

# **DISCRIMINATION AND DRESS CODES IN PLACES OF PUBLIC ACCOMMODATION**



**City of Dallas**

# MISSION STATEMENT

*To promote and preserve through fair, orderly, and lawful procedures the opportunity for every person to have access to all places of public accommodation, without regard to race, religion, sex, color, or national origin.*

# PUBLIC ACCOMMODATION DEFINITION

- “Place of public accommodation” means every business within the City whether wholesale or retail or place of entertainment which is open to the general public and offers for compensation any product, service, or facility and includes, all hotels, motels, restaurants, bars, lounges, nightclubs, cabarets where food or beverages are sold or offered for sale, theaters, retail houses, washaterias, bowling alleys, skating rinks, golf courses and all public conveyances as well as their stations or terminals.

# Section 31-3 of the Dallas City Code (Prohibited Activity)



A person commits an offense if he or she:

Discriminates against, withholds from or denies a person any of the advantages, facilities or services offered to the general public by a place of public accommodation because of race, religion, sex, color or national origin.

or

Refuses admission or expels from a place of public accommodation, a person for noncompliance with a dress, grooming or identification requirement that was not previously posted in writing in a conspicuous, clearly visible location outside each public entrance.

# DRESS, GROOMING, AND IDENTIFICATION REQUIREMENTS

- Must be in writing.
- Posted in a conspicuous, clearly visible location outside each public entrance to the place of public accommodation.
- Changes to a requirement must be posted at least 7 days before taking effect.

# PUBLIC ACCOMMODATION EXCEPTIONS



- Hotel, restaurant, bar, lounge, golf course, etc. when the accommodations are restricted to members and their guests – (private membership clubs).
- Bona fide social, fraternal, educational, political, civic, political, or religious organization, when the profits are solely for the benefit of the organization.

# PROCESSING A COMPLAINT



- Official complaints must be written and may be filed in person, by fax, mail or online with the Fair Housing Office.
- Jurisdiction is determined at intake stage.
- Investigation stage may include site visits, witness interviews and evidence review.
- City Attorney makes final decision on whether to prosecute in municipal court .

# PROSECUTION IN MUNICIPAL COURT



If a case filed in municipal court under Section 31-3 of the Dallas City Code results in a verdict of guilty, the fine can range up to \$500, plus court costs, for each violation.

A complaint may be filed against an employee as well as a business entity.

# STATUTORY LIMITATIONS



A complaint must be filed by the city prosecutor within 2 years after an allegedly unlawful practice has occurred.

# BEST PRACTICES



- Requirements should be clear and easily understood.
- Requirements should be enforced consistently .
- Staff that enforces the requirements should receive training and understand that they can be held personally accountable.
- Zero tolerance for discrimination.

# PRACTICES TO AVOID



- Should not target a specific race or ethnic group.
- Should not intentionally impinge upon a religious practice .
- Should not impose a requirement based on a cultural group or national origin.
- Should not impose requirements based on sex.
- Should not enforce “quotas” or “ratios” based on any of the above.



**City of Dallas**

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