

House Bill 135

By: Representatives Schofield of the 63rd, Hugley of the 141st, Burnough of the 77th, Davis of the 87th, Bell of the 75th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 8-3-201 of the Official Code of Georgia Annotated, Article 1 of
2 Chapter 1 of Title 20 of the Official Code of Georgia Annotated, Chapter 1 of Title 34 of the
3 Official Code of Georgia Annotated, and Article 2 of Chapter 19 of Title 45 of the Official
4 Code of Georgia Annotated, relating to definitions relative to fair housing, general provisions
5 regarding education, general provisions regarding labor and industrial relations, and fair
6 employment practices, respectively, so as to prohibit discrimination based on hairstyles
7 associated with race, color, or national origin; to provide for definitions; to provide for a civil
8 cause of action; to provide for related matters; to repeal conflicting laws; and for other
9 purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 Code Section 8-3-201 of the Official Code of Georgia Annotated, relating to definitions
13 relative to fair housing, is amended by adding new paragraphs and revising paragraphs (13),
14 (14), and (15) as follows:

15 "(13) 'Protective hairstyles' includes, but is not limited to, such hairstyles as braids, locs,
16 twists, or other textured hairstyles.

(14) 'Race' includes traits associated with race, color, or national origin, including, but not limited to, hair texture and protective hairstyles.

~~(13)~~(15) 'Respondent' means:

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

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

~~(14)~~(16) 'State' means the State of Georgia.

~~(15)~~(17) 'To rent' means to lease, to sublease, to let, and otherwise to grant for a consideration the right to occupy premises not owned by the occupant."

SECTION 2.

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

"20-1-12.

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

(1) 'Discrimination' means any direct or indirect act or practice of exclusion, distinction, restriction, segregation, limitation, refusal, denial, or any other act or practice of differentiation or preference in the treatment of a person or persons because of race, color, religion, national origin, sex, handicap, or age or the aiding, abetting, inciting, coercing, or compelling of such an act or practice. This term shall not include any direct or indirect act or practice of exclusion, distinction, restriction, segregation, limitation, refusal, denial, or any other act or practice of differentiation or preference in the treatment of a person or persons because of religion if an educational institution demonstrates that

it is unable to accommodate reasonably an individual's religious observance or practice without undue hardship on the conduct of the educational institution's operation.

(2) 'Protective hairstyle' means braids, locs, twists, or other textured hairdressing associated with an individual's race, color, or national origin.

(3) 'Race' includes traits associated with race, color, or national origin, including, but not limited to, hair texture and protective hairstyles.

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

SECTION 3.

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

"34-1-11.

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

(1) 'Discrimination' means any direct or indirect act or practice of exclusion, distinction, restriction, segregation, limitation, refusal, denial, or any other act or practice of differentiation or preference in the treatment of a person or persons because of race, color, religion, national origin, sex, handicap, or age or the aiding, abetting, inciting, coercing, or compelling of such an act or practice. This term shall not include any direct or indirect act or practice of exclusion, distinction, restriction, segregation, limitation, refusal, denial, or any other act or practice of differentiation or preference in the treatment of a person or persons because of religion if an employer demonstrates that the employer is unable to accommodate reasonably an employee's or prospective employee's religious

observance or practice without undue hardship on the conduct of the employer's operation.

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

(3) 'Protective hairstyle' means braids, locs, twists, or other natural, textured hairdressing associated with an individual's race, color, or national origin.

(4) 'Race' includes traits associated with race, color, or national origin, including, but not limited to, hair texture and protective hairstyles.

(b) No employer shall fail or refuse to hire nor shall any employer discharge or discriminate against any individual with respect to wages, rates of pay, hours, or other terms and conditions of employment because of such individual's race due to a protective hairstyle unless such protective hairstyle restricts such individual's ability to engage in the particular job or occupation for which he or she is eligible.

(c) Any individual who is aggrieved by an alleged violation of this Code section may institute a civil action against the persons engaged in such alleged violation. Such action may be maintained in any court of competent jurisdiction and shall be commenced no later than one year after the alleged violation occurred. The court may grant as relief, as it deems appropriate, any permanent or temporary injunction, temporary restraining order, or other order, including, but not limited to, the hiring or reinstatement of the plaintiff to such individual's original position or an equivalent position, back pay, court costs, and reasonable attorneys' fees."

SECTION 4.

Article 2 of Chapter 19 of Title 45 of the Official Code of Georgia Annotated, relating to fair employment practices, is amended by revising paragraph (6) of and adding new paragraphs to Code Section 45-19-22, relating to definitions related to the "Fair Employment Practices Act of 1978," to read as follows:

92 "(5.1) 'Labor organization' means an organization of any kind; agents of such
93 organization; an agency or employee representation committee, group, association, or
94 plan in which employees participate and which exists for the purpose, in whole or in part,
95 of dealing with employers concerning grievances, labor disputes, wages, rates of pay,
96 hours, or other terms or conditions of employment; or a conference, general committee,
97 joint or system board, or joint council so engaged which is subordinate to a national or
98 international labor organization.

99 (5.2) 'Protective hairstyles' includes, but is not limited to, such hairstyles as braids, locs,
100 and twists.

101 (6) 'Public employer' or 'employer' means any department, board, bureau, commission,
102 authority, or other agency of the state, or labor organization which employs 15 or more
103 employees within the state for each working day in each of 20 or more calendar weeks
104 in the current or preceding calendar year. A person elected to public office in this state
105 is a public employer with respect to persons holding positions or individuals applying for
106 positions which are subject to the state system of personnel administration created by
107 Chapter 20 of this title, including the rules and regulations promulgated by the State
108 Personnel Board or any personnel merit system of any agency or authority of this state.
109 A person elected to public office in this state is not a public employer with respect to
110 persons holding positions or individuals applying for positions on such officer's personal
111 staff or on the policy-making level or as immediate advisers with respect to the exercise
112 of the constitutional or legal powers of the office held by such officer."

113 "(7.1) 'Race' is inclusive of traits associated with race, color, or national origin, including,
114 but not limited to, hair texture, hair type, and protective hairstyles."

115 SECTION 5.

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