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OHIO LEGISLATIVE SERVICE COMMISSION

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H.B. 535
133rd General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsors: Reps. Brent and Hicks-Hudson

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SUMMARY

- Makes it an unlawful discriminatory practice under Ohio's Civil Rights Law to discriminate against an individual because of traits associated with an individual's race, including hair texture and protective hair styles, such as braids, locks, and twists, in employment, places of public accommodation, housing, and credit practices.
- Prohibits public and chartered nonpublic K-12 schools and public and private preschools from discriminating against an individual with respect to any program or activity because of traits associated with an individual's race, including hair texture and protective hair styles, such as braids, locks, and twists.
- Allows an individual alleging such a school has discriminated against the individual based on traits associated with the individual's race to sue in any court having jurisdiction.

DETAILED ANALYSIS

Ohio's Civil Rights Law

Under Ohio's Civil Rights Law,¹ it is an unlawful discriminatory practice to discriminate against an individual because of the individual's race in employment, places of public accommodation, housing, and credit practices.² Currently, the Civil Rights Law does not define "race."

The bill specifies that "race" includes traits associated with an individual's race, including hair texture and protective hair styles, such as braids, locks, and twists. Thus, the bill

¹ R.C. Chapter 4112.

² R.C. 4112.02 and 4112.021, not in the bill.

makes it an unlawful discriminatory practice under the Civil Rights Law to discriminate against an individual because of traits associated with the individual's race, including hair texture and protective hair styles, in employment, places of public accommodation, housing, and credit practices.³

Remedies for unlawful discriminatory practices

Under continuing law, any individual may file a charge with Ohio's Civil Rights Commission (which enforces the Civil Rights Law) alleging that another individual or entity has engaged or is engaging in an unlawful discriminatory practice. The charge must be in writing and made under oath. The charge must be filed with the Commission within six months after the alleged unlawful discriminatory practice was committed, except for an allegation related to housing, which is one year. The Commission may investigate the charge and may initiate further action under procedures specified in the law. Although the Commission must first attempt to induce compliance with the Civil Rights Law through informal methods, if, after a hearing, the Commission ultimately determines that an unlawful discriminatory practice has occurred, it must issue a cease and desist order to remedy the situation and order any further action necessary to effectuate the purpose of the law.⁴

Additionally, continuing law allows an individual subject to an unlawful discriminatory practice to sue for damages, injunctive relief, or any other appropriate relief. This is in addition to, not in lieu of, filing a charge with the Commission. An individual may bring the lawsuit within six years after the alleged unlawful discriminatory practice occurred.⁵

Primary and secondary schools

The bill prohibits public and chartered nonpublic K-12 schools and all public and private preschools from discriminating against any individual with respect to any program or activity because of traits associated with the individual's race, including hair texture and protective hair styles, such as braids, locks, and twists. An individual alleging that such a school has discriminated against the individual in violation of the bill's prohibition may sue in any court of competent jurisdiction.⁶

Bill title

The bill is titled "Creating a Respectful and Open World for Natural Hair (CROWN) Act."⁷

³ R.C. 4112.01, and R.C. 4112.02 and 4112.021, not in the bill.

⁴ R.C. 4112.05, not in the bill.

⁵ R.C. 2305.07 and 4112.99, not in the bill. See also *Cosgrove v. Williamsburg of Cincinnati Mgmt. Co.*, 70 Ohio St.3d 281, 290 (1994).

⁶ R.C. 3319.48, by reference to R.C. Chapter 3314, 3326, and 3328, and R.C. 2950.034 and 3310.01, not in the bill, and conforming changes in R.C. 3314.03, 3326.11, and 3328.24.

⁷ Section 3.

HISTORY

Action	Date
Introduced	03-03-20
