

CHAPTER 2023-3

No. 147 AN ORDINANCE AMENDING CHAPTER 16 "OFFENSES AND MISCELLANEOUS PROVISIONS", ARTICLE 11 "DISCRIMINATION", SECTION 16-54 "DEFINITIONS" OF THE PROVIDENCE CODE OF ORDINANCES

Approved April 10, 2023

Be it ordained by the City of Providence:

Section 1. Chapter 16, "Offenses and Miscellaneous Provisions", Article II "Discrimination", Section 16-54 "Definitions is hereby amended as follows:

Sec. 16-54. - Definition of terms.

- (a) *Bona fide qualifications* refers to a valid consideration of race and color, sex, sexual orientation, religion, marital status, disability, age or country of ancestral origin which has been certified as such by the commission or by the Rhode Island Commission on Human Rights.
- (b) *Charge* is that which is brought by a complainant alleging an unlawful practice or that which is filed by the commission following an investigation.
- (c) *Commission* means the Providence Human Relations Commission, its agents and employees.
- (d) *Complaint* means that which is issued by the commission on its own behalf or in the behalf of the complainant and subsequent to a probable cause determination.
- (e) *Discrimination* includes any policy or practice which by design or effect segregate, separates or has a disproportionate impact according to race or color, sex, sexual orientation, religion, marital status, disability, age or country of ancestral origin or because of the race or color, sex, sexual orientation, religion, marital status, disability, age or country of ancestral origin of any person with whom they are or may wish to be associated, and which is not required by business necessity. Discrimination shall further include any policy or practice which by design or effect separates or has a disproportionate impact based upon an individual's hair texture, hair type, or protective hairstyle that is commonly or historically associated with race, including such hairstyles as braids, locs, twists, tight coils or curls, cornrows, bantu knots, afros, and headwraps.
- (f) *Employment agency* includes any person undertaking with or without compensation to procure opportunities to work, or to procure, recruit, refer, or place employees.
- (g) *Employee* does not include any person employed by his or her parents, spouse or child.
- (h) *Employer* includes the city and all its departments and authorities, and all persons employing seven (7) or more individuals within the City of Providence, or any person acting as the agent of an employer either directly or indirectly. The term does not apply to a religious corporation, religious association, religious educational institution, or religious society with respect to the employment of individuals of its religion to perform work connected with the carrying on of its religious activities.
- (i) *Educational facilities* means any public or private institution of learning.
- (j) *Gender identity or expression* means a person's actual or perceived gender, as well as a person's gender identity, gender-related self-image, gender-related appearance, or gender-related expression; whether or not that gender identity, gender-related self-image, gender-related appearance, or gender-related expression is different from that traditionally associated with the person's sex at birth.

- (k) *Housing accommodation* includes any building or structure or portion thereof, or any parcel of land, developed or undeveloped, which is occupied, or intended, designed, or arranged to be occupied, or to be developed for occupancy, as the home, residence, or commercial business of one (1) or more persons, but excludes any dwelling unit which, under the provisions of state fair housing laws, are exempt by virtue of their location in an owner-occupied building.
- (l) *Labor organization* includes any organization which exists for the purpose, in whole or in part, of collective bargaining or of dealing with employers concerning grievances, terms or conditions of employment, or of other mutual aid or protection in relation to employment.
- (m) *Public accommodation* refers to any public resort, accommodation, assemblage, amusement, business, or establishment that provides a service or function, personal, or otherwise licensed, or unlicensed, including but not limited to inns, taverns, bars, roadhouses, hotels, motels, trailer parks, camp sites, restaurants, diners, or any place where food or beverage is sold, retail stores and establishments, dispensaries, clinics, hospitals, rest homes, nursing homes, rest rooms, bathhouses, barber shops, beauty parlors, trade schools or vocational establishments, theaters, motion picture houses, music halls, race courses, skating rinks, amusement and recreation parks, fairs, bowling alleys, golf courses, gymnasiums, shooting galleries, billiard and pool parlors, swimming pools, athletic or recreational facilities, seashore accommodations, public libraries, garages, all public conveyances operated on land, water, in the air or underground, as well as the stations and terminals thereof, public halls and rooms and public stairs and elevators of buildings or other public accommodations, public housing projects, clubs, societies, fraternities, sororities, associations, or other organizations that are public or quasi-public, banks, finance companies, insurance companies, building and construction companies, other businesses; traffic and other courts, and licensing and regulating bodies and all public policies, programs, and activities. Nothing herein contained shall be construed to include, or apply to, any place of accommodation which is by its nature distinctly private; provided, that where public use is permitted, that use shall be covered by this article.
- (n) *Disability* means any condition or characteristic whether physical or mental which renders a person disabled as defined by 42 USC 1202(2), commonly referred to as the "Americans With Disabilities Act of 1990", as amended.
- (o) *Sexual discrimination* shall be deemed to include situations where an individual, acting independently, is discriminated against because of gender.
- (p) *Sexual Orientation* means a person's actual or perceived heterosexuality, bisexuality, or homosexuality.
- (~~p-q~~) *Discounts* means any reduction of the normal charge for products or services. Includes those offered on a free basis.

Section 2. This Ordinance shall take effect sixty days after passage.

IN CITY COUNCIL
 MAR 16 2023
 FIRST READING
 READ AND PASSED
 Tina L. Mastrosianni CLERK

IN CITY COUNCIL
 APR 06 2023
 FINAL READING
 READ AND PASSED
 Rachel W. Miller, PRESIDENT
 Tina L. Mastrosianni CLERK

I HEREBY APPROVE.

Brett P. Smiley
 Mayor

Date: 4/10/2023