

# Anti-bias ANTI-BIAS LAW proposal set for revision

By Paul Rogers  
Mercury News Staff Writer

Questions about Santa Cruz's controversial anti-discrimination ordinance lingered Wednesday as supporters and critics alike tried to figure out what the proposal will look like now that it has been ordered rewritten.

One thing seemed clear: The definition of discrimination based on "personal appearance" will be narrowed.

By a 5-2 vote at about 1 a.m. Wednesday, the Santa Cruz City Council delayed making a final decision on the proposal, leaving hundreds of vocal activists and business owners frustrated.

## Task force assembled

The council ordered the formation of a five-member task force to rewrite sections that had been criticized as confusing.

Currently, the proposal would outlaw job and housing discrimination based on sexual orientation, height, weight and personal appearance. In the month since it was introduced, the measure has attracted national attention.

After sitting through a rancorous public comment session for four hours, members of the council's liberal majority generally praised the ordinance Tuesday night.

## Merchants concerned

But many clearly took seriously the concerns of merchants who said the personal appearance section of the law was unconstitutional and could leave them open to crippling lawsuits.

"All of us were feeling it would be better to tighten it up," said Councilwoman Jane Yokoyama.

"Anytime you have vagueness of language that can be challenged easily in court, that's a real easy way to get laws overturned."

The ordinance would have made it illegal to refuse a job or housing to someone based on an applicant's hairstyle, grooming habits or clothes.

See BIAS, Page 3B

# Santa Cruz orders anti-bias plan redone

## ■ BIAS

from Page 1B

Exceptions were provided for grooming or dress that posed a health hazard. Some dress codes were allowed, as long as employers required compliance by every worker and did so for "a reasonable business purpose."

Critics balked, wondering where not-so-uncommon Santa Cruz fashion habits such as pierced tongues, tattoos and spiked hairstyles would fit in.

Councilman Neal Coonerty, who wrote the ordinance, said employers still would be allowed wide discretion in hiring. But even his supporters were not convinced that was spelled out in plain enough language.

"We want a comprehensive ordinance," said Mayor Don Lane. "But because of the sensitive issues involved, we want to do it with a lot of clarity and input from business so it doesn't mess them up."

Wednesday afternoon, Lane announced the members of the task force who will rewrite the law and bring it back to the council in a month.

They are: Lane; Coonerty; activist Dawn Atkins, who helped write the original proposal; her attorney,

Priscilla Winslow of Santa Cruz; and a yet-to-be-named member of the Santa Cruz Chamber of Commerce.

Lane said the words "personal appearance" probably will be replaced with something like "physical characteristics." The reason: to protect permanent body conditions, such as birthmarks or facial hair, and not temporary ones, such as earrings.

"Reasonable business purpose" also probably will be defined as practices in accordance with local industry standards, he said.

There was mixed reaction.

Councilman Louis Rittenhouse, who like most Santa Cruz business owners supports only protections based on sexual orientation, complained that the revision task force contains only one business representative.

"Those who will have to absorb the costs and endure the abuse have received little of anything," he said. "This isn't practical. It's a sham."

Atkins said she and other activists are happy to make the law more palatable for business as long as it is not watered down.

"We can live with that if the council follows through and doesn't bury it," she said.