

Item Title: Resolution to Enact an Ordinance Prohibiting Discrimination in Public Accommodations and Employment

Specific Action Requested:

That the Board of Commissioners enacts an ordinance prohibiting discrimination in public accommodations and employment.

Item Summary:

Purpose: The Board of Commissioners adopts all ordinances and ordinance amendments.

Background: Following the North Carolina General Assembly's passage of House Bill 2, commonly known as "HB2" or the "Bathroom Bill," local governments in North Carolina were prohibited from enacting their own non-discrimination ordinances. In 2017, HB 2 was repealed by SL 2017-4, but the new law included a moratorium on local governments to enact or amend any ordinance regulating private employment practices or public accommodations through December 1, 2020. Upon this sunset, the Board of Commissioners requested staff to draft a non-discrimination ordinance to be added to the general code of ordinances for Wake County. In accordance with SL 2017-4, state agencies and local governments are still preempted from regulating access to multiple occupancy restrooms, showers, or changing facilities; these facilities are therefore excluded under the ordinance.

Board Goal: This action supports Great Government Goal 3: Embrace diversity, equity, and inclusion.

Fiscal Impact: To implement this ordinance, no additional appropriation is anticipated for FY 2022. Adjustments to the General Fund expenditure budget will be evaluated as part of the annual development budget process.

Additional Information:

The ordinance establishes an investigatory and conciliatory process through which protected persons and classes who are aggrieved by a discriminatory practice occurring in Wake County (unincorporated municipal limits) may file a complaint. Protected classes covered under the ordinance include race, natural hair or hairstyles, ethnicity, creed, color, sex, pregnancy, marital or familial status, sexual orientation, gender identity or expression, national origin or ancestry, marital or familial status, pregnancy, National Guard or veteran status, religious belief or non-belief, age, or disability.

The proposed ordinance has been reviewed and endorsed by Equality NC. The County Manager's office will be responsible for oversight and implementation of the conciliatory

resolution process created under the ordinance. In consult with the County Attorney's office, processes and procedures will be put into place before the enactment date of February 1, 2022.

Attachments:

1. Resolution