

**CITY of ALBUQUERQUE
TWENTY FOURTH COUNCIL**

COUNCIL BILL NO. O-20-47 ENACTMENT NO. O-2021-001

SPONSORED BY: Lan Sena

ORDINANCE

1 AMENDING THE ALBUQUERQUE HUMAN RIGHTS ORDINANCE TO PROHIBIT
2 DISCRIMINATION BASED ON RACIAL AND CULTURAL ATTRIBUTES
3 ASSOCIATED WITH HAIR TYPES, STYLES, AND HEADRESSES ("CROWN
4 ACT AMENDMENTS").
5 BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY
6 OF ALBUQUERQUE:
7

8 SECTION 1. Section 11-3-3, the "Definitions" Section of the Human Rights
9 Ordinance, is hereby amended as follows:

10 "§ 11-3-3 DEFINITIONS.

11 For the purpose of this article, the following definitions shall apply unless
12 the context clearly indicates or requires a different meaning.

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13 **BOARD.** The Human Rights Board.

14 **COMMERCIAL SPACE.** Any space in a building, structure, or portion
15 thereof, which is used or occupied or intended to be occupied for the
16 manufacture, sale, resale, processing, reprocessing, displaying, storing,
17 handling, garaging, or distribution of personal property; and any space which
18 is used or occupied as a separate business or professional unit or office in
19 any building, structure, or portion thereof.

20 **CULTURAL HEADDRESS.** Includes, but is not limited to, burkas, hijabs,
21 head wraps, head scarves, or other headdresses used as part of an
22 individual's personal cultural or religious beliefs.

23 **EMPLOYEE.** Any person in the employ of an employer.

24 **EMPLOYER.** Any person employing one or more persons acting for an
25 employer.

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1 **EMPLOYMENT AGENCY.** Any person regularly undertaking with or
2 without compensation to procure opportunities to work or to procure, recruit,
3 or refer employees.

4 **HOUSING ACCOMMODATION.** Any building or portion of a building which
5 is constructed or to be constructed, which is used or intended for use as the
6 residence or sleeping place of any individual.

7 **LABOR ORGANIZATION.** Any organization which exists for the purpose in
8 whole or in part of collective bargaining or of dealing with employers
9 concerning grievances, terms or conditions of employment or of other mutual
10 aid or protection in connection with employment.

11 **PERSON.** One or more individuals, a partnership, association,
12 organization, corporation, joint venture, legal representative, trustee, receiver,
13 cooperative, or the city and any governmental unit created and/or sponsored
14 by the city. Where any reference to the masculine is present, he or she, her or
15 him, his or her or person (as in chairperson vs. chairman) should be in its
16 place.

17 **PHYSICALLY HANDICAPPED.** Any person who, because of accident,
18 illness, congenital condition or other condition of health, experiences any
19 impairment in sight, hearing, touch, taste, smell, motor skills or appearance.

20 **PUBLIC ACCOMMODATION.** Any establishment that provides or offers its
21 services, facilities, accommodations or goods to the public, but does not
22 include a bona fide private club or other place or establishment which is by
23 its nature and use distinctly private.

24 **RACE.** Includes, but is not limited to, traits historically and commonly
25 associated with race or ethnicity, including hair types, hair texture, volume of
26 hair, length of hair, protective hairstyles, or cultural headdresses.

27 **RACE RELATED HAIRSTYLE.** Includes, but is not limited to, those
28 hairstyles necessitated by, or resulting from, the characteristics of a hair
29 texture associated with race, such as braids, locs, afros, tight coils or curls,
30 bantu knots, and twists.

31 **REAL PROPERTY.** Lands, leaseholds and tenements.

1 **UNLAWFUL DISCRIMINATORY PRACTICE.** Those unlawful practices and
2 acts as specified in § 11-3-7.”

3 **SECTION 2.** Section 11-3-7, the “Unlawful Discriminatory Practice”
4 Section of the Human Rights Ordinance, is hereby amended as follows:
5 “§ 11-3-7 **UNLAWFUL DISCRIMINATORY PRACTICE.**

6 It is unlawful discriminatory practice and a violation of this article for:

7 **(A)** An employer, unless based on a bona fide occupational
8 qualification, to refuse to hire, to discharge, to promote or demote or to
9 discriminate in compensation or terms and conditions of employment,
10 against any person otherwise qualified, because of race, color, religion, sex,
11 national origin or ancestry, age, race related hairstyle, the use of a cultural
12 headdress, or physical handicap.

13 **(B)** A labor organization to exclude an individual or to expel or
14 otherwise discriminate against any of its members or against any employer or
15 employee because of race, color, religion, sex, national origin or ancestry,
16 age, race related hairstyle, the use of a cultural headdress, or physical
17 handicap.

18 **(C)** Any employer, labor organization, or any other person to refuse to
19 admit or employ any individual in any program established to provide an
20 apprenticeship or other training or retraining because of race, color, religion,
21 sex, national origin or ancestry, age, race related hairstyle, the use of a
22 cultural headdress, or physical handicap.

23 **(D)** Any employer, labor organization, or any other person to print or
24 circulate or cause to be printed or circulated any statement, advertisement, or
25 publication or to use any form of application for employment or membership,
26 or to make any inquiry regarding prospective employment or membership
27 which expresses, directly or indirectly, any limitation, specification, or
28 discrimination as to race, color, religion, sex, national origin or ancestry, age,
29 race related hairstyle, the use of a cultural headdress, or physical handicap,
30 unless based on a bona fide occupational qualification.

31 **(E)** An employment agency to refuse to list and properly classify for
32 employment or to refer an individual for employment in a known available job

1 for which the individual is otherwise qualified because of race, religion, color,
2 national origin, ancestry, age, sex, race related hairstyle, the use of a cultural
3 headdress, or any physical or mental handicap unless based on a bona fide
4 occupational qualification; or to comply with a request from an employer for
5 referral of applicants for employment if the request indicates either directly or
6 indirectly that the employer discriminates in employment on the basis of race,
7 religion, color, national origin, ancestry, sex, race related hairstyle, the use of
8 a cultural headdress, or physical or mental handicap unless based on a bona
9 fide occupational qualification.

10 (F) Any person who provides any public accommodation to make a
11 distinction, directly or indirectly, in offering or refusing to offer its services,
12 facilities, accommodations or goods to any individual because of race, color,
13 religion, sex, race related hairstyle, the use of a cultural headdress, national
14 origin or ancestry, or physical handicap.

15 (G) Any person to:

16 (1) Refuse to sell, rent, assign, lease or sublease, or offer for
17 sale, rental, lease or sublease, or assignment, any housing accommodation,
18 commercial space or real property to any individual, or to refuse to negotiate
19 for the sale, rental, lease, assignment or sublease of any housing
20 accommodation, commercial space or real property, or in the provision of
21 facilities or services in connection therewith, because of race, color, religion,
22 sex, race related hairstyle, the use of a cultural headdress, national origin or
23 ancestry, or physical handicap.

24 (2) Print, circulate, display or mail, or cause to be printed,
25 circulated, displayed or mailed, any statement, advertisement, publication or
26 sign or use any form of application for the purchase, rental, lease, assignment
27 or sublease of any housing accommodation, commercial space or real
28 property, or to make any record or inquiry regarding the prospective
29 purchase, rental, lease, assignment or sublease of any housing
30 accommodation, commercial space or real property which expresses any
31 preference, limitation or discrimination as to race, color, religion, sex, race

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1 related hairstyle, the use of a cultural headdress, national origin or ancestry,
2 or physical handicap.

3 (H) Any person to whom application is made for financial assistance for
4 the acquisition, construction, rehabilitation, repair or maintenance of any
5 housing accommodation, commercial space or real property, to:

6 (1) Consider race, color, religion, sex, race related hairstyle, the
7 use of a cultural headdress, national origin or ancestry or physical handicap
8 in the granting, withholding, extending, modifying or renewing, or in the fixing
9 of the rates, terms, conditions or provisions of any financial assistance, or in
10 the extension of services in connection with the request for financial
11 assistance; and

12 (2) Use any form of application for financial assistance or to
13 make any record or inquiry in connection with applications for financial
14 assistance which expresses, directly or indirectly, any limitation, specification
15 or discrimination as to race, color, religion, sex, race related hairstyle, the use
16 of a cultural headdress, national origin or ancestry or physical handicap.

17 (I) Any person or employer to:

18 (1) Aid, abet, incite, compel or coerce the doing of any unlawful
19 discriminatory practice or to attempt to do so.

20 (2) Engage in any form of threats, reprisals or discrimination
21 against any person who has opposed unlawful discriminatory practices or
22 has filed a complaint, testified or participated in any proceeding under this
23 article.

24 (3) Willfully obstruct or prevent any person from complying with
25 the provisions of this article or to resist, prevent, impede or interface with the
26 Board or any of its members, staff or representatives in the performance of
27 their duties under this article.”

28 SECTION 3. SEVERABILITY. If any section, paragraph, sentence, clause,
29 word or phrase of this Ordinance is for any reason held to be invalid or
30 unenforceable by any court of competent jurisdiction, such decision shall not
31 affect the validity of the remaining provisions of this Ordinance. The Council
32 hereby declares that it would have passed this Ordinance and each section,

1 paragraph, sentence, clause, word or phrase thereof irrespective of any
2 provision being declared unconstitutional or otherwise invalid.

3 SECTION 4. COMPILATION. Sections 1 and 2 of this Ordinance shall
4 amend, be incorporated in and complied as part of the Revised Ordinances of
5 Albuquerque, New Mexico, 1994.

6 SECTION 5. EFFECTIVE DATE. This ordinance will become effective five
7 days after publication by title and general summary.

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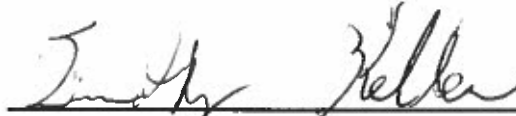
1 PASSED AND ADOPTED THIS 4th DAY OF January, 2021
2 BY A VOTE OF: 9 FOR 0 AGAINST.

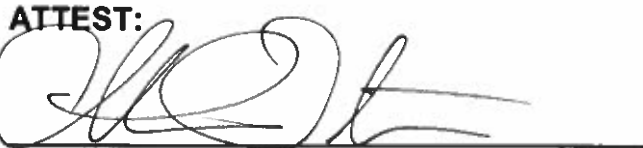
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Cynthia D. Borrego, President
City Council

APPROVED THIS 15 DAY OF January, 2021

Bill No. O-20-47


Timothy M. Keller, Mayor
City of Albuquerque

ATTEST:

Ethan Watson, City Clerk

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