

House Bill 1208

By: Representatives Schofield of the 63<sup>rd</sup>, Beverly of the 143<sup>rd</sup>, Clark of the 108<sup>th</sup>, Hugley of the 141<sup>st</sup>, Burnough of the 77<sup>th</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 3 of Title 8, Chapter 1 of Title 20, Chapter 1 of Title 34, and Chapter 19  
2 of Title 45 of the Official Code of Georgia Annotated, relating to housing generally, general  
3 provisions regarding education, general provisions regarding labor and industrial relations,  
4 and labor practices relative to public officers and employees, respectively, so as to prohibit  
5 discrimination based on natural, protective, or cultural hairstyles; to provide for definitions;  
6 to provide for dispute resolution; to provide for a short title; to provide for related matters;  
7 to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 This Act shall be known and may be cited as the "Creating a Respectful and Open World for  
11 Natural Hair Act" or "CROWN Act."

12 **SECTION 2.**

13 Chapter 3 of Title 8 of the Official Code of Georgia Annotated, relating to housing generally,  
14 is amended in Code Section 8-3-201, relating to definitions regarding fair housing, by  
15 revising paragraphs (12) through (15) and adding a new paragraph to read as follows:

16 "(12) 'Natural, protective, or cultural hairstyle' includes but shall not be limited to afros,  
 17 dreadlocks, twists, locs, braids, cornrow braids, Bantu knots, curls, and hair styled to  
 18 protect hair texture or for cultural significance.

19 ~~(12)~~(13) 'Person' means one or more individuals, corporations, partnerships, associations,  
 20 labor organizations, legal representatives, mutual companies, joint-stock companies,  
 21 trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers, or  
 22 fiduciaries.

23 ~~(13)~~(14) 'Respondent' means:

24 (A) The person or other entity or the state or local government or agency accused in  
 25 a complaint of an unfair housing practice; and

26 (B) Any other person or entity identified in the course of an investigation and notified  
 27 as required with respect to respondents so identified under subsection (d) of Code  
 28 Section 8-3-207.

29 ~~(14)~~(15) 'State' means the State of Georgia.

30 ~~(15)~~(16) 'To rent' means to lease, to sublease, to let, and otherwise to grant for a  
 31 consideration the right to occupy premises not owned by the occupant."

### 32 SECTION 3.

33 Said chapter is further amended by adding a new Code section to read as follows:

34 "8-3-204.1.

35 The discriminatory housing practices, exemptions, procedures, and actions applicable to  
 36 a person because of race, color, religion, sex, disability, family status, or national origin as  
 37 provided for in this article shall apply equally to a person because of natural, protective,  
 38 or cultural hairstyle; provided, however, that an aggrieved person alleging a dispute  
 39 concerning a discriminatory housing practice because of natural, protective, or cultural  
 40 hairstyle, instead of the procedures provided for in Code Section 8-3-217, may commence  
 41 a civil action seeking mandatory mediation in an appropriate superior court not later than

42 two years after the conclusion of an administrative proceeding under this article or the  
43 breach of a conciliation agreement entered into under this article, whichever occurs last."

44 **SECTION 4.**

45 Chapter 1 of Title 20 of the Official Code of Georgia Annotated, relating to general  
46 provisions regarding education, is amended by adding a new Code section to read as follows:

47 "20-1-12.

48 (a) As used in this Code section, the term:

49 (1) 'Discrimination' means any direct or indirect act or practice of exclusion, distinction,  
50 restriction, segregation, limitation, refusal, denial, or any other act or practice of  
51 differentiation or preference in the treatment of a person or persons because of race,  
52 color, religion, national origin, sex, handicap, age, or natural, protective, or cultural  
53 hairstyle, or the aiding, abetting, inciting, coercing, or compelling of such an act or  
54 practice. This term shall not include any direct or indirect act or practice of exclusion,  
55 distinction, restriction, segregation, limitation, refusal, denial, or any other act or practice  
56 of differentiation or preference in the treatment of a person or persons because of religion  
57 if an educational institution demonstrates that it is unable to accommodate reasonably an  
58 individual's religious observance or practice without undue hardship on the conduct of  
59 the educational institution's operation.

60 (2) 'Natural, protective, or cultural hairstyle' includes but shall not be limited to afros,  
61 dreadlocks, twists, locs, braids, cornrow braids, Bantu knots, curls, and hair styled to  
62 protect hair texture or for cultural significance.

63 (b) No individual shall be subjected to discrimination on the basis of such individual's race  
64 due to a natural, protective, or cultural hairstyle in any program or activity conducted by  
65 an educational institution that receives, or benefits from, state financial assistance, or  
66 enrolls pupils who receive state student financial aid.

67 (c) An aggrieved person alleging discrimination because of natural, protective, or cultural  
68 hairstyle as provided for in subsection (b) of this Code section may pursue any remedy  
69 through the complaint resolution process provided for in Code Section 20-1-11."

70

## SECTION 5.

71 Chapter 1 of Title 34 of the Official Code of Georgia Annotated, relating to general  
72 provisions regarding labor and industrial relations, is amended by adding a new Code section  
73 to read as follows:

74 "34-1-11.

75 (a) As used in this Code section, the term:

76 (1) 'Discrimination' means any direct or indirect act or practice of exclusion, distinction,  
77 restriction, segregation, limitation, refusal, denial, or any other act or practice of  
78 differentiation or preference in the treatment of a person or persons because of race,  
79 color, religion, national origin, sex, handicap, age, or natural, protective, or cultural  
80 hairstyle, or the aiding, abetting, inciting, coercing, or compelling of such an act or  
81 practice. This term shall not include any direct or indirect act or practice of exclusion,  
82 distinction, restriction, segregation, limitation, refusal, denial, or any other act or practice  
83 of differentiation or preference in the treatment of a person or persons because of religion  
84 if an employer demonstrates that the employer is unable to accommodate reasonably an  
85 employee's or prospective employee's religious observance or practice without undue  
86 hardship on the conduct of the employer's operation.

87 (2) 'Employer' means any individual or entity that employs one or more employees.

88 (3) 'Natural, protective, or cultural hairstyle' includes but shall not be limited to afros,  
89 dreadlocks, twists, locs, braids, cornrow braids, Bantu knots, curls, and hair styled to  
90 protect hair texture or for cultural significance.

91 (b) No employer shall fail or refuse to hire nor shall any employer discharge or  
92 discriminate against any individual with respect to wages, rates of pay, hours, or other

93 terms and conditions of employment because of such individual's natural, protective, or  
 94 cultural hairstyle unless such natural, protective, or cultural hairstyle restricts such  
 95 individual's ability to engage in the particular job or occupation for which he or she is  
 96 eligible; provided, however, that such individual complies with subsection (a) of Code  
 97 Section 26-2-373.1.

98 (c) An aggrieved person alleging discrimination because of natural, protective, or cultural  
 99 hairstyle as provided for in subsection (b) of this Code section may commence a civil  
 100 action seeking mandatory mediation in an appropriate superior court not later than two  
 101 years after such discrimination."

102 **SECTION 6.**

103 Chapter 19 of Title 45 of the Official Code of Georgia Annotated, relating to labor practices  
 104 relative to public officers and employees, is amended by revising Code Section 45-19-22,  
 105 relating to definitions related to the "Fair Employment Practices Act of 1978," as follows:  
 106 "45-19-22.

107 As used in this article, the term:

108 (1) 'Administrator' means the administrator of the Commission on Equal Opportunity  
 109 provided for by Code Section 45-19-24, which agency is composed of an Equal  
 110 Employment Division and a Fair Housing Division.

111 (2) 'Board' means the Board of Commissioners of the Commission on Equal Opportunity  
 112 created by Code Section 45-19-23.

113 (3) 'Disability' means a physical or mental impairment which substantially limits one or  
 114 more of a person's major life activities, unless an employer demonstrates that the  
 115 employer is unable to accommodate reasonably to an employee's or prospective  
 116 employee's disability without undue hardship on the conduct of the employer's operation.

117 (4) 'Discrimination' means any direct or indirect act or practice of exclusion, distinction,  
 118 restriction, segregation, limitation, refusal, denial, or any other act or practice of

119 differentiation or preference in the treatment of a person or persons because of race,  
120 color, religion, national origin, sex, handicap, ~~or age~~, or natural, protective, or cultural  
121 hairstyle, or the aiding, abetting, inciting, coercing, or compelling of such an act or  
122 practice. This term shall not include any direct or indirect act or practice of exclusion,  
123 distinction, restriction, segregation, limitation, refusal, denial, or any other act or practice  
124 of differentiation or preference in the treatment of a person or persons because of religion  
125 if an employer demonstrates that the employer is unable to accommodate reasonably an  
126 employee's or prospective employee's religious observance or practice without undue  
127 hardship on the conduct of the employer's operation.

128 (4.1) 'Labor organization' means an organization of any kind; agents of such  
129 organization; an agency or employee representation committee, group, association, or  
130 plan in which employees participate and which exists for the purpose, in whole or in part,  
131 of dealing with employers concerning grievances, labor disputes, wages, rates of pay,  
132 hours, or other terms or conditions of employment; or a conference, general committee,  
133 joint or system board, or joint council so engaged which is subordinate to a national or  
134 international labor organization.

135 (4.2) 'Natural, protective, or cultural hairstyle' includes but shall not be limited to afros,  
136 dreadlocks, twists, locs, braids, cornrow braids, Bantu knots, curls, and hair styled to  
137 protect hair texture or for cultural significance.

138 (5) 'Public employer' or 'employer' means any department, board, bureau, commission,  
139 authority, ~~or~~ other agency of the state, or labor organization which employs 15 or more  
140 employees within the state for each working day in each of 20 or more calendar weeks  
141 in the current or preceding calendar year. A person elected to public office in this state  
142 is a public employer with respect to persons holding positions or individuals applying for  
143 positions which are subject to the state system of personnel administration created by  
144 Chapter 20 of this title, including the rules and regulations promulgated by the State  
145 Personnel Board or any personnel merit system of any agency or authority of this state.

146 A person elected to public office in this state is not a public employer with respect to  
147 persons holding positions or individuals applying for positions on such officer's personal  
148 staff or on the policy-making level or as immediate advisers with respect to the exercise  
149 of the constitutional or legal powers of the office held by such officer.

150 (6) 'Public employment' means employment by any department, board, bureau,  
151 commission, authority, or other agency of the State of Georgia.

152 (7) 'Religion' means all aspects of religious observance and practice as well as belief.

153 (8) 'Unlawful practice' means an act or practice declared to be an unlawful practice in  
154 Code Sections 45-19-29 through 45-19-31, 45-19-32, or 45-19-45."

155 **SECTION 7.**

156 Said chapter is further amended by adding a new Code section to read as follows:

157 "45-19-31.1.

158 The discriminatory labor practices, exemptions, procedures, and actions applicable to a  
159 person because of race, color, religion, sex, disability, family status, or national origin as  
160 provided for in this article shall apply equally to a person because of natural, protective,  
161 or cultural hairstyle; provided, however, that an aggrieved person alleging discrimination  
162 because of natural, protective, or cultural hairstyle may commence a civil action seeking  
163 mandatory mediation in an appropriate superior court not later than two years after the  
164 alleged discrimination."

165 **SECTION 8.**

166 All laws and parts of laws in conflict with this Act are repealed.