

SECTION 1: PURPOSE

This Ordinance is to update the Discriminatory Acts prohibited within the City of Charlotte, to include updated definitions for discrimination based on sexual orientation and gender identity and expression and expanded protections for other groups as listed.

That Articles III, IV and V of Chapter 12 of the Charlotte Code of Ordinances is hereby amended as shown immediately below with deletions being shown by struck-through text and additions shown by underlined text.

SECTION 2: AMENDMENTS RELATING TO DISCRIMINATION IN PLACES OF PUBLIC ACCOMODATION AND EMPLOYMENT

Article III Section 12-57. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Employer includes any person employing one or more persons within the City of Charlotte and any person acting in the interest of an employer, directly or indirectly.

Gender identity or gender expression means having or being perceived as having gender-related identity, expression, appearance, or behavior, whether or not that identity, expression, appearance, or behavior is different from that traditionally associated with the sex assigned to that person at birth.

Natural Hair Style means any hair texture, color, type, or style of wear historically associated with race.

Place of public accommodation means a business, accommodation, refreshment, entertainment, recreation, or transportation facility of any kind, whether licensed or not, whose goods, services, facilities, privileges, advantages or accommodations are extended, offered, sold or otherwise made available to the public. The term "place of public accommodation" shall not include: a religious organization; any hotel, motel, restaurant, or theater operated by a nonprofit fraternal or social association that restricts its facilities and services to the members of such association/corporation and their guests; or any non-profit fraternal or social organization, or civic, political, or religious organization, when the profits of such association or organization, above reasonable and necessary expenses, are solely for its benefit or mission.

Religious Organization means a church, mosque, synagogue, temple, non-denominational ministry, interdenominational and ecumenical organization, mission organization, faith-based social agency, or other entity principally devoted to the study, practice, or advancement of religion.

Sexual Orientation means actual or perceived heterosexuality, homosexuality or bisexuality.

Article III Section 12-58. - Prohibited acts.

- (a) It shall be unlawful to deny any person the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of a place of public accommodation because of race, color, religion, sexual orientation, natural hair style, gender identity or gender expression, or national origin.

- (b) It shall be unlawful to make, print, circulate, post, mail or otherwise cause to be published a statement, advertisement, or sign which indicates that the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of a place of public accommodation will be refused, withheld from, or denied any person because of race, color, religion, sexual orientation, natural hair style, gender identity or gender expression, or national origin, or that any person's patronage of or presence at a place of public accommodation is objectionable, unwelcome, unacceptable, or undesirable because of race, color, religion, sexual orientation, natural hair style, gender identity or gender expression, or national origin; provided, however, for the avoidance of doubt, this section does not apply to a private club or other establishment not, in fact, open to the public.
- (c) Nothing in this article shall regulate or impose requirements regarding the use of restrooms or sex-segregated facilities in violation of the provisions contained in G.S 143-761.

Article III Section 12-60 - Exceptions

- (a) Nothing in this article shall deny the use of constitutionally or otherwise legally protected speech, nor shall anything in this article deny any entity or individual their constitutional or statutory protections against compelled speech or expression.

Article IV Section 12-83 – Prohibited Discrimination in Employment

- (a) It shall be unlawful for any employer, because of the race, color, religion, sexual orientation, natural hair style, gender identity or gender expression, or national origin of any person, to refuse to hire or otherwise discriminate against that person with respect to hire, tenure, conditions, or privileges of employment, or any matter directly or indirectly related to employment.
- (b) An employer may not discharge, demote, terminate, or refuse to hire any person, or retaliate against, harass, or discriminate in matters of compensation or in terms, privileges, and conditions of employment against any person otherwise qualified, for lawful expression of expressive activity outside of the workplace regarding the person's religious, political or personal convictions, including conditions about marriage, family, or sexuality, unless the expression or expressive activity is in direct conflict with the essential business-related interests of the employer.

Article IV Section 12-84 – Exceptions to Section 12-83

- (a) No employer is prohibited from requiring an employee, during the employee's work hours, to adhere to reasonable dress or grooming standards not otherwise prohibited by federal, state or local law.
- (b) Nothing in this article shall be construed to prohibit an employer from requiring all of its employees to utilize the employer's applicable internal human resource procedures to address any allegation of discrimination in the workplace. Requiring the following of such procedure shall not be deemed a violation of this article.

(c) Nothing in this article shall be construed to require any business to make changes requiring a building permit to any existing facility, except as otherwise required by law. Nothing in this article shall be construed to regulate or impose requirements regarding the use of restroom facilities in businesses.

(d) Nothing in this article shall deny the use of constitutionally or otherwise legally protected speech, nor shall anything in this article deny any entity or individual their constitutional or statutory protections against compelled speech or expression. An employee may express the employee's religious or moral beliefs and commitments in the workplace in a reasonable, non-disruptive, and non-harassing way on equal terms with similar types of expression of beliefs or commitments allowed by the employer in the workplace, unless the expression is in direct conflict with the essential business related interests of the employer.

(e) A religious organization, association, or society that employs an individual of a particular religion to perform work associated with the organization that insists employees adhere to the tenets of the religious organization as a condition of employment is not in violation of this article.

(f) A business that observes the conditions of bona fide affirmation action plan or seniority system is not in violation of this article.

(g) No business is required to hire or retain unqualified or incompetent personnel.

SECTION 3: AMENDMENTS RELATING TO FAIR HOUSING

“Sexual orientation, natural hair style, gender identity or expression,” shall be added to Chapter 12, Article V, Section 12-107(2), Chapter 12, Article V, Section 12-108, Chapter 12, Article V, Section 111(1-7), Chapter 12, Article V, Section 113(4), Chapter 12, Article V, Section 12-114, Chapter 12, Article V, Section 12-115, Chapter 12, Article V, Section 12-116.

SECTION 4: SEVERABILITY

If any provision or clause of this Ordinance shall be declared invalid, such declaration shall not invalidate any other provisions or clause of this Rule.