

## CHAPTER 1408

### Fair Housing

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#### **CROSS REFERENCES**

Unlawful discriminatory practices - see Ohio R.C. 4112.02

Ohio Civil Rights Commission - see Ohio R.C. 4112.03

Interfering with civil rights - see GEN. OFF. 525.13

Ethnic intimidation - see GEN. OFF. 537.19

Intimidation in connection with housing - see GEN. OFF. 537.20

#### **1408.01 PURPOSE.**

It is hereby declared to be the purpose of this chapter to provide, within constitutional limitations, for fair housing throughout the City, to assure that all persons have full and equal opportunity to consider all available housing for themselves and their families within the City without being discriminated against on the basis of race, color, religion, sex, sexual orientation, gender identity, age, ancestry, disability, including people associated with or residing with a person meeting the definition of a disability, ethnic group, marital status, familial status, national origin, military status, association with someone of a protected class, sources of income, or receipt of public assistance and to promote a stable, racially integrated community.

(Ord. 9-98. Passed 2-23-98; Ord. 07-15. Passed 9-30-15.)

#### **1408.02 DEFINITIONS.**

(a) "Board" means the Fair Housing Review Board.

(b) "Covered multi-family dwellings" means buildings consisting of four or more units if such buildings have one or more elevators, and ground floor units in other buildings consisting of four or more units.

(c) "Discriminate" or "discrimination" means to separate or segregate persons in a particular manner solely or in part because of race, color, religion, sex, sexual orientation, gender identity, age, ancestry, disability, including people associated with or residing with a person meeting the definition of a disability, ethnic group, marital status, familial status, national origin; military status, association with someone of a protected class, sources of income, or receipt of public assistance; provided that "discriminate" or "discrimination" shall not include special outreach efforts conducted by or under the authority of units of local government (including agencies, departments and commissions thereof) or non-profit fair housing corporations or agencies to ensure that persons of minority groups are fully informed of, and have access to,

available dwelling opportunities in areas of present or prospective majority group concentration, or to ensure that persons of the majority group are fully informed of and have access to available dwelling opportunities in areas of present or prospective minority group concentration.

(d) "Dwelling" means any building, structure, or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof.

(e) "Familial status" means one or more individuals (who have not attained the age of eighteen years) being domiciled with: (1) a parent or another person having legal custody of such individual or individuals; or (2) the designee of such parent or other person having such custody, with the written permission of such parent or other person; and shall apply to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of eighteen years.

(f) "Disability" means, with respect to a person: (1) a physical or mental impairment which substantially limits one or more of such person's major life activities; (2) a record of having such an impairment; or (3) being regarded as having such an impairment. However, such term does not include current, illegal use of or addiction to a controlled substance as defined in 21 U.S.C. Section 802.

(g) "Housing for older persons" means housing: (1) provided under any State or Federal program that the Secretary of HUD determines is specifically designed and operated to assist elderly persons (as defined in the State or Federal program); (2) intended for, and solely occupied by, persons sixty-two years of age or older; or (3) intended and operated for occupancy by at least one person fifty-five years or older per unit. The determination as to whether housing qualifies as housing for older persons under this subsection shall be consistent with regulations promulgated by the Secretary of HUD, providing at least the following factors: (1) the existence of significant facilities and services specifically designed to meet the physical or social needs of older persons, or, if the provision of such facilities and services is not practicable, that such housing is necessary to provide important housing opportunities for older persons; (2) that at least eighty percent of the units are occupied by at least one person fifty-five years of age or older per unit; and (3) that publication of, and adherence to, policies and procedures which demonstrate an intent by the owner or manager to provide housing for persons fifty-five years of age or older. Housing shall not fail to meet the requirements for housing for older persons by reason of: (1) persons residing in such housing as of the date of enactment of the Fair Housing Act of 1988, who do not meet the age requirements of this subsection, provided that the new occupants of such housing meet such age requirements; or (2) unoccupied units, provided that such units are reserved for occupancy by persons who meet the age requirements of this subsection.

(h) "Lending institution" means any bank, savings and loan association, insurance company, or other organization or person regularly engaged in the business of lending money, guaranteeing loans for profit, or otherwise providing financial assistance or insurance in connection with the purchase, sale or rental of dwellings.

(i) "Person" includes one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers or fiduciaries.

(j) "Purchase" means to obtain a dwelling through a sale.

(k) "Real estate agent" means a real estate broker or salesman, or a limited real estate broker or salesman, as defined in Ohio R.C. 4735.01.

(l) "Rent" or "rental" means to lease, sublease, assign or otherwise grant or obtain the right to occupy a dwelling not owned by the occupant in return for consideration, or a contract or option to do any of the foregoing.

(m) "Sale" or "sell" means to convey, exchange, transfer or assign legal or equitable title to, or beneficial interest in, a dwelling in return for consideration, or a contract or option to do any of the foregoing.

(n) "Solicit" or "solicitation" means any conduct by a real estate agent, or an employee or agent thereof, intended to induce the owner of a dwelling within the City to sell, rent, or list the same for sale or rental.

(o) "Unlawful discriminatory practice" means any act prohibited by Section 1408.04 of this chapter.

(p) "Association with a protected class" means people associated with or residing with a person in a protected class.

(Ord. 9-98. Passed 2-23-98; Ord. 76-02. Passed 12-23-02; Ord. 07-15. Passed 9-30-15.)

### **1408.03 EXEMPTIONS.**

The provisions of this chapter shall not:

(a) Prohibit a religious organization, association, or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color, or national origin. Nor shall anything in this chapter prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members, provided such club does not discriminate in its membership policies on the basis of race, color, religion, sex, sexual

orientation, gender identity, age, ancestry, disability, including people associated with or residing with a person meeting the definition of a disability, , ethnic group, marital status, familial status, national origin, military status, association with someone of a protected class, sources of income, or receipt of public assistance.

(b) Require any person selling or renting property to modify such property in any way at his or her expense, provided that such person does not refuse to permit reasonable modifications by a disabled person, necessary for that person to fully enjoy the premises in which he or she resides, when such modifications are made at the expense of the disabled person, which permission may be conditioned on that person's promise to restore the premises to the condition in which it previously existed before granting permission for such modification, nor shall this chapter be construed to relieve any disabled person 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, so long as such distinctions are not based on the disability itself, or on the landlord's refusal to make reasonable modification in the lease, agreement or contract conditions for the purpose of denying a disabled person equal opportunity to the use and enjoyment of the premises.

(c) Prohibit restricting the sale or rental of a dwelling on the basis of disability when such a dwelling is authorized, approved, financed, or subsidized in whole or in part for the benefit of persons of a disability by a unit of local, State or Federal government, so long as such restrictions do not discriminate against otherwise qualified disabled persons.

(d) Require that a dwelling be made available to a person with a disability 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.

(e) Prohibit the applicability of any reasonable local, State or Federal restrictions regarding the maximum number of occupants permitted to occupy a dwelling.

(f) With regard to familial status, apply to dwellings provided under any State or Federal program specifically designed and operated to assist elderly persons, as defined in the State or Federal program, or to housing for older persons, provided that HUD has determined that such program or housing is exempt, which determination shall be conclusive.

(g) Prohibit a person engaged in the business of furnishing appraisals of real property to take into consideration factors other than race, color, religion, national origin, sex, sexual orientation, gender identity, age, disability, including people associated with or residing with a person meeting the definition of a disability, ethnic group, marital status, familial status, military status, association with someone of a protected class, sources of income, or receipt of public assistance,

(h) Apply to any single-family house sold or rented by an owner under the terms and conditions set forth in 42 U.S.C. Section 3603(b), or to rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his or her residence. However, the exclusions provided for in this subsection (h) shall only apply to the provisions of Sections 1408.04(a), (b), (d), (i) and (l) of this chapter.

(i) Prohibit conduct against a person because such person has been convicted by any court of competent jurisdiction of the illegal manufacture or distribution of a controlled substance as defined in 21 U.S.C. Section 802.

(Ord. 9-98. Passed 2-23-98; Ord. 76-02. Passed 12-23-02; Ord. 07-15. Passed 9-30-15.)

#### **1408.04 PROHIBITED ACTS.**

It is hereby declared to be a discriminatory housing practice and unlawful for any person to:

(a) Refuse to sell, transfer, assign, rent, lease, sublease, finance, negotiate or otherwise deny or make unavailable a dwelling to any person because of the race, color, religion, sex, sexual orientation, gender identity, age, ancestry, disability, including people associated with or residing with a person meeting the definition of a disability, ethnic group, marital status, familial status, national origin, military status, association with someone of a protected class, sources of income, or receipt of public assistance of any present or prospective owner, occupant, or user of such dwelling, or an associate thereof;

(b) Represent to any person, because of race, color, religion, sex, sexual orientation, gender identity, age, ancestry, disability, including people associated with or residing with a person meeting the definition of a disability, ethnic group, marital status, familial status, national origin, military status, association with someone of a protected class, sources of income, or receipt of public assistance, that a dwelling is not available for sale, rental, or inspection when in fact it is available;

(c) Refuse to lend money, or to purchase a loan, or to provide other financial assistance, whether or not secured by mortgage or otherwise, for the acquisition, construction, rehabilitation, repair, or maintenance of a dwelling, or to make a loan of any type that is to be secured by real estate or otherwise withhold financing of a dwelling from any person, because of the race, color, religion, sex, sexual orientation, gender identity, age, ancestry, disability, including people associated with or residing with a person meeting the definition of a disability, ethnic group, marital status, familial status, national origin, military status, association with someone of a protected class, sources of income, or receipt of public assistance of any present or prospective owner, occupant or user of such dwelling, provided such person lends money as one of the principal aspects of or incident to his or principal business and not only as a part of the purchase price of an owner-occupied residence he or she is selling, nor merely casually or occasionally to a relative or friend;

(d) Discriminate against any person in the terms or conditions of selling, transferring, assigning, brokering, renting, leasing, or subleasing any dwelling or in furnishing facilities, services, or privileges in connection with the ownership,

occupancy, or use of any dwelling, including the sale of fire, extended coverage or renters or homeowners insurance, because of the race, color, religion, sex, sexual orientation, gender identity, age, ancestry, disability, including people associated with or residing with a person meeting the definition of a disability, ethnic group, marital status, familial status, national origin, military status, association with someone of a protected class, sources of income, or receipt of public assistance of any present or prospective owner, occupant, or user of such dwelling, or an associate thereof, or because of the racial composition of the neighborhood in which the dwelling is located;

(e) Discriminate against any person in the terms or conditions of any loan of money of any type that is to be secured by real estate, purchase of loans, or in providing other financial assistance, whether or not secured by mortgage or otherwise, for the acquisition, construction, rehabilitation, repair or maintenance of a dwelling, because of the race, color, religion, sex, sexual orientation, gender identity, age, ancestry, disability, including people associated with or residing with a person meeting the definition of a disability, ethnic group, marital status, familial status, national origin, military status, association with someone of a protected class, sources of income, or receipt of public assistance of any present or prospective owner, occupant, or user of such dwelling, or because of the racial composition of the neighborhood in which the dwelling is located;

(f) Refuse to consider without prejudice the purpose of extending mortgage credit to a married couple or either member thereof;

(g) Print, publish, or circulate any statement or advertisement, or make any verbal statement, relating to the sale, transfer, assignment, rental, lease, sublease, or acquisition of any dwelling or the loan of money, whether or not secured by mortgage or otherwise, for the acquisition, construction, rehabilitation, repair, or maintenance of a dwelling, which indicates any preference, limitation, specification, or discrimination based upon race, color, religion, sex, sexual orientation, gender identity, age, ancestry, disability, including people associated with or residing with a person meeting the definition of a disability, familial status, ethnic group, marital status, national origin, military status, association with someone of a protected class, sources of income, or receipt of public assistance, or an intention to make any such preference, limitation, specification, or discrimination;

(h) Include in any transfer, rental, or lease of a dwelling any restrictive covenant, based on race, color, religion, sex, sexual orientation, gender identity, age, ancestry, disability, including people associated with or residing with a person meeting the definition of a disability, familial status, ethnic group, marital status, national origin, military status, association with someone of a protected class, sources of income, or receipt of public assistance or honor or exercise, or attempt to honor or exercise, any such restrictive covenant, provided that the prior inclusion of such a restrictive covenant in the chain of title shall not be deemed a violation of this subsection;

(i) Induce or solicit, or attempt to induce or solicit, a dwelling listing, sale, or transaction by representing that a change has occurred or may occur with respect to the racial, religious, sexual, or ethnic composition of the block, neighborhood, or area in which the dwelling is located, or induce or solicit, or attempt to induce or solicit, such sale or listing by representing that the presence or anticipated presence of persons of any race, color, religion, sex, sexual orientation, gender identity, age, ancestry, disability, including people associated with or residing with a person meeting the definition of a disability, familial status, ethnic group, marital status, national origin, military status, association with someone of a protected class, sources of income, or receipt of public assistance in the area will or may have results such as the following:

(1) The lowering of property values;

(2) A change in the racial, religious, sexual, or ethnic composition of the block, neighborhood, or area in which the dwelling is located;

(3) An increase in criminal or antisocial behavior in the area; or

(4) A decline in the quality of the schools serving the area.

(j) Deny any person access to or membership or participation in any multiple-listing service, real estate agents' association, or other service, association, or facility relating to the business of selling or renting housing accommodations, or to discriminate against any person in the terms or conditions of such access, membership, or participation, on account of race, color, religion, sex, sexual orientation, gender identity, age, national origin, disability, including people associated with or residing with a person meeting the definition of a disability, familial status, ethnic group, marital status, ancestry, military status, association with someone of a protected class, sources of income, or receipt of public assistance;

(k) Coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of that person's having exercised or enjoyed or having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by this section;

(l) Discourage or attempt to discourage the purchase by a prospective purchaser of a dwelling by representing that any block, neighborhood, or area has undergone or might undergo a change with respect to the religious, racial, sexual, familial status or ethnic composition of the block, neighborhood, or area;

(m) Discriminate against any person, because of race, color, religion, sex, sexual orientation, gender identity, age, national origin, disability, including people associated with or residing with a person meeting the definition of a disability, ethnic group, marital status, familial status, ancestry, military status, association with someone of a protected class, sources of income, or receipt of public assistance in appraising the value of any dwelling in connection with the sale, brokering, or rental of such dwelling;

(n) Refuse to permit, at the expense of a disabled person, reasonable modifications of existing premises occupied or to

be occupied by such person if such modifications may be necessary to afford such person full enjoyment of the premise, except that, in the case of a rental, no modification need be permitted unless the renter first agrees, where it is reasonable to do so, to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted, unless previously negotiated with the landlord;

(o) Refuse to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford a disabled person equal opportunity to use and enjoy a dwelling;

(p) Construct covered multi-family dwellings that do not provide for accessibility and usability for physically, disabled persons in compliance with applicable State or Federal law, whichever is controlling;

(q) 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 as provided pursuant to this chapter;

(r) Aid, abet, incite, compel, or coerce the doing of any act declared by this chapter to be an unlawful discriminatory practice, obstruct or prevent any person from complying with the provisions of this chapter, or any order issued pursuant thereto, or attempt directly or indirectly to commit any act declared by this chapter to be an unlawful discriminatory practice.

(Ord. 9-98. Passed 2-23-98; Ord. 76-02. Passed 12-23-02; Ord. 07-15. Passed 9-30-15.)

#### **1408.05 POSTING OF NOTICES.**

All real estate agents and all persons who operate or manage a dwelling with more than four dwelling units shall post in a conspicuous location in those areas of their places of business located within the City where prospective purchasers, sellers or renters normally make inquiries, and where the terms of a sale or rental are normally negotiated, a notice which contains the following language, printed on a light-colored background, in not less than 14-point type:

"It is a violation of the South Euclid Fair Housing Law, in connection with any housing activity, to discriminate against any person because of race, color, religion, sex, sexual orientation, gender identity, age, ancestry, disability, including people associated with or residing with a person meeting the definition of a disability, ethnic group, marital status, familial status, national origin, military status, association with someone of a protected class, sources of income, or receipt of public assistance. For more information, contact: 216.381.0400."

(Ord. 9-98. Passed 2-23-98; Ord. 07-15. Passed 9-30-15.)

#### **1408.06 FAIR HOUSING REVIEW BOARD.**

(a) There is hereby created a Fair Housing Review Board, which shall consist of five members, including the Mayor or his or her designee, a member of City Council, and three citizen members appointed by the Mayor and confirmed by City Council. Of the citizen members first appointed, one shall be appointed for a term of one year, one for a term of two years, and one for a term of three years, and thereafter appointments shall be for three years.

(b) The Fair Housing Review Board shall have the responsibility to administer the provisions of this chapter and to adjudicate complaints alleging violations of Section 1408.04. All administrative proceedings prescribed in this chapter shall be conducted at the Board's expense. The Board shall have and fully exercise the following powers to implement the purposes of this chapter:

(1) To hold adjudicative hearings, make findings of fact, issue orders, enforce such orders, and seek judicial and/or administrative relief with respect to any such complaints in accordance with the provisions of this chapter;

(2) To subpoena witnesses, compel their attendance, administer oaths, take sworn testimony, and, in connection therewith, to require the production for examination of any documents relating to any matter under investigation or in question before the Board, and enforce such powers by proper petition to any court of competent jurisdiction;

(3) To adopt such rules and regulations as the Board may deem necessary or desirable for the conduct of its business and to carry out the purposes of this chapter; and

(4) To do such other acts as are necessary and proper to perform those duties with which the Board is charged under this chapter.

(Ord. 9-98. Passed 2-23-98; Ord. 07-15. Passed 9-30-15.)

#### **1408.07 ADMINISTRATOR.**

The Mayor, upon the recommendation of the Fair Housing Review Board, shall appoint an Administrator who may be a City employee. The Administrator shall have such duties, responsibilities and powers as may be provided by the Board, including, but not limited to, receipt and processing of complaints on behalf of the Board.

(Ord. 9-98. Passed 2-23-98; Ord. 07-15. Passed 9-30-15.)

#### **1408.08 COMPLAINTS.**

Any person may allege that a violation of Section 1408.04 has occurred, or that a violation will occur and cause injury, by filing with the Fair Housing Review Board, within one year of the alleged violation, a written complaint setting forth his or her

grievance. The complaint shall state, on a printed form made available by the Board, the name and address of the complainant, the name and address of the person(s) alleged to have committed a violation of Section 1408.04 and the particular facts thereof, and such other information as may be required by the Board. A complaint may be amended at any time. Upon the filing of a complaint, the Administrator shall acknowledge the receipt of the complaint, serving notice thereof to the complainant, which notice shall also contain information as to the time limits and choice of forum provided in this chapter.

(Ord. 9-98. Passed 2-23-98; Ord. 07-15. Passed 9-30-15.)

#### **1408.09 NOTICE.**

Within fifteen calendar days after a complaint has been received by the Board, the Administrator shall serve, or cause to be served, in person, or by certified mail, a copy of the complaint on the person (hereinafter referred to as the "respondent") alleged to have violated Section 1408.04. Along with the service of the complaint, the Administrator shall advise the respondent in writing of his or her procedural rights and obligations pursuant to this chapter. The respondent may file with the Board an answer to the complaint.

(Ord. 9-98. Passed 2-23-98; Ord. 07-15. Passed 9-30-15.)

#### **1408.10 INVESTIGATION.**

(a) Within thirty calendar days after a complaint has been received by the Board, the Administrator shall conduct an investigation of the complaint and shall determine either that:

(1) There are reasonable grounds to believe that a violation of Section 1408.04 has occurred, in which case the Administrator shall then initiate the conciliation process of Section 1408.11; or

(2) There are reasonable grounds to believe that a violation of Section 1408.04 has not occurred, in which case the Administrator shall then dismiss the complaint by preparing a written notice of dismissal, including the reasons therefor, and notify the parties of the dismissal, within five days, by serving a copy of the notice of dismissal by certified mail on the parties. A copy of the notice shall also be filed with the Board. The notice of dismissal shall advise the complainant of his or her right of appeal under this section. Within fourteen days of receipt of the notice of dismissal, the complainant may appeal by filing a written request with the Board for a review of the complaint. By a majority vote, the Board may overrule the dismissal and refer the complaint to the Administrator for conciliation pursuant to Section 1408.11.

(b) The Administrator shall complete the investigation within 100 days after receipt of the complaint, unless impracticable, in which case the Administrator shall inform, in writing, the complainant and the respondent of the reasons why the investigation cannot be completed within the time prescribed.

(Ord. 9-98. Passed 2-23-98; Ord. 07-15. Passed 9-30-15.)

#### **1408.11 CONCILIATION.**

If the Administrator has made a determination pursuant to Section 1408.10 that there are reasonable grounds to believe that a violation of Section 1408.04 has occurred, or at such other time after a complaint has been filed, as appropriate, the Administrator shall:

(a) Notify the complainant and respondent of the time, place and date of the conciliation conference at least ten days prior thereto, and both parties shall appear at the conciliation conference in person or by attorney; and

(b) Attempt to resolve the complaint by methods of conference, conciliation and persuasion with all interested parties and such representatives as the parties may choose to assist them. Conciliation conferences shall be informal and nothing said or done during such conferences shall be made public unless the parties agree thereto in writing. The terms of conciliation agreed to by the parties shall be reduced to writing and incorporated into a consent agreement to be signed by the parties, subject to approval by the Fair Housing Review Board. The terms of the conciliation agreement shall be made public unless the complainant and the respondent agree otherwise, and the Board determines that disclosure is not required to further the purposes of this chapter.

If the complaint has not been resolved by conciliation within sixty calendar days after it has been received, the Administrator shall refer the complaint to the Fair Housing Review Board for an adjudicative hearing.

(Ord. 9-98. Passed 2-23-98; Ord. 07-15. Passed 9-30-15.)

#### **1408.12 INJUNCTIVE RELIEF.**

At any time after the filing of a complaint, the Administrator may request the Director of Law to petition the appropriate court for temporary or preliminary relief pending final determination of the proceedings under this chapter, or as otherwise necessary to carry out the purposes of this chapter, including an order or decree restraining the respondent from doing or causing any act which would render ineffectual any order or action by the Fair Housing Review Board.

(Ord. 9-98. Passed 2-23-98; Ord. 07-15. Passed 9-30-15.)

#### **1408.13 HEARINGS.**

Within thirty calendar days after the complaint is referred to the Fair Housing Review Board, the Board shall, upon due and

reasonable notice to all parties, conduct a hearing on the complaint. Parties to the hearing shall be the complainant and respondent, and such other persons as the Board may deem appropriate. The hearing shall be open to the public. At least seven days before the hearing, the Board shall serve upon the respondent a statement of charges and a summons requiring the attendance of named persons and the production of relevant documents and records. The parties may apply to the Board to have subpoenas issued in the Board's name. Failure to comply with a summons or subpoena shall constitute a violation of this chapter. The parties may file such statements with the Board as they deem necessary. No fewer than three of the same members of the Board must be present at all times during a hearing. The parties may appear before the Board in person or by duly authorized representative, and may be represented by legal counsel. The parties shall have the right to present witnesses and cross-examine witnesses, and all testimony and evidence shall be given under oath or by affirmation, administered by the Fair Housing Review Board and all proceedings to be written or audio recorded to be considered its formal record of proceedings.

(Ord. 9-98. Passed 2-23-98; Ord. 07-15. Passed 9-30-15.)

#### **1408.14 HEARING DECISIONS.**

Where hearings have been held before the Board, only those members of the Board who have attended all hearings on the complaint shall participate in the determination of the complaint. Within fifteen days of the close of the hearing, the decision shall be rendered, in the form of a written order which shall include findings of fact, a statement of whether the respondent has violated Section 1408.04, and such remedial actions as the Board may order pursuant to Section 1408.16. The order shall be served upon the parties by certified mail within fifteen days of the date of the decision. The order shall be available for public inspection, and a copy shall be provided to any person upon request and payment of reproduction costs.

(Ord. 9-98. Passed 2-23-98; Ord. 07-15. Passed 9-30-15.)

#### **1408.15 HEARING OFFICER.**

The Fair Housing Review Board, in lieu of conducting a hearing upon complaint, may appoint a hearing officer for the purpose of conducting hearings and reporting the findings thereof to the Board. In conducting such hearings, the hearing officer shall be delegated all powers conferred upon the Board pursuant to this chapter as to subpoenaing witnesses, compelling their attendance, administering oaths, taking sworn testimony, and requiring the production for examination of any documents relating to any matter under investigation or question before the Board. Notice of hearing and the procedures therefor shall be in accordance with Section 1408.13 of this chapter. After the conclusion of any hearing, the hearing officer shall report his or her findings to the Board within seven days. Within fifteen days after receipt of the findings of the hearing officer, the Board shall render its decision in accordance with Section 1408.14 of this chapter.

(Ord. 9-98. Passed 2-23-98; Ord. 07-15. Passed 9-30-15.)

#### **1408.16 REMEDIAL ACTIONS.**

(a) If the Board finds that the respondent has not violated Section 1408.04, its order under Section 1408.14 shall dismiss the complaint. If the Commission finds the complaint to be frivolous or vindictive, then the costs of these proceedings may be assessed against the complainant.

(b) If the Board finds that the respondent has violated Section 1408.04, its order under Section 1408.14 shall provide for the taking of such remedial action(s) as it deems appropriate, which may include, but need not be limited to:

(1) Directing the respondent to cease and desist from violations of Section 1408.04 and to take such affirmative steps as necessary to effectuate the purposes of this chapter;

(2) Recommending to the City's Law Director an appropriate court action for the enforcement of Section 1408.04, and for such other or further relief as the court may deem appropriate, including, but not limited to, injunctive relief, compensatory damages, punitive damages, and/or attorneys' fees and costs for award to the complainant; such court action shall be required in the event the respondent does not voluntarily comply with the remedial actions ordered by the Board;

(3) Recommending to the Law Director the Initiating proceedings for a violation of Federal or State law and/or regulations;

(4) Recommending to the Law Director proceedings with any contracting agency, in the case of any violation of Section 1408.04 by a respondent in the course of performing under a contract or sub-contract with the State or any political subdivision or agency thereof, or with the United States of America or any agency or instrumentality thereof, for the purpose of causing a termination of such contract or any portion thereof, or obtaining other relief;

(5) Recommending to the Law Director proceedings with the State of Ohio where applicable, to revoke, suspend or refuse to renew the license of any person found to have violated any provision of Section 1408.04;

(6) Directing the respondent to reimburse the complainant for his or her actual and reasonable expenses incurred and to be incurred as a result of each violation found, including, but not limited to, expenses for moving and temporary storage of household furnishings, additional expenses in connection with the purchase or rental of a dwelling for alternative accommodations, and reasonable attorneys' fees and costs;

(7) Assessing compensatory damages, as appropriate, or arrange to have adjudicated in court at the Board's expense the award of compensatory damages against the respondent;

(8) Assessing civil penalties, as appropriate, or arrange to have adjudicated in court at the Board's expense the award of a civil penalty against the respondent;

(9) Directing the respondent to comply with such other further relief as the Board may deem appropriate for the enforcement of Section 1408.04;

(10) The Fair Housing Review Board shall make a final administrative disposition of a complaint within one year after the complaint has been filed, unless it is impracticable to do so, in which case the complainant and the respondent shall be notified in writing of the reasons why disposition of the complaint cannot be made within the time prescribed.

(c) Nothing herein shall be construed to prevent the City, upon recommendation from the Board, from initiating appropriate court action on behalf of the complainant in order to enforce the provisions of this chapter. In addition, upon a finding by the Administrator that there are reasonable grounds to believe that a violation of Section 1408.04 has occurred, as provided in Section 1408.10, either the complainant or the respondent, in lieu of participating in the administrative hearing process before the Fair Housing Review Board, or at any time during said administrative process, may elect to have the case heard in a civil action. Upon notification thereof, the City, at the request of the Board, shall initiate a civil action in a court of law on behalf of the complainant.

(d) The complainant and the respondent shall have the right to appeal an adverse final determination by the Board to the Cuyahoga County Common Pleas Court pursuant to Ohio R.C. Chapter 2506, or in such other forum or court of competent jurisdiction as provided by law.

(Ord. 9-98. Passed 2-23-98; Ord. 07-15. Passed 9-30-15.)

#### **1408.17 JUDICIAL RELIEF.**

The City, or the complainant, or any person aggrieved by a violation of any provision of this chapter may, at any time within one year from the date of the alleged violation, and in lieu of proceeding with the administrative process set forth in this chapter, apply to any court of competent jurisdiction for appropriate relief, including, but not limited to:

(a) Injunctive relief or an order otherwise compelling compliance with this chapter;

(b) Compensatory damages, and/or punitive damages;

(c) Reasonable attorneys' fees and costs, provided that said complainant, in the opinion of the court, is not financially able to assume said attorneys' fees; and/or

(d) Such other or further relief as is appropriate for the enforcement of this chapter and the elimination of violations hereof.

(Ord. 9-98. Passed 2-23-98; Ord. 07-15. Passed 9-30-15.)

#### **1408.18 ADDITIONAL REMEDIES.**

This chapter shall not prevent the City or any person from exercising any right or seeking any remedy to which that person might otherwise be entitled, or from filing any complaint with any other agency or court of law or equity.

(Ord. 9-98. Passed 2-23-98; Ord. 07-15. Passed 9-30-15.)