

**ORDINANCE NO. 27-2021**

**AN ORDINANCE TO AMEND CHAPTER 503 OF THE CODIFIED ORDINANCES OF THE CITY OF REYNOLDSBURG TO PROVIDE FAIR HOUSING OPPORTUNITIES FOR INDIVIDUALS AND THEIR FAMILIES REGARDLESS OF THE SOURCE OF INCOME TO PAY FOR SUCH ACCOMMODATIONS**

**WHEREAS**, the Council of the City of Reynoldsburg seeks to provide appropriate protection for all citizens and their right to equal housing opportunities; and

**WHEREAS**, any person, persons, or family who receives financial assistance for the payment of rent should have fair access to rental housing in the City of Reynoldsburg; and

**WHEREAS**, such individuals may include veterans, recipients of disability payments, households with rental assistance vouchers and anyone with other governmental or private sources of payment should be protected from discrimination when seeking rental housing solely on the basis of source of payment; and

**WHEREAS**, landlords who own rental property in the City of Reynoldsburg will retain the right to apply appropriate screening criteria regarding tenant history, credit scores, and can charge security deposits as financial protection; and

**WHEREAS**, the City of Reynoldsburg reaffirms its commitment to being a welcoming community for all, and will continue to explore and enact policy reforms and programs in order to expand the quality and availability of affordable housing to families in the City.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF REYNOLDSBURG, OHIO:**

**Section 1.** Chapter 503 of the Codified Ordinances of the City of Reynoldsburg shall be amended to include "source of income" as a protected status under the Section on Unlawful Discriminatory Housing Practices.

**Section 2.** This Ordinance shall become effective at the earliest allowable date by law.

Passed this 22<sup>nd</sup> day of March, 2020.

Leanora Jenkins

Leanora Jenkins, Council President

ATTEST:

Mollie Prasher  
Mollie Prasher, Clerk of Council

APPROVED:

Joe Begeny  
Joe Begeny, Mayor

DATE: 3-22-2021

## **CHAPTER 503**

### **UNLAWFUL DISCRIMINATORY PRACTICES**

#### **503.01 Purpose**

It is the intent of the Reynoldsburg City Council to create safeguards and protections against discrimination and intimidation based on race, religion, ethnicity, national origin, sex, disability, military status, family or marital status, sexual orientation, gender identity or expression, and natural hairstyle and/or texture.

#### **503.03 Definitions**

As used in this Chapter:

- A. "Age" means at least forty (40) years old.
- B. "Aggrieved individual" means an individual who claims to have been injured by an unlawful discrimination act or practice described in this Chapter.
- C. "City Attorney" means the individual duly elected pursuant to Section 6.01 of the Charter of the City of Reynoldsburg.
- D. "Complainant" means an aggrieved individual who, pursuant to the provisions of this Chapter, files with the Clerk of Council a written complaint alleging an unlawful discriminatory act or practice.
- E. "Disability" means a physical or mental impairment that substantially limits one (1) or more major life activities, including the functions of caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working; a record of a physical or mental impairment; or being regarded as having a physical or mental impairment.
  - 1. "Physical or mental impairment" includes any of the following:
    - a. Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one (1) or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genitor-urinary; hemic and lymphatic; skin; and endocrine;
    - b. Any mental or psychological disorder, including, but not limited to, orthopedic, visual, speech, and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, sickle cell, human immunodeficiency virus infection, intellectual disabilities, and emotional illness.



2. "Physical or mental impairment" does not include any of the following:
  - a. Pedophilia, exhibitionism, voyeurism, or other sexual behavior disorders;
  - b. Compulsive gambling, kleptomania, or pyromania;
  - c. Mental or psychological disorder, or disease or condition, caused by an illegal use of any controlled substance by an employee, applicant, or another individual, if an employer, employment agency, personnel placement service, labor organization, or joint labor management committee acts on the basis of that illegal use.
- F. "Discriminate", "Discrimination", or "Discriminatory" means to differentiate and treat differently including to segregate or separate.
- G. "Employee" means an individual employed by an employer but does not include any individual employed in the domestic service of any person.
- H. "Employer" means any person who regularly employs for compensation four (4) or more individuals, excluding the employer's parents, spouse, and children, including any person acting directly or indirectly in the interest of an employer, provided "employer" does not include a public school system, or an agency of government other than the City.
- I. "Employment agency" means any persons regularly undertaking with or without compensation, to procure opportunities for employment or to procure, recruit, refer, or place employees.
- J. "Familial status" means either of the following:
  1. One (1) or more individuals who are under eighteen (18) years of age and who are domiciled with a parent or guardian having legal custody of the individual or domiciled, with the written permission of the parent or guardian having legal custody, with a designee of the parent or guardian; or
  2. Any person who is pregnant or in the process of securing legal custody of any individual who is under eighteen (18) years of age.
- K. "Gender Expression or Identity" means actual or perceived gender-related identity, expression, appearance, or mannerisms, or other gender-related characteristics of an individual, regardless of the individual's designated sex at birth.
- L. "Hearing Officer" means a neutral independent contractor, hired by the City, who conducts an administrative hearing based on a complaint filed pursuant to the provisions of this Chapter.

- M. "Housing accommodations" including any buildings or structure or portion thereof which is used or occupied or is intended, arranged, or designed to be used or occupied as a home residence or sleeping place of one (1) or more individuals, groups or families, whether or not living independently of each other; and any vacant land offered for sale or lease. It also includes any housing accommodations held or offered for sale or rent by a real estate broker, salesman, or agent, or by any other person pursuant to the authorization of the owner, by the owner, or by such person's legal representative.
- N. "Labor organization" includes any organization that exists, in whole or in part, for the purpose of collective bargaining or of dealing with employers concerning grievances, terms or conditions of employment, or other mutual aid or protection in relation to employment.
- O. "Military status" means a person's status in "Service in the uniformed services" as defined in Section 5923.05 of the Ohio Revised Code.
- P. "Natural hair types and natural styles commonly associated with race" means hairstyle, type, and texture, treated and untreated, as well as protective hairstyles such as natural hair, afros, braids, twists, cornrows, and locks, which hair types and hairstyles are commonly associated with African-Americans and their racial ethnic, and cultural identities.
- Q. "Person" includes one (1) or more individuals, partnerships, associations, organizations, corporations, legal representatives, trustees, and trustees in bankruptcy, receivers, and other organized groups of persons. It also includes, but is not limited to, any owner, lessor, assignor, builder, manager, broker, salesman, agent, employee, lending institution; and the City of Reynoldsburg and all political subdivisions, authorities, agencies, boards, and commissions thereof.
- R. "Place of public accommodation" means any inn, restaurant, eating house, barbershop, hotel, motel, bank or other financial services institution, public conveyance by air, land or water, theater, store, or other place for the sale of merchandise, or any other place of public accommodation or amusement where the accommodation advantages, facilities, or privileges thereof are available to the public.
- S. "Protected Class" means a classification of individuals based on one or more of the following characteristics: race, color, religion, sex, national origin, age, familial status, disability, pregnancy, sexual orientation, gender identity or expression, or natural hair types and natural styles commonly associated with race.
- T. "Public use areas" means interior or exterior rooms or spaces of a privately owned building that are made available to the general public.



- U. "Restrictive covenant" means any specification in a deed, land contract or lease limiting the use of any housing because of race, sex, sexual orientation, gender identity or expression, color, religion, ancestry, national origin, age, disability, marital status, familial status, genetic information, or military status or any limitation based upon affiliation with or approval by any person, directly or indirectly, employing race, sex, sexual orientation, gender identity or expression, color, religion, ancestry, national origin, age, disability, marital status, familial status, genetic information, or military status as a condition of affiliation or approval.
- V. "Service in the uniformed services" means the performance of duty, on a voluntary or involuntary basis, in a uniformed service, under competent authority, and includes active duty, active duty for training, initial active duty for training, inactive duty for training, full-time national guard duty, and performance of duty or training by a member of the Ohio organized militia pursuant to Chapter 5923 of the Ohio Revised Code. "Service in the uniformed services" includes also the period of time for which a person is absent from a position of public or private employment for the purpose of an examination to determine the fitness of the person to perform any duty described in this division.
- W. "Sex" means male, female, neither, or both, and includes pregnancy, any illness arising out of and occurring during the course of a pregnancy, childbirth, or related medical conditions. .
- X. "Sexual orientation" means a person's actual or perceived homosexuality, bisexuality; or heterosexuality.
- Y. "Source of Income" means lawful income, including but not limited to, income derived from wages, social security, supplemental security income, any form of federal, state or local assistance payments or subsidies, including rent vouchers, child support, spousal support, and public and private assistance which can be verified and substantiated.
- Z. "Uniformed services" means the Armed Forces, the Ohio organized militia when engaged in active duty for training, inactive duty training, or full-time national guard duty, the commissioned corps of the public health service, and any other category of persons designated by the president of the United States in time of war or emergency.
- AA. "Unlawful discriminatory practice" means any act prohibited by Chapter 503 of the Reynoldsburg Code of Ordinances.

### **503.05 Unlawful discriminatory employment practices.**

- A. It shall be an unlawful discriminatory employment practice, except where based upon applicable national security regulations established by the United States:
1. For any employer, because of a person being in a Protected Class, to discharge without just cause, to refuse to hire, or otherwise to discriminate against that person with respect to hiring, compensation, tenure, terms, conditions, or privileges of employment, or any matter directly or indirectly related to employment.
  2. For an employment agency or personnel placement service, because of a person being in a Protected Class, to do any of the following:
    - a. Refuse or fail to accept, register, classify properly, or refer for employment, or otherwise discriminate against any person;
    - b. Comply with a request from an employer for referral of applicants for employment, if the request directly or indirectly indicates that the employer fails to comply with the provisions of this chapter.
  3. For any labor organization to do any of the following:
    - a. Limit or restrict its membership on the basis of a person being in a Protected Class;
    - b. Discriminate against, limit the employment opportunities of, or otherwise adversely affect the employment status, wages, hours, or employment conditions of any person as an employee because of a person being in a Protected Class.
  4. For any employer, labor organization, or joint labor-management committee controlling apprentice training programs to discriminate against any person because of that person being in a Protected Class, in admission to, or employment in, any program established to provide apprentice training.
  5. Except where based on a bona fide occupational qualification certified in advance by an agency of the state or federal government or a political subdivision, for any employer, employment agency, personnel placement service, or labor organization, prior to employment or admission to membership, to do any of the following:
    - a. Elicit or attempt to elicit any information concerning the Protected Class status of an applicant for employment or membership;
    - b. Use any form of application for employment, or personnel or membership blank, seeking to elicit information regarding a person's



Protected Class status; provided an employer holding a contract containing a nondiscrimination clause with the government of the United States, or any department or agency of that government, may require an employee applicant for employment to furnish documentary proof of United States citizenship and may retain that proof in the employer's personnel records and may use photographic or fingerprint identification for security purposes;

- c. Utilize in the recruitment or hiring of persons any employment agency, personnel placement service, training school or center, labor organization, or any other employee-referring source known to discriminate against persons because of their being in a Protected Class.
6. For any employer to discriminate against an individual with a disability in any of the following ways:
- a. By limiting, segregating, or classifying a job applicant or employee in a way that adversely affects the opportunities or status of such applicant or employee because of the disability of such applicant or employee.
  - b. By failing to make reasonable accommodations to the known physical or mental limitations of an otherwise qualified individual who is an applicant or employee, unless the employer can demonstrate that the accommodation would impose an undue hardship on the operation of the business of the employer.
  - c. By denying employment opportunities to a job applicant or employee who is an otherwise qualified individual with a disability, on the basis of such disabled individual's use of a service animal, provided nothing in this chapter shall be construed to require any employer, as a reasonable accommodation, to provide a service animal to a disabled person.
7. For any employer to discriminate against a woman affected by pregnancy, childbirth, or related medical conditions for any employment-related purposes, including receipt of benefits under fringe benefit programs, or to fail to treat a woman so affected the same as other persons not so affected but similar in their ability or inability to work.
8. For any employer to discriminate against an employee or potential employee on the basis of age in offering any job opening or in the discharge of an employee without just cause who is physically able to perform the duties and otherwise meets the established requirements of the job and laws pertaining to the relationship between employer and employee.
9. For any employer, employment agency, or labor organization to discriminate against any person because that person has opposed any practice forbidden by

this Chapter, or because that person has made a complaint or assisted in any manner in any investigation or proceeding under this Chapter.

10. For any person, whether or not an employer, employment agency, or labor organization, to aid, incite, compel, coerce, or participate in the doing of any act declared to be an unlawful discriminatory practice by this Chapter, or to obstruct or prevent any person from enforcing or complying with the provisions of this Chapter, or to attempt directly or indirectly to commit any act declared by this Chapter to be an unlawful discriminatory practice by this Chapter.

B. With regard to age, it shall not be an unlawful discriminatory practice and it shall not constitute a violation of this chapter for any employer, employment agency, joint labor-management committee controlling apprenticeship training programs, or labor organization to do any of the following:

1. Establish bona fide employment qualifications reasonably related to the particular business or occupation that may include standards for skill, aptitude, physical capability, intelligence, education, maturation, and experience;
2. Observe the terms of a bona fide seniority system or any bona fide employee benefit plan, including, but not limited to, a retirement, pension, or insurance plan, that is not a subterfuge to evade the purposes of this section. However, no such employee benefit plan shall excuse the failure to hire any individual, and no such seniority system or employee benefit plan shall require or permit the involuntary retirement of any individual, because of the individual's age except as provided for in the "Age Discrimination in Employment Act Amendment of 1978", 29 U.S.C.A. 623, as amended by the "Age Discrimination in Employment Act Amendments of 1986," 29 U.S.C.A. 623, as amended, or as later amended.
3. Retire an employee who has attained sixty-five years of age who, for the two-year period immediately before retirement, was employed in a bona fide executive or a high policymaking position, if the employee is entitled to an immediate nonforfeitable annual retirement benefit from a pension, profit-sharing, savings, or deferred compensation plan, or any combination of those plans of the employer of the employee, which equals, in the aggregate, at least forty-four thousand dollars, in accordance with the conditions of the "Age Discrimination in Employment Act Amendment of 1978", 29 U.S.C.A. 631, as amended by the "Age Discrimination in Employment Act Amendments of 1986", 29 U.S.C.A. 631, as amended, or as later amended;



4. Observe the terms of any bona fide apprenticeship program if the program is registered with the Ohio Apprenticeship Council pursuant to sections 4139.01 to 4139.06 of the Ohio Revised Code and is approved by the federal committee on apprenticeship of the United States Department of Labor.

C. Nothing in this chapter shall be construed to prohibit any of the following:

1. The designation of uniform age the attainment of which is necessary for public employees to receive pension or other retirement benefits pursuant to Chapter 145., 742., 3307., 3309., or 5505. of the Ohio Revised Code;
2. The establishment of maximum age requirements for original appointment to a police department or fire department pursuant to sections 124.41 and 124.42 of the Ohio Revised Code;
3. Any establishment of a maximum age not in conflict with federal law that may be established by a municipal charter, municipal ordinance, or resolution of a board of township trustees for original appointment as a police officer or firefighter;
4. Any establishment of a mandatory retirement provision not in conflict with federal law, a municipal charter, municipal ordinance, or resolution of a board of township trustees pertaining to police officers and firefighters.

D. Nothing in this section shall be construed to require a person with a disability to be employed or trained under circumstances that would significantly increase the occupational hazards affecting either the person with a disability, other employees, the general public, or the facilities in which the work is to be performed, or to require the employment or training of a person with a disability in a job that requires the person with a disability routinely to undertake any task, the performance of which is substantially and inherently impaired by the person's disability.

E. Nothing in this chapter shall prohibit an employer, employment agency, personnel placement service, labor organization, or joint labor-management committee from doing any of the following:

1. Adopting or administering reasonable policies or procedures, including, but not limited to, testing for the illegal use of any controlled substance, that are designed to ensure that an individual no longer is engaging in the illegal use of any controlled substance. For purposes of this chapter, a test to determine the illegal use of any controlled substance does not include a medical examination;
2. Prohibiting the illegal use of controlled substances and the use of alcohol at the workplace by employees;

3. Requiring that employees not be under the influence of alcohol or not be engaged in the illegal use of any controlled substance at the workplace;
  4. Requiring that employees behave in conformance with the requirements established under "The Drug-Free Workplace Act of 1988", 41 U.S.C.A. 701, as amended;
  5. Holding an employee who engages in the illegal use of any controlled substance or who is an alcoholic to the same qualification standards for employment or job performance, and the same behavior, to which the employer, employment agency, personnel placement service, labor organization, or joint labor-management committee holds other employees, even if any unsatisfactory performance or behavior is related to an employee's illegal use of a controlled substance or alcoholism;
  6. Exercising other authority recognized in the "Americans with Disabilities Act of 1990", 42 U.S.C.A. 12101, as amended, including, but not limited to, requiring employees to comply with any applicable federal standards.
- F. This Section does not apply to any religious corporation, association, educational institution, or society with respect to the employment of an individual of a particular religion to perform work connected with the carrying on by that religious corporation, association, educational institution, or society of its activities.
- G. Whoever violates this section is guilty of an unlawful discriminatory employment practice.

#### **503.07 Unlawful discriminatory housing practices.**

- A. Subject to the limitations, exceptions, and qualifications provided in Section 4112.024 of the Ohio Revised Code, it shall be an unlawful discriminatory housing practice for any person to do any of the following:
1. Refuse to sell, transfer, assign, rent, lease, sublease, or finance housing accommodations, refuse to negotiate for the sale or rental of housing accommodations, or otherwise deny or make unavailable housing accommodations because of a person being in a Protected Class or a person's Source of Income;
  2. Represent to any person that housing accommodations are not available for inspection, sale, or rental, when in fact they are available, and the representation of unavailability is based on the person seeking such housing accommodations being in a Protected Class or a person's Source of Income;



3. Discriminate against any person in the making or purchasing of loans or the provision of other financial assistance for the acquisition, construction, rehabilitation, repair, or maintenance of housing accommodations, or any person in the making or purchasing of loans or the provision of other financial assistance that is secured by residential real estate, because of that person being in a Protected Class, or because the neighborhood in which the housing accommodations are located is composed of one or more Protected Classes, provided that the person, whether an individual, corporation, or association of any type, lends money as one of the principal aspects or incident to the person's principal business and not only as a part of the purchase price of an owner-occupied residence the person is selling nor merely casually or occasionally to a relative or friend;
4. Discriminate against any person in the terms or conditions of selling, transferring, assigning, renting, leasing, or subleasing any housing accommodations or in furnishing facilities, services, or privileges in connection with the ownership, occupancy, or use of any housing accommodations, including the sale of fire, extended coverage, or homeowners insurance, because the person's Source of Income or because the person is in a Protected Class, or because of the composition, in terms of Protected Class, of the neighborhood in which the housing accommodations are located;
5. Discriminate against any person in the terms or conditions of any loan of money, whether or not secured by mortgage or otherwise, for the acquisition, construction, rehabilitation, repair, or maintenance of housing accommodations because of a person being in a Protected Class, or because of the composition, in terms of Protected Class, of the neighborhood in which the housing accommodations are located;
6. Refuse to consider without prejudice the combined income of both lawfully married spouses for the purpose of extending mortgage credit to a married couple or either member of a married couple;
7. Except as otherwise provided in this section, make any inquiry, elicit any information, or use any form of application containing questions or entries concerning a person's Protected Class status in connection with the sale or lease of any housing accommodations or the loan of any money, whether or not secured by mortgage or otherwise, for the acquisition, construction, rehabilitation, repair, or maintenance of housing accommodations.

8. Include in any deed, land contract, transfer, rental, or lease of housing accommodations any discriminatory restrictive covenant, or honor or exercise, or attempt to honor or exercise, any discriminatory restrictive covenant;
9. Induce or solicit, or attempt to induce or solicit, a housing accommodations listing, sale, or transaction by representing that a change has occurred or may occur with respect to the Protected Class composition of the block, neighborhood, or other area in which the housing accommodations are located, or induce or solicit, or attempt to induce or solicit, a housing accommodations listing, sale, or transaction by representing that the presence or anticipated presence of persons of any Protected Class in the block, neighborhood, or other area will or may have results including, but not limited to, the following:
  - a. The lowering of property values;
  - b. A change in the composition, in terms of a Protected Class, of the block, neighborhood, or other area;
  - c. An increase in criminal or antisocial behavior in the block, neighborhood, or other area;
  - d. A decline in the quality of the schools serving the block, neighborhood, or other area.
10. Discourage or attempt to discourage the purchase by a prospective purchaser of housing accommodations, by representing that any block, neighborhood, or other area has undergone or might undergo a change in composition with respect to a Protected Class;
11. Deny any person access to or membership or participation in any multiple-listing service, real estate brokers' organization, or other service, organization, or facility relating to the business of selling or renting housing accommodations, or discriminate against any person in the terms or conditions of that access, membership, or participation, because of a person being in a Protected Class;
12. For any person to discriminate in any manner against any other person because that person has opposed any unlawful practice defined in this chapter, or because that person has made a charge, testified, assisted, or participated in any manner, in any investigation, proceeding, or hearing under the provisions of this chapter;
13. Refuse to sell, transfer, assign, rent, lease, sublease, or finance, or otherwise deny or withhold, a burial lot from any person because of a person being in a Protected Class, or because of any prospective owner or user of the lot being in a Protected Class;



14. Discriminate in the sale or rental of, or otherwise make unavailable or deny, housing accommodations to any buyer or renter because of the person's source of income or the Protected Class status of the buyer or renter, or any person residing in or intending to reside in the housing accommodations after they are sold, rented, or made available;
15. Discriminate in the terms, conditions, or privileges of the sale or rental of housing accommodations to any person or in the provision of services or facilities to any person in connection with the housing accommodations because of the person's source of income or the Protected Class status of that person or any person residing in or intending to reside in the housing accommodations after they are sold, rented, or made available;
16. Except as otherwise provided in this section, make an inquiry of an applicant to determine the Protected Class status of the applicant for the sale or rental of housing accommodations, or any person residing in or intending to reside in the housing accommodations after they are sold, rented, or made available. The following inquiries may be made of all applicants for the sale or rental of housing accommodations, regardless of the applicant's Protected Class:
  - a. An inquiry into an applicant's ability to meet the requirements of ownership or tenancy;
  - b. An inquiry to determine whether an applicant is qualified for housing accommodations available only to persons with disabilities or persons with a particular type of disability;
  - c. An inquiry to determine whether an applicant is qualified for a priority available to persons with disabilities or persons with a particular type of disability;
  - d. An inquiry to determine whether an applicant currently uses a controlled substance in violation of section 2925.11 of the Ohio Revised Code or a substantively comparable municipal ordinance;
  - e. An inquiry to determine whether an applicant at any time has been convicted of or pleaded guilty to any offense, an element of which is the illegal sale, offer to sell, cultivation, manufacture, other production, shipment, transportation, delivery, or other distribution of a controlled substance.
17. Refuse to permit, at the expense of a person with a disability, reasonable modifications of existing housing accommodations that are occupied or to be occupied by the person with a disability, if the modifications may be necessary to afford the person with a disability full enjoyment of the housing accommodations. This division does not preclude a landlord of housing

accommodations that are rented or to be rented to a disabled tenant from conditioning permission for a proposed modification upon the disabled tenant's doing one or more of the following:

- a. Providing a reasonable description of the proposed modification and reasonable assurances that the proposed modification will be made in a work-like manner and that any required building permits will be obtained prior to the commencement of the proposed modification;
  - b. Agreeing to restore at the end of the tenancy the interior of the housing accommodations to the condition they were in prior to the proposed modification, but subject to reasonable wear and tear during the period of occupancy, if it is reasonable for the landlord to condition permission for the proposed modification upon the agreement;
  - c. Paying into an interest-bearing escrow account that is in the landlord's name, over a reasonable period of time, a reasonable amount of money not to exceed the projected costs at the end of the tenancy of the restoration of the interior of the housing accommodations to the condition they were in prior to the proposed modification, but subject to reasonable wear and tear during the period of occupancy, if the landlord finds the account reasonably necessary to ensure the availability of funds for the restoration work. The interest earned in connection with an escrow account described in this division shall accrue to the benefit of the disabled tenant who makes payments into the account.
18. Condition permission for a proposed modification of a dwelling unit upon a disabled tenant's payment of a security deposit that exceeds the customarily required security deposit of all tenants of the particular housing accommodations.
  19. Refuse to make reasonable accommodations in rules, policies, practices, or services when necessary to afford a person with a disability equal opportunity to use and enjoy a dwelling unit, including associated public and common use areas;
  20. Fail to comply with the standards and rules adopted under division (A) of section 3781.111 of the Ohio Revised Code;
  21. Discriminate against any person in the selling, brokering, or appraising of real property because of the person being in a Protected Class;
  22. For any person to discriminate in any manner against any other person because that person has opposed any unlawful discriminatory practice defined in this section or because that person has made a charge, testified, assisted, or



participated in any manner in any investigation, proceeding, or hearing under this chapter or sections 4112.01 to 4112.07 of the Ohio Revised Code.

23. For any person to knowingly aid or abet the doing of any act declared by this section to be an unlawful discriminatory practice, to knowingly obstruct or prevent any person from complying with this chapter or any order issued under it, or to knowingly attempt directly or indirectly to commit any act declared by this section to be an unlawful discriminatory practice.
- B. Nothing in this chapter shall bar any bona fide private or fraternal organization that, incidental to its primary purpose, owns or operates lodgings for other than a commercial purpose, from limiting the rental or occupancy of the lodgings to its members or from giving preference to its members.
- C. Nothing in this chapter limits the applicability of any reasonable local, state, or federal restrictions regarding the maximum number of occupants permitted to occupy housing accommodations.
- D. Nothing in this chapter prohibits the owners or managers of housing accommodations from implementing reasonable occupancy standards based on the number and size of sleeping areas or bedrooms and the overall size of a dwelling unit, provided that the standards are not implemented to circumvent the purposes of this chapter and are formulated, implemented, and interpreted in a manner consistent with this chapter and any applicable local, state, or federal restrictions regarding the maximum number of occupants permitted to occupy housing accommodations.
- E. Nothing in this chapter requires that housing accommodations be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others.
- F. Nothing in this chapter pertaining to unlawful discriminatory housing practice shall be construed to apply to "housing for older persons" as defined and provided in section 42 U.S.C. 3607 (b)(2), as amended.
- G. Nothing in this section shall be construed to require any person selling or renting property to modify the property in any way or to exercise a higher degree of care for a person with a disability, to relieve any person with a disability of any obligation generally imposed on all persons regardless of disability in a written lease, rental agreement, or contract of purchase or sale, or to forbid distinctions based on the inability to fulfill the terms and conditions, including financial obligations, of the lease, agreement, or contract.

- H. If a residential landlord requires that a prospective tenant or current tenant have a certain threshold level of income, any source of income in the form of a rent voucher or subsidy must be subtracted from the total of the monthly rent prior to calculating if the income criteria have been met.
- I. Whoever violates this section is guilty of unlawful discrimination in housing accommodations.

**503.09 Unlawful discriminatory practices in public accommodations.**

It shall be an unlawful discriminatory practice:

- A. For any owner, operator, or manager of a place of public accommodation to deny to any person or permit any employee to deny to any person, except for reasons applicable alike to all persons regardless of them being in a Protected Class, the full enjoyment of the accommodations, advantages, facilities, or privileges of the place of public accommodation; or
- B. For any owner, operator, or manager of a place of public accommodation to publish, circulate, issue, display, post or mail, either directly or indirectly, any printed or written communication, notice or advertisement to the effect that any of the accommodations, advantages, facilities, goods, products, services, and privileges of any such place shall be refused, withheld or denied to any person on account of that person being in a Protected Class, or that such person is unwelcome, objectionable, or not acceptable, desired or solicited; or
- C. For any owner, operator, or manager of a place of public accommodation to deny to any individual with a disability the full enjoyment of the accommodations, advantages, facilities, or privileges of the place of public accommodation on the basis of such individual's use of a service animal, provided:
  - 1. The disabled individual using the service animal may be prohibited from having the service animal present in the place of public accommodation if the animal is out of control, as provided by 28 CFR 35.136(d), and the animal's handler does not take effective action to control it.
  - 2. If it is not readily apparent what service a service animal provides, the owner, operator, manager, or an employee of a place of public accommodation may inquire whether the service animal is required because of the disabled person's disability, provided an inquiry may not be made as to disabled person's disability or the disabled person's medical condition or requirements.



3. The owner, operator, manager, or employees of a place of public accommodation are not required to provide care or food for the service animal.
- D. No person shall aid, abet, or participate in the doing of any act declared to be an unlawful discriminatory practice under this section.
- E. Unless otherwise prohibited by law, nothing in this section shall be construed to prohibit any person from offering senior citizen price discounts or other privileges exclusively for the benefit of senior citizens.
- F. Nothing in this section shall be construed to require the modification of existing facilities or the construction of new or additional facilities.
- G. Nothing in this section shall prohibit a religious or denominational institution, organization, society or association or any nonprofit charitable or educational organization that is operated, supervised or controlled by or in connection with a religious organization, from limiting its offerings of goods, services, facilities, and accommodations to a person of the same religion, or from giving preference to such persons, provided that such offerings mentioned are not offered for commercial purposes or supported by public funds.
  - a. "Commercial purposes" shall be defined as "activities concerned with making money or profits, rather than, for example, providing a public service or other goods or services at cost."
- H. Whoever violates this section is guilty of unlawful discrimination in public accommodations.

### **503.11 Complaint procedure.**

- A. Filing of the complaint.
  1. An aggrieved person, complainant, may file with the Reynoldsburg Clerk of Council a written complaint sworn under oath which specifies the facts and circumstances, including the location, date(s), and time(s), of alleged unlawful discriminatory act(s) or practices that did or are occurring within the City limits and which identifies the person who committed or continues to commit the alleged unlawful discriminatory act(s) or practices.
  2. If the charge of discrimination alleges a violation based on race, sex, ethnicity, national origin, religion, age, disability, military status, and/or any other class protected under state or federal law, then the Clerk of Council shall instruct the complainant to file a charge of discrimination with the Ohio Civil Rights

Commission(OCRC)/Equal Employment Opportunity Commission (EEOC). The Clerk of Council shall provide the complainant with the information about this requirement and contact information for the OCRC/EEOC within ten (10) days from the date the charge was filed with the Clerk.

3. Concurrent with the filing of the complaint, the complainant shall provide to the Clerk of Council in writing the complainant's mailing address, telephone number, if any, and email address, if any.
4. The complaint shall not be accepted by the Clerk of Council if any of the following apply:
  - a. The complaint is presented to the Clerk of Council more than 180 days following the most recent unlawful discriminatory act alleged in the complaint;
  - b. No incident location provided in the complaint is within the City of Reynoldsburg;
  - c. The investigation of the complaint is required to be conducted pursuant to the terms of a collective bargaining agreement to which the City is a party;
  - d. The complaint fails to include all the information required by (A)(1) of this section;
  - e. The complainant fails to concurrently provide a writing that includes the information required in (A)(2) of this section.
4. Upon receiving a complaint of an alleged unlawful discriminatory act, the Clerk of Council shall immediately date stamp the complaint and:
  - a. Forward a copy thereof to the City Attorney; and
  - b. Mail by certified or registered mail, return receipt requested, certified copies of the complaint to the Respondent.
5. The Clerk of Council shall retain the original date-stamped complaint and shall open and maintain a file on the matter during the pendency of any actions related to the complaint and for so long thereafter as is necessary to comply with the City's Records Retention Schedule.

#### B. Investigation by City Attorney

1. Upon receipt of the Complaint, the City Attorney or a designee of the City Attorney shall investigate the Complaint to determine if probable causes exists to believe a violation of this Chapter has occurred.



2. As part of said investigation, the City Attorney shall be permitted to issue an administrative subpoena for documents pursuant to Section 501.15 of the Codified Ordinances of the City of Reynoldsburg.
3. If the City Attorney determines the most recent of the unlawful discriminatory acts alleged in the complaint occurred more than 180 days before the date the complaint was filed with the Clerk of Council or that none of the alleged acts occurred within the City of Reynoldsburg, the City Attorney shall have no authority to investigate or take further actions except to return the complaint to the Clerk of Council with written notice to the Clerk of Council that the Complaint is outside the authority of the City Attorney.
4. Except as otherwise provided in this section, the City Attorney shall be authorized to mediate complaints, issue findings of fact and conclusions of law, issue cease and desist orders, and issue a formal recommendation.
5. If the City Attorney finds, after investigation, that there is probable cause to determine that the Respondent has committed an act of unlawful discrimination under this Chapter, the City Attorney shall file and forward the Complaint with the Reynoldsburg Clerk of Council with a recommendation to refer the Complaint to a Hearing Officer.
6. If the City Attorney finds, after investigation, that there is insufficient evidence to establish probable cause that Respondent has committed an act of unlawful discrimination under this Chapter, the City Attorney shall dismiss the Complaint and mail notice of dismissal to the Complainant and the Respondent by certified mail, return receipt requested.

#### C. Hearing Officer

1. Upon receipt of the recommendation of the City Attorney that probable cause exists to determine the Respondent has committed an act of unlawful discrimination under this Chapter, the Clerk of Council shall forward the recommendation to the Mayor.
2. The Mayor shall, upon receipt of the recommendation from the City Attorney, appoint a Hearing Officer who shall be an attorney licensed to practice law in the State of Ohio.
3. If a Hearing Officer is appointed, the Hearing Officer shall conduct an administrative hearing. In the hearing, the Hearing Officer shall take testimony and considering evidence presented by and on behalf of the Complainant and the Respondent respectively. After the hearing is concluded, the Hearing

Officer shall issue findings of fact and conclusions of law, and if the Hearing Officer, in the Hearing Officer's sole discretion, deems it appropriate, the Hearing Officer may issue orders and impose sanctions provided in this Chapter.

4. If the Hearing Officer determines that the respondent is engaged in an unlawful discriminatory act or practice under this chapter, the final decision of the Hearing Officer may include the issuance to the Respondent of orders to cease and desist the unlawful discriminatory acts or practices. Any orders to cease and desist shall specify a time period for the Respondent's compliance.
5. If the Hearing Officer determines that the Respondent did engage in, or continues to engage in, an unlawful discriminatory act or practice under this chapter, the final decision of the Hearing Officer may include the imposition upon the Respondent of the following:
  - a. Reasonable costs of the administrative hearing, provided the cost of the Hearing Officer's services shall not be assessed against the Respondent.
  - b. Reasonable attorney fees incurred by the Complainant.
  - c. The imposition of a civil penalty in an amount not to exceed one thousand dollars (\$1,000.00); or two thousand five hundred dollars (\$2,500) if the Respondent has committed a violation of this Chapter during the five-year period preceding the date on which the Complaint was filed.
6. The final decision of the Hearing Officer may not include any orders for reinstatement of employment, refund of monies paid, other mitigation of damages, or any other orders for corrections or sanctions, except as provided in this section.
7. The final decision of the Hearing Officer may be appealed pursuant to the provisions of Chapter 2505 of the Ohio Revised Code.
8. The final decision issued by the Hearing Officer shall be in a writing served by ordinary United States Mail on the Respondent and the Complainant. The documents shall be deemed received and properly served upon the respondent five days following the mailing thereof. Copies of the final decision shall also be sent to the Clerk of Council and the City Attorney.



### **503.13 Complaints Alleging Unlawful Discriminatory Practices by the City of Reynoldsburg**

If a Complaint is filed with the Clerk of Council alleging that the City, or one of its boards, commissions, departments, divisions, officials, or employees has engaged or is engaging in an unlawful discriminatory practice as defined by this Chapter, the following procedures shall apply:

- A. Upon receipt of the Complaint pursuant to Section 503.06(A)(4)(a), the City Attorney shall forward a copy of the Complaint to City Council.
- B. City Council may appoint a special counsel to conduct a preliminary investigation instead of the City Attorney
- C. The City Council may appoint a Hearing Officer to conduct a determination instead of the Mayor appointing the Hearing Officer.

### **503.15 Failure to comply with a subpoena.**

No person shall fail to comply with a subpoena issued by the City Attorney or the Hearing Officer. Whoever violates this section is guilty of failure to comply with a subpoena, a misdemeanor of the fourth degree.

### **503.17 Failure to comply with an order of the Hearing Officer.**

No person shall fail to comply with any portion of an order issued by the Hearing Officer within thirty days following service of the order or such period of time as the order provides, whichever is greater. Whoever violates this section is guilty of failure to comply with an order of the Hearing Officer, a misdemeanor of the first degree.

### **503.19 Failure to pay financial sanctions imposed by the Hearing Officer.**

If a civil penalty or costs or both are imposed by the Hearing Officer on the Respondent, and any portion thereof remains unpaid thirty days following service of the order or following the expiration of the time period designated by the Hearing Officer, the City may institute civil enforcement proceedings against the Respondent.

### **503.21 Ethnic Intimidation**

- A. No person shall violate Sections 2903.13, 2903.21, 2903, 22, 2907.06, 2911.06, 2911.07, 2911.21, 2911.211, 2913.02, 2913.04, 2917.11, 2917.12, 2917.21(A)(3) through (A)(5) of the Ohio Revised Code by reason of or where one of the motives is the victim's race, sex, sexual orientation, gender identity or expression, ethnicity, religion, national origin, disability, or military status.

- B. In a prosecution under this section, the offenders' motive, reason, or purpose may be shown by the offender's temporarily related conduct or statements before, during or after the offense, including ethnic, sexual orientation, gender identity or expression, religious or racial slurs, and by the totality of the facts, circumstances and conduct surrounding the offense.
- C. Whoever violates this Section is guilty of Ethnic Intimidation, a misdemeanor of the first degree. If the underlying offense, as a necessary element of Ethnic Intimidation, is a misdemeanor of the first degree, there shall be a minimum mandatory jail sentence of at least ten (10) days.

### **503.23 Severability**

Should any section, clause, or paragraph of this chapter be declared invalid by a court of competent jurisdiction, the same shall not affect the validity of the Chapter as a whole or any part thereof other than the part declared invalid.