance.

SECTION 3: Existing Sections 10-102 of the Code of the City of Lawrence, Kansas, 2018 Edition, and amendments thereto, are hereby repealed in their entirety, it being the intent of the Governing Body that the provisions of this ordinance supersede them.

SECTION 4: This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

PASSED by the Governing Body of the City of Lawrence, Kansas, this ____ day of August, 2023.

APPROVED:

Lisa Larsen
Mayor

ATTEST:

Sherri Riedemann
City Clerk

APPROVED AS TO FORM:

Toni R. Wheeler
City Attorney