

INTRODUCED: January 13, 2020

A RESOLUTION No. 2020-R007

To amend Res. No. 2018-R105, adopted Jan. 14, 2019, which expressed the Council's support of ratification by the General Assembly of Virginia of the Equal Rights Amendment to the United States Constitution, for the purpose of urging the General Assembly of Virginia to ratify the Equal Rights Amendment to the United States Constitution during its 2020 session.

Patron – Mr. Addison, President Newbille and Mr. Jones

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: JAN 27 2020 AT 6 P.M.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF RICHMOND:

I. That Resolution No. 2018-R105, adopted January 14, 2019, be and is hereby amended as follows:

WHEREAS, the United States Constitution does not explicitly guarantee equal rights and equal protection for the sexes; and

WHEREAS, the Fourteenth Amendment to the United States Constitution and state constitutional statements of equality generally do not provide the strict scrutiny for sex-based classifications that is provided for classifications based on race, religion, and national origin; and

AYES: 9 NOES: 0 ABSTAIN: _____

ADOPTED: JAN 27 2020 REJECTED: _____ STRICKEN: _____

WHEREAS, state laws are not uniform, and federal laws are not comprehensive, and these laws can be repealed or reduced; and

WHEREAS, the people of the United States continue to experience the negative effects of lack of political parity between men and women, workplace discrimination, health care inequities, disparate rates of poverty, rape, and domestic violence assaults; and

WHEREAS, the Equal Rights Amendment, H. J. Res. 208, § 1, 92d Cong., 2d Sess. (1972) (enacted), provides that “Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex;” and

WHEREAS, the Equal Rights Amendment would help ensure women and men have the same constitutional protections; and

WHEREAS, the Equal Rights Amendment was passed by Congress in 1972, and has been ratified by 37 states, the most recent being Nevada in 2017 and Illinois in 2018; and

WHEREAS, the time limit for the Equal Rights Amendment appears only in the preamble; and

WHEREAS, for [47] 48 years, the Constitution of Virginia has sought to protect Virginians from discrimination by the Commonwealth of Virginia on the basis of sex; and

WHEREAS, the City of Richmond enforces principles of fair treatment of its employment applicants and employees without discrimination on the basis of sex, and prohibits sexual harassment in the workplace;

NOW, THEREFORE,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF RICHMOND:

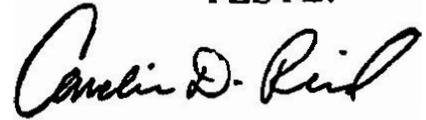
That the Council supports the ratification of the Equal Rights Amendment.

BE IT FURTHER RESOLVED:

That the Council hereby urges the General Assembly of Virginia, during its [~~2019~~] 2020 session, to ratify the Equal Rights Amendment.

II. This amendatory resolution shall be in force and effect upon adoption.

**A TRUE COPY:
TESTE:**

A handwritten signature in black ink, appearing to read "Amelia D. Reed". The signature is written in a cursive style with a large initial 'A'.

City Clerk



Richmond City Council

The Voice of the People

Richmond, Virginia

Office of the Council Chief of Staff

Council Ordinance/Resolution Request

TO Haskell Brown, Interim Richmond City Attorney

THROUGH Lawrence Anderson, Council Chief of Staff *LA*

FROM Joyce L. Davis, Council Policy Analyst *JLD*
Office of the Council Chief of Staff

COPY Andreas Addison, 1st District Council member
Haskell Brown, Deputy City Attorney
Meghan Brown, Deputy Council Chief of Staff *MB*
Daniel Wagner, 1st District Liaison

RECEIVED

DEC 11 2019

OFFICE OF THE CITY ATTORNEY

DATE December 10, 2019

PAGE/s 1 of 3

TITLE: RESOLUTION TO EXPRESS COUNCIL'S SUPPORT OF THE PASSAGE OF THE EQUAL RIGHTS AMENDMENT (ERA) IN THE COMMONWEALTH OF VIRGINIA

This is a request for the drafting of an Ordinance Resolution

REQUESTING COUNCILMEMBER/PATRON

SUGGESTED STANDING COMMITTEE

Council Member Andreas Addison

Governmental Operations

ORDINANCE/RESOLUTION SUMMARY

Resolution to express the support of City Council to urge the General Assembly to take the necessary steps to put this matter before the citizens of the Commonwealth for passage of the Equal Rights Amendment (ERA) in the Commonwealth of Virginia.

BACKGROUND

This Resolution is to support ratification by Virginia of the Equal Rights Amendment to the United States Constitution. The United States Constitution does not provide for protection against discrimination based on sex. The only right women have explicitly stated in the Constitution is the right to vote. The Equal Rights Amendment is required in order to provide gender-based equality in our courts and laws because the Supreme Court has repeatedly held that the 14th Amendment does not apply specifically to issues of gender. The proposed Equal Rights Amendment (ERA) would address this, as it states: Equality of rights under the law shall not be denied or abridged by the United States or by any state on account of sex.

The first version of this amendment was introduced in Congress in 1923, and every year after, until it finally passed in 1972. It was ratified by 35 states, just 3 short of the required two-thirds of states, before the 1982 deadline passed and the effort failed.

Two different types of ERA legislation were introduced in the 116th session of Congress (2019). The first is traditional legislation to ratify the ERA by the Constitution's Article V ratification process. The second is the three-state strategy legislation to remove the time limit on the ERA's ratification process and declare it complete when three-fourths (38) states ratify, thereby retaining the existing 35 state ratifications as viable. In, 2019, the three-state strategy legislation (Senate Joint Resolution 15-S.J. Res. 5) was introduced in the U.S. 116th session to remove the original deadline assigned to the ERA in the Senate in 1972. Also introduced was traditional ERA legislative strategies to the U.S. House of Representatives, was House Joint Resolution 35 (H.J. Res. 35) and in the Senate, Senate Joint Resolution 15 (S.J. Res. 15).

According to the three-state strategy, three more states could ratify the amendment, which would become binding when Congress extends the ratification deadline again (it had originally been extended by 3 years). Nevada became the 36th state to ratify and later Illinois became the 37th state. The remaining 13 states that have not ratified the amendment include Virginia, Alabama, Arizona, Arkansas, Florida, Georgia, Louisiana, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina and Utah. The passing of the ERA in Virginia in the 2020 General Assembly session could make it the 38th state to ratify the ERA amendment to the Constitution.

In Virginia, the cities of Virginia Beach, Norfolk, Chesapeake, Charlottesville and Dumfries; along with the counties of Albemarle and Prince William have passed a Resolution in support of the Equal Rights Amendment in the Commonwealth of Virginia. Richmond city passed a Resolution adopted January 14, 2019 supporting the ERA amendment, which was forwarded to the 2019 General Assembly session.

A SAMPLE RESOLUTION IS AS FOLLOWS:

RESOLUTION IN SUPPORT OF RATIFICATION BY VIRGINIA OF THE EQUAL RIGHTS AMENDMENT TO THE UNITED STATES CONSTITUTION

Whereas, the United States Constitution does not explicitly guarantee equal rights and equal protection for the sexes; and

Whereas, the 14th Amendment to the United States Constitution and state constitutional statements of equality generally do not provide the strict scrutiny for sex-based classifications that is provided for classifications based on race, religion, and national origin; and

WHEREAS, state laws are not uniform and Federal laws are not comprehensive, and these laws can be repealed or reduced; and

WHEREAS, the people of the United States continue to experience the negative effects of lack of political parity between men and women, workplace discrimination, health care inequities, disparate rates of poverty, rape, and domestic violence assaults;

WHEREAS, the Equal Rights Amendment H.J. 208, § 1, 92d Cong., 2d Sess. (1972) (enacted), provides that "Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex;" and (ERA) provides that "Equality of rights under the law shall not be denied or abridged by

the United States or by any State on account of sex;" and

WHEREAS, the Amendment would help ensure women and men have the same constitutional protections; and

WHEREAS, the ERA was passed by Congress in 1972, and has been ratified by 37 states, the most recent being Nevada in 2017 and Illinois in 2018; and

WHEREAS, the time limit for the ERA appears only in the preamble; and

WHEREAS, for 48 years, the Constitution of Virginia has sought to protect Virginians from discrimination by the Commonwealth of Virginia on the basis of sex; and

WHEREAS, the city of Richmond enforces principles of fair treatment of its employment applicants and employees without discrimination on the basis of sex, and prohibits sexual harassment in the workplace.

NOW, THEREFORE, BE IT RESOLVED that Richmond City Council supports the ratification of the Equal Rights Amendment; and

BE IT FURTHER RESOLVED, that the Council urges the General Assembly of Virginia, during its 2020 session, to ratify the Equal Rights Amendment.

FISCAL IMPACT STATEMENT

Fiscal Impact	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Budget Amendment Required	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Estimated Cost or Revenue Impact	\$	

Attachment/s Yes No

Richmond City Council Ordinance/Resolution Request Form/updated 12.22.08/srs