

## Information Item

**Date:** June 15, 2021

**To:** Mayor, Mayor Pro Tempore, and Members of the City Council

**From:** Angela I. Carmon, City Attorney

**Subject:**

Information on Ordinance Amending Chapter 38 of the Code of the City of Winston-Salem Entitled “Miscellaneous Offenses and Provisions” to Create Nondiscrimination in Public Accommodations and Nondiscrimination in Employment Ordinances

**Strategic Focus Area:** Livable Neighborhoods

**Strategic Objective:** Support Inclusion of Community Populations

**Strategic Plan Action Item:** No

**Key Work Item:** No



The attached ordinance, submitted for information purposes only, amends Chapter 38 to create the City’s nondiscrimination in public accommodations and nondiscrimination in employment ordinances. The ordinance provisions are outlined in the attached chart. I have also revised the chart regarding municipalities that have adopted nondiscrimination ordinances. Since the update provided in March, 2021, the City of Asheville and Buncombe County have adopted nondiscrimination ordinances.

Briefly, the attached ordinance amendment: (1) prohibits discrimination in places of public accommodations or public accommodations which means any place, facility store, other establishment, hotel, motel, 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 terms do not include any private club, bona fide membership organization or other establishment not open to the public, and (2) prohibits discrimination in employment and applies to employers that employ one or more persons within the city limits.

The ordinance amendment does not apply to Forsyth County, the cities within Forsyth County, state or federal government. There are also a number of other exemptions such as exemptions for religious corporations, associations or societies that employ individuals of a particular religion to perform work connected with the carrying on by the corporation, association, or society of its religious activities.

An aggrieved person may file a complaint with the City’s Human Relations Department which will investigate the complaint within sixty (60) days unless there are extenuating circumstances. If the Director finds reasonable cause to believe that a violation of the either article has occurred, the Director may attempt conciliation. The parties may agree to a hearing before the hearing board of the Human Relations Commission. The conciliation and hearing processes are voluntary.

The ordinance amendment becomes effective sixty (60) days from adoption. The civil enforcement process becomes effective January 1, 2022.