

**As Introduced**

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**Regular Session**

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**H. B. No. 182**

**Representatives Upchurch, Miller, A.**

**Cosponsors: Representatives Boyd, Brent, Brown, Crossman, Jarrells, Smith, K.,  
Lightbody, Skindell, Sobecki, Weinstein**

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**A BILL**

To amend sections 4112.01 and 4112.02 of the 1  
Revised Code to prohibit discrimination in 2  
rental housing based on lawful source of income. 3

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That sections 4112.01 and 4112.02 of the 4  
Revised Code be amended to read as follows: 5

**Sec. 4112.01.** (A) As used in this chapter: 6

(1) "Person" includes one or more individuals, 7  
partnerships, associations, organizations, corporations, legal 8  
representatives, trustees, trustees in bankruptcy, receivers, 9  
and other organized groups of persons. "Person" also includes, 10  
but is not limited to, any owner, lessor, assignor, builder, 11  
manager, broker, salesperson, appraiser, agent, employee, 12  
lending institution, and the state and all political 13  
subdivisions, authorities, agencies, boards, and commissions of 14  
the state. 15

(2) "Employer" means the state, any political subdivision 16  
of the state, or a person employing four or more persons within 17

the state, and any agent of the state, political subdivision, or person. 18  
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(3) "Employee" means an individual employed by any employer but does not include any individual employed in the domestic service of any person. 20  
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(4) "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. 23  
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(5) "Employment agency" includes any person regularly undertaking, with or without compensation, to procure opportunities to work or to procure, recruit, refer, or place employees. 28  
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(6) "Commission" means the Ohio civil rights commission created by section 4112.03 of the Revised Code. 32  
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(7) "Discriminate" includes segregate or separate. 34

(8) "Unlawful discriminatory practice" means any act prohibited by section 4112.02, 4112.021, or 4112.022 of the Revised Code. 35  
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(9) "Place of public accommodation" means any inn, restaurant, eating house, barbershop, public conveyance by air, land, or water, theater, store, other place for the sale of merchandise, or any other place of public accommodation or amusement of which the accommodations, advantages, facilities, or privileges are available to the public. 38  
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(10) "Housing accommodations" includes any building or structure, or portion of a building or structure, that is used 44  
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or occupied or is intended, arranged, or designed to be used or 46  
occupied as the home residence, dwelling, dwelling unit, or 47  
sleeping place of one or more individuals, groups, or families 48  
whether or not living independently of each other; and any 49  
vacant land offered for sale or lease. "Housing accommodations" 50  
also includes any housing accommodations held or offered for 51  
sale or rent by a real estate broker, salesperson, or agent, by 52  
any other person pursuant to authorization of the owner, by the 53  
owner, or by the owner's legal representative. 54

(11) "Restrictive covenant" means any specification 55  
limiting the transfer, rental, lease, or other use of any 56  
housing accommodations because of race, color, religion, sex, 57  
military status, familial status, national origin, disability, 58  
or ancestry, or any limitation based upon affiliation with or 59  
approval by any person, directly or indirectly, employing race, 60  
color, religion, sex, military status, familial status, national 61  
origin, disability, or ancestry as a condition of affiliation or 62  
approval. 63

(12) "Burial lot" means any lot for the burial of deceased 64  
persons within any public burial ground or cemetery, including, 65  
but not limited to, cemeteries owned and operated by municipal 66  
corporations, townships, or companies or associations 67  
incorporated for cemetery purposes. 68

(13) "Disability" means a physical or mental impairment 69  
that substantially limits one or more major life activities, 70  
including the functions of caring for one's self, performing 71  
manual tasks, walking, seeing, hearing, speaking, breathing, 72  
learning, and working; a record of a physical or mental 73  
impairment; or being regarded as having a physical or mental 74  
impairment. 75

(14) Except as otherwise provided in section 4112.021 of the Revised Code, "age" means an individual aged forty years or older. 76  
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(15) "Familial status" means either of the following: 79

(a) One or more individuals who are under eighteen 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; 80  
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(b) Any person who is pregnant or in the process of securing legal custody of any individual who is under eighteen years of age. 85  
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(16) (a) Except as provided in division (A) (16) (b) of this section, "physical or mental impairment" includes any of the following: 88  
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(i) Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; and endocrine; 91  
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(ii) Any mental or psychological disorder, including, but not limited to, intellectual disability, organic brain syndrome, emotional or mental illness, and specific learning disabilities; 97  
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(iii) Diseases and conditions, including, but not limited to, orthopedic, visual, speech, and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, human immunodeficiency virus infection, intellectual disability, 100  
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emotional illness, drug addiction, and alcoholism.	105
(b) "Physical or mental impairment" does not include any	106
of the following:	107
(i) Homosexuality and bisexuality;	108
(ii) Transvestism, transsexualism, pedophilia,	109
exhibitionism, voyeurism, gender identity disorders not	110
resulting from physical impairments, or other sexual behavior	111
disorders;	112
(iii) Compulsive gambling, kleptomania, or pyromania;	113
(iv) Psychoactive substance use disorders resulting from	114
the current illegal use of a controlled substance or the current	115
use of alcoholic beverages.	116
(17) "Dwelling unit" means a single unit of residence for	117
a family of one or more persons.	118
(18) "Common use areas" means rooms, spaces, or elements	119
inside or outside a building that are made available for the use	120
of residents of the building or their guests, and includes, but	121
is not limited to, hallways, lounges, lobbies, laundry rooms,	122
refuse rooms, mail rooms, recreational areas, and passageways	123
among and between buildings.	124
(19) "Public use areas" means interior or exterior rooms	125
or spaces of a privately or publicly owned building that are	126
made available to the general public.	127
(20) "Controlled substance" has the same meaning as in	128
section 3719.01 of the Revised Code.	129
(21) "Disabled tenant" means a tenant or prospective	130
tenant who is a person with a disability.	131

(22) "Military status" means a person's status in "service in the uniformed services" as defined in section 5923.05 of the Revised Code.	132 133 134
(23) "Aggrieved person" includes both of the following:	135
(a) Any person who claims to have been injured by any unlawful discriminatory practice described in division (H) of section 4112.02 of the Revised Code;	136 137 138
(b) Any person who believes that the person will be injured by any unlawful discriminatory practice described in division (H) of section 4112.02 of the Revised Code that is about to occur.	139 140 141 142
(24) "Unlawful discriminatory practice relating to employment" means both of the following:	143 144
(a) An unlawful discriminatory practice that is prohibited by division (A), (B), (C), (D), (E), or (F) of section 4112.02 of the Revised Code;	145 146 147
(b) An unlawful discriminatory practice that is prohibited by division (I) or (J) of section 4112.02 of the Revised Code that is related to employment.	148 149 150
(25) "Notice of right to sue" means a notice sent by the commission to a person who files a charge under section 4112.051 of the Revised Code that states that the person who filed the charge may bring a civil action related to the charge pursuant to section 4112.052 or 4112.14 of the Revised Code, in accordance with section 4112.052 of the Revised Code.	151 152 153 154 155 156
<u>(26) "Lawful source of income" includes benefits or subsidy programs including housing assistance, housing vouchers, public assistance, emergency rental assistance, veterans</u>	157 158 159

benefits, social security, supplemental security income or other 160  
retirement programs, and other programs administered by any 161  
federal, state, local, or nonprofit entity. 162

(B) For the purposes of divisions (A) to (F) of section 163  
4112.02 of the Revised Code, the terms "because of sex" and "on 164  
the basis of sex" include, but are not limited to, because of or 165  
on the basis of pregnancy, any illness arising out of and 166  
occurring during the course of a pregnancy, childbirth, or 167  
related medical conditions. Women affected by pregnancy, 168  
childbirth, or related medical conditions shall be treated the 169  
same for all employment-related purposes, including receipt of 170  
benefits under fringe benefit programs, as other persons not so 171  
affected but similar in their ability or inability to work, and 172  
nothing in division (B) of section 4111.17 of the Revised Code 173  
shall be interpreted to permit otherwise. This division shall 174  
not be construed to require an employer to pay for health 175  
insurance benefits for abortion, except where the life of the 176  
mother would be endangered if the fetus were carried to term or 177  
except where medical complications have arisen from the 178  
abortion, provided that nothing in this division precludes an 179  
employer from providing abortion benefits or otherwise affects 180  
bargaining agreements in regard to abortion. 181

**Sec. 4112.02.** It shall be an unlawful discriminatory 182  
practice: 183

(A) For any employer, because of the race, color, 184  
religion, sex, military status, national origin, disability, 185  
age, or ancestry of any person, to discharge without just cause, 186  
to refuse to hire, or otherwise to discriminate against that 187  
person with respect to hire, tenure, terms, conditions, or 188  
privileges of employment, or any matter directly or indirectly 189

related to employment.	190
(B) For an employment agency or personnel placement	191
service, because of race, color, religion, sex, military status,	192
national origin, disability, age, or ancestry, to do any of the	193
following:	194
(1) Refuse or fail to accept, register, classify properly,	195
or refer for employment, or otherwise discriminate against any	196
person;	197
(2) Comply with a request from an employer for referral of	198
applicants for employment if the request directly or indirectly	199
indicates that the employer fails to comply with the provisions	200
of sections 4112.01 to 4112.07 of the Revised Code.	201
(C) For any labor organization to do any of the following:	202
(1) Limit or classify its membership on the basis of race,	203
color, religion, sex, military status, national origin,	204
disability, age, or ancestry;	205
(2) Discriminate against, limit the employment	206
opportunities of, or otherwise adversely affect the employment	207
status, wages, hours, or employment conditions of any person as	208
an employee because of race, color, religion, sex, military	209
status, national origin, disability, age, or ancestry.	210
(D) For any employer, labor organization, or joint labor-	211
management committee controlling apprentice training programs to	212
discriminate against any person because of race, color,	213
religion, sex, military status, national origin, disability, or	214
ancestry in admission to, or employment in, any program	215
established to provide apprentice training.	216
(E) Except where based on a bona fide occupational	217

qualification certified in advance by the commission, for any 218  
employer, employment agency, personnel placement service, or 219  
labor organization, prior to employment or admission to 220  
membership, to do any of the following: 221

(1) Elicit or attempt to elicit any information concerning 222  
the race, color, religion, sex, military status, national 223  
origin, disability, age, or ancestry of an applicant for 224  
employment or membership; 225

(2) Make or keep a record of the race, color, religion, 226  
sex, military status, national origin, disability, age, or 227  
ancestry of any applicant for employment or membership; 228

(3) Use any form of application for employment, or 229  
personnel or membership blank, seeking to elicit information 230  
regarding race, color, religion, sex, military status, national 231  
origin, disability, age, or ancestry; but an employer holding a 232  
contract containing a nondiscrimination clause with the 233  
government of the United States, or any department or agency of 234  
that government, may require an employee or applicant for 235  
employment to furnish documentary proof of United States 236  
citizenship and may retain that proof in the employer's 237  
personnel records and may use photographic or fingerprint 238  
identification for security purposes; 239

(4) Print or publish or cause to be printed or published 240  
any notice or advertisement relating to employment or membership 241  
indicating any preference, limitation, specification, or 242  
discrimination, based upon race, color, religion, sex, military 243  
status, national origin, disability, age, or ancestry; 244

(5) Announce or follow a policy of denying or limiting, 245  
through a quota system or otherwise, employment or membership 246

opportunities of any group because of the race, color, religion, 247  
sex, military status, national origin, disability, age, or 248  
ancestry of that group; 249

(6) Utilize in the recruitment or hiring of persons any 250  
employment agency, personnel placement service, training school 251  
or center, labor organization, or any other employee-referring 252  
source known to discriminate against persons because of their 253  
race, color, religion, sex, military status, national origin, 254  
disability, age, or ancestry. 255

(F) For any person seeking employment to publish or cause 256  
to be published any advertisement that specifies or in any 257  
manner indicates that person's race, color, religion, sex, 258  
military status, national origin, disability, age, or ancestry, 259  
or expresses a limitation or preference as to the race, color, 260  
religion, sex, military status, national origin, disability, 261  
age, or ancestry of any prospective employer. 262

(G) For any proprietor or any employee, keeper, or manager 263  
of a place of public accommodation to deny to any person, except 264  
for reasons applicable alike to all persons regardless of race, 265  
color, religion, sex, military status, national origin, 266  
disability, age, or ancestry, the full enjoyment of the 267  
accommodations, advantages, facilities, or privileges of the 268  
place of public accommodation. 269

(H) Subject to section 4112.024 of the Revised Code, for 270  
any person to do any of the following: 271

(1) Refuse to sell, transfer, assign, rent, lease, 272  
sublease, or finance housing accommodations, refuse to negotiate 273  
for the sale or rental of housing accommodations, or otherwise 274  
deny or make unavailable housing accommodations because of race, 275

color, religion, sex, military status, familial status,	276
ancestry, disability, or national origin;	277
(2) Represent to any person that housing accommodations	278
are not available for inspection, sale, or rental, when in fact	279
they are available, because of race, color, religion, sex,	280
military status, familial status, ancestry, disability, or	281
national origin;	282
(3) Discriminate against any person in the making or	283
purchasing of loans or the provision of other financial	284
assistance for the acquisition, construction, rehabilitation,	285
repair, or maintenance of housing accommodations, or any person	286
in the making or purchasing of loans or the provision of other	287
financial assistance that is secured by residential real estate,	288
because of race, color, religion, sex, military status, familial	289
status, ancestry, disability, or national origin or because of	290
the racial composition of the neighborhood in which the housing	291
accommodations are located, provided that the person, whether an	292
individual, corporation, or association of any type, lends money	293
as one of the principal aspects or incident to the person's	294
principal business and not only as a part of the purchase price	295
of an owner-occupied residence the person is selling nor merely	296
casually or occasionally to a relative or friend;	297
(4) Discriminate against any person in the terms or	298
conditions of selling, transferring, assigning, renting,	299
leasing, or subleasing any housing accommodations or in	300
furnishing facilities, services, or privileges in connection	301
with the ownership, occupancy, or use of any housing	302
accommodations, including the sale of fire, extended coverage,	303
or homeowners insurance, because of race, color, religion, sex,	304
military status, familial status, ancestry, disability, or	305

national origin or because of the racial composition of the 306  
neighborhood in which the housing accommodations are located; 307

(5) Discriminate against any person in the terms or 308  
conditions of any loan of money, whether or not secured by 309  
mortgage or otherwise, for the acquisition, construction, 310  
rehabilitation, repair, or maintenance of housing accommodations 311  
because of race, color, religion, sex, military status, familial 312  
status, ancestry, disability, or national origin or because of 313  
the racial composition of the neighborhood in which the housing 314  
accommodations are located; 315

(6) Refuse to consider without prejudice the combined 316  
income of both husband and wife for the purpose of extending 317  
mortgage credit to a married couple or either member of a 318  
married couple; 319

(7) Print, publish, or circulate any statement or 320  
advertisement, or make or cause to be made any statement or 321  
advertisement, relating to the sale, transfer, assignment, 322  
rental, lease, sublease, or acquisition of any housing 323  
accommodations, or relating to the loan of money, whether or not 324  
secured by mortgage or otherwise, for the acquisition, 325  
construction, rehabilitation, repair, or maintenance of housing 326  
accommodations, that indicates any preference, limitation, 327  
specification, or discrimination based upon race, color, 328  
religion, sex, military status, familial status, ancestry, 329  
disability, or national origin, or an intention to make any such 330  
preference, limitation, specification, or discrimination; 331

(8) Except as otherwise provided in division (H) (8) or 332  
(17) of this section, make any inquiry, elicit any information, 333  
make or keep any record, or use any form of application 334  
containing questions or entries concerning race, color, 335

religion, sex, military status, familial status, ancestry, 336  
disability, or national origin in connection with the sale or 337  
lease of any housing accommodations or the loan of any money, 338  
whether or not secured by mortgage or otherwise, for the 339  
acquisition, construction, rehabilitation, repair, or 340  
maintenance of housing accommodations. Any person may make 341  
inquiries, and make and keep records, concerning race, color, 342  
religion, sex, military status, familial status, ancestry, 343  
disability, or national origin for the purpose of monitoring 344  
compliance with this chapter. 345

(9) Include in any transfer, rental, or lease of housing 346  
accommodations any restrictive covenant, or honor or exercise, 347  
or attempt to honor or exercise, any restrictive covenant; 348

(10) Induce or solicit, or attempt to induce or solicit, a 349  
housing accommodations listing, sale, or transaction by 350  
representing that a change has occurred or may occur with 351  
respect to the racial, religious, sexual, military status, 352  
familial status, or ethnic composition of the block, 353  
neighborhood, or other area in which the housing accommodations 354  
are located, or induce or solicit, or attempt to induce or 355  
solicit, a housing accommodations listing, sale, or transaction 356  
by representing that the presence or anticipated presence of 357  
persons of any race, color, religion, sex, military status, 358  
familial status, ancestry, disability, or national origin, in 359  
the block, neighborhood, or other area will or may have results 360  
including, but not limited to, the following: 361

(a) The lowering of property values; 362

(b) A change in the racial, religious, sexual, military 363  
status, familial status, or ethnic composition of the block, 364  
neighborhood, or other area; 365

(c) An increase in criminal or antisocial behavior in the block, neighborhood, or other area;	366 367
(d) A decline in the quality of the schools serving the block, neighborhood, or other area.	368 369
(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, on account of race, color, religion, sex, military status, familial status, national origin, disability, or ancestry;	370 371 372 373 374 375 376 377
(12) 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 division (H) of this section;	378 379 380 381 382
(13) 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 with respect to its religious, racial, sexual, military status, familial status, or ethnic composition;	383 384 385 386 387
(14) Refuse to sell, transfer, assign, rent, lease, sublease, or finance, or otherwise deny or withhold, a burial lot from any person because of the race, color, sex, military status, familial status, age, ancestry, disability, or national origin of any prospective owner or user of the lot;	388 389 390 391 392
(15) Discriminate in the sale or rental of, or otherwise make unavailable or deny, housing accommodations to any buyer or	393 394

renter because of a disability of any of the following:	395
(a) The buyer or renter;	396
(b) A person residing in or intending to reside in the housing accommodations after they are sold, rented, or made available;	397 398 399
(c) Any individual associated with the person described in division (H) (15) (b) of this section.	400 401
(16) 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 a disability of any of the following:	402 403 404 405 406
(a) That person;	407
(b) A person residing in or intending to reside in the housing accommodations after they are sold, rented, or made available;	408 409 410
(c) Any individual associated with the person described in division (H) (16) (b) of this section.	411 412
(17) Except as otherwise provided in division (H) (17) of this section, make an inquiry to determine whether an applicant for the sale or rental of housing accommodations, a person residing in or intending to reside in the housing accommodations after they are sold, rented, or made available, or any individual associated with that person has a disability, or make an inquiry to determine the nature or severity of a disability of the applicant or such a person or individual. The following inquiries may be made of all applicants for the sale or rental of housing accommodations, regardless of whether they have	413 414 415 416 417 418 419 420 421 422

disabilities:	423
(a) An inquiry into an applicant's ability to meet the requirements of ownership or tenancy;	424 425
(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;	426 427 428 429
(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;	430 431 432
(d) An inquiry to determine whether an applicant currently uses a controlled substance in violation of section 2925.11 of the Revised Code or a substantively comparable municipal ordinance;	433 434 435 436
(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.	437 438 439 440 441 442
(18) (a) 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	443 444 445 446 447 448 449 450 451

more of the following: 452

(i) Providing a reasonable description of the proposed 453  
modification and reasonable assurances that the proposed 454  
modification will be made in a workerlike manner and that any 455  
required building permits will be obtained prior to the 456  
commencement of the proposed modification; 457

(ii) Agreeing to restore at the end of the tenancy the 458  
interior of the housing accommodations to the condition they 459  
were in prior to the proposed modification, but subject to 460  
reasonable wear and tear during the period of occupancy, if it 461  
is reasonable for the landlord to condition permission for the 462  
proposed modification upon the agreement; 463

(iii) Paying into an interest-bearing escrow account that 464  
is in the landlord's name, over a reasonable period of time, a 465  
reasonable amount of money not to exceed the projected costs at 466  
the end of the tenancy of the restoration of the interior of the 467  
housing accommodations to the condition they were in prior to 468  
the proposed modification, but subject to reasonable wear and 469  
tear during the period of occupancy, if the landlord finds the 470  
account reasonably necessary to ensure the availability of funds 471  
for the restoration work. The interest earned in connection with 472  
an escrow account described in this division shall accrue to the 473  
benefit of the disabled tenant who makes payments into the 474  
account. 475

(b) A landlord shall not condition permission for a 476  
proposed modification upon a disabled tenant's payment of a 477  
security deposit that exceeds the customarily required security 478  
deposit of all tenants of the particular housing accommodations. 479

(19) Refuse to make reasonable accommodations in rules, 480

policies, practices, or services when necessary to afford a 481  
person with a disability equal opportunity to use and enjoy a 482  
dwelling unit, including associated public and common use areas; 483

(20) Fail to comply with the standards and rules adopted 484  
under division (A) of section 3781.111 of the Revised Code; 485

(21) Discriminate against any person in the selling, 486  
brokering, or appraising of real property because of race, 487  
color, religion, sex, military status, familial status, 488  
ancestry, disability, or national origin; 489

(22) Fail to design and construct covered multifamily 490  
dwellings for first occupancy on or after June 30, 1992, in 491  
accordance with the following conditions: 492

(a) The dwellings shall have at least one building 493  
entrance on an accessible route, unless it is impractical to do 494  
so because of the terrain or unusual characteristics of the 495  
site. 496

(b) With respect to dwellings that have a building 497  
entrance on an accessible route, all of the following apply: 498

(i) The public use areas and common use areas of the 499  
dwellings shall be readily accessible to and usable by persons 500  
with a disability. 501

(ii) All the doors designed to allow passage into and 502  
within all premises shall be sufficiently wide to allow passage 503  
by persons with a disability who are in wheelchairs. 504

(iii) All premises within covered multifamily dwelling 505  
units shall contain an accessible route into and through the 506  
dwelling; all light switches, electrical outlets, thermostats, 507  
and other environmental controls within such units shall be in 508

accessible locations; the bathroom walls within such units shall 509  
contain reinforcements to allow later installation of grab bars; 510  
and the kitchens and bathrooms within such units shall be 511  
designed and constructed in a manner that enables an individual 512  
in a wheelchair to maneuver about such rooms. 513

For purposes of division (H) (22) of this section, "covered 514  
multifamily dwellings" means buildings consisting of four or 515  
more units if such buildings have one or more elevators and 516  
ground floor units in other buildings consisting of four or more 517  
units. 518

(23) Refuse to rent or lease a housing accommodation, or 519  
access to or use of the common areas and facilities of the 520  
housing accommodation, serve a notice of termination of tenancy, 521  
commence a forcible entry and detainer action on grounds not 522  
authorized under section 1923.02 of the Revised Code, or 523  
otherwise deny to or withhold from any person or persons, a 524  
housing accommodation on the basis of lawful source of income. 525

(24) Represent to any person, on the basis of lawful 526  
source of income, that a housing accommodation is not available 527  
for inspection or rental when such housing accommodation is in 528  
fact available for inspection or rental, or to require different 529  
terms for such transactions on the basis of lawful source of 530  
income. 531

(25) Make, print, or publish, or cause to be made, 532  
printed, or published any notice, statement, sign, 533  
advertisement, application, or contract with regard to renting 534  
or leasing of a housing accommodation offered by that person 535  
that indicates any preference, limitation, or discrimination 536  
with respect to lawful source of income. 537

(I) For any person to discriminate in any manner against 538  
any other person because that person has opposed any unlawful 539  
discriminatory practice defined in this section or because that 540  
person has made a charge, testified, assisted, or participated 541  
in any manner in any investigation, proceeding, or hearing under 542  
sections 4112.01 to 4112.07 of the Revised Code. 543

(J) For any person to aid, abet, incite, compel, or coerce 544  
the doing of any act declared by this section to be an unlawful 545  
discriminatory practice, to obstruct or prevent any person from 546  
complying with this chapter or any order issued under it, or to 547  
attempt directly or indirectly to commit any act declared by 548  
this section to be an unlawful discriminatory practice. 549

(K) Nothing in divisions (A) to (E) of this section shall 550  
be construed to require a person with a disability to be 551  
employed or trained under circumstances that would significantly 552  
increase the occupational hazards affecting either the person 553  
with a disability, other employees, the general public, or the 554  
facilities in which the work is to be performed, or to require 555  
the employment or training of a person with a disability in a 556  
job that requires the person with a disability routinely to 557  
undertake any task, the performance of which is substantially 558  
and inherently impaired by the person's disability. 559

(L) With regard to age, it shall not be an unlawful 560  
discriminatory practice and it shall not constitute a violation 561  
of division (A) of section 4112.14 of the Revised Code for any 562  
employer, employment agency, joint labor-management committee 563  
controlling apprenticeship training programs, or labor 564  
organization to do any of the following: 565

(1) Establish bona fide employment qualifications 566  
reasonably related to the particular business or occupation that 567

may include standards for skill, aptitude, physical capability, 568  
intelligence, education, maturation, and experience; 569

(2) Observe the terms of a bona fide seniority system or 570  
any bona fide employee benefit plan, including, but not limited 571  
to, a retirement, pension, or insurance plan, that is not a 572  
subterfuge to evade the purposes of this section. However, no 573  
such employee benefit plan shall excuse the failure to hire any 574  
individual, and no such seniority system or employee benefit 575  
plan shall require or permit the involuntary retirement of any 576  
individual, because of the individual's age except as provided 577  
for in the "Age Discrimination in Employment Act Amendment of 578  
1978," 92 Stat. 189, 29 U.S.C.A. 623, as amended by the "Age 579  
Discrimination in Employment Act Amendments of 1986," 100 Stat. 580  
3342, 29 U.S.C.A. 623, as amended. 581

(3) Retire an employee who has attained sixty-five years 582  
of age who, for the two-year period immediately before 583  
retirement, is employed in a bona fide executive or a high 584  
policymaking position, if the employee is entitled to an 585  
immediate nonforfeitable annual retirement benefit from a 586  
pension, profit-sharing, savings, or deferred compensation plan, 587  
or any combination of those plans, of the employer of the 588  
employee, which equals, in the aggregate, at least forty-four 589  
thousand dollars, in accordance with the conditions of the "Age 590  
Discrimination in Employment Act Amendment of 1978," 92 Stat. 591  
189, 29 U.S.C.A. 631, as amended by the "Age Discrimination in 592  
Employment Act Amendments of 1986," 100 Stat. 3342, 29 U.S.C.A. 593  
631, as amended; 594

(4) Observe the terms of any bona fide apprenticeship 595  
program if the program is registered with the Ohio 596  
apprenticeship council pursuant to sections 4139.01 to 4139.06 597

of the Revised Code and is approved by the federal committee on 598  
apprenticeship of the United States department of labor. 599

(M) Nothing in this chapter prohibiting age discrimination 600  
and nothing in division (A) of section 4112.14 of the Revised 601  
Code shall be construed to prohibit the following: 602

(1) The designation of uniform age the attainment of which 603  
is necessary for public employees to receive pension or other 604  
retirement benefits pursuant to Chapter 145., 742., 3307., 605  
3309., or 5505. of the Revised Code; 606

(2) The mandatory retirement of uniformed patrol officers 607  
of the state highway patrol as provided in section 5505.16 of 608  
the Revised Code; 609

(3) The maximum age requirements for appointment as a 610  
patrol officer in the state highway patrol established by 611  
section 5503.01 of the Revised Code; 612

(4) The maximum age requirements established for original 613  
appointment to a police department or fire department in 614  
sections 124.41 and 124.42 of the Revised Code; 615

(5) Any maximum age not in conflict with federal law that 616  
may be established by a municipal charter, municipal ordinance, 617  
or resolution of a board of township trustees for original 618  
appointment as a police officer or firefighter; 619

(6) Any mandatory retirement provision not in conflict 620  
with federal law of a municipal charter, municipal ordinance, or 621  
resolution of a board of township trustees pertaining to police 622  
officers and firefighters; 623

(7) Until January 1, 1994, the mandatory retirement of any 624  
employee who has attained seventy years of age and who is 625

serving under a contract of unlimited tenure, or similar 626  
arrangement providing for unlimited tenure, at an institution of 627  
higher education as defined in the "Education Amendments of 628  
1980," 94 Stat. 1503, 20 U.S.C.A. 1141(a). 629

(N) (1) (a) Except as provided in division (N) (1) (b) of this 630  
section, for purposes of divisions (A) to (E) of this section, a 631  
disability does not include any physiological disorder or 632  
condition, mental or psychological disorder, or disease or 633  
condition caused by an illegal use of any controlled substance 634  
by an employee, applicant, or other person, if an employer, 635  
employment agency, personnel placement service, labor 636  
organization, or joint labor-management committee acts on the 637  
basis of that illegal use. 638

(b) Division (N) (1) (a) of this section does not apply to 639  
an employee, applicant, or other person who satisfies any of the 640  
following: 641

(i) The employee, applicant, or other person has 642  
successfully completed a supervised drug rehabilitation program 643  
and no longer is engaging in the illegal use of any controlled 644  
substance, or the employee, applicant, or other person otherwise 645  
successfully has been rehabilitated and no longer is engaging in 646  
that illegal use. 647

(ii) The employee, applicant, or other person is 648  
participating in a supervised drug rehabilitation program and no 649  
longer is engaging in the illegal use of any controlled 650  
substance. 651

(iii) The employee, applicant, or other person is 652  
erroneously regarded as engaging in the illegal use of any 653  
controlled substance, but the employee, applicant, or other 654

person is not engaging in that illegal use. 655

(2) Divisions (A) to (E) of this section do not prohibit 656  
an employer, employment agency, personnel placement service, 657  
labor organization, or joint labor-management committee from 658  
doing any of the following: 659

(a) Adopting or administering reasonable policies or 660  
procedures, including, but not limited to, testing for the 661  
illegal use of any controlled substance, that are designed to 662  
ensure that an individual described in division (N) (1) (b) (i) or 663  
(ii) of this section no longer is engaging in the illegal use of 664  
any controlled substance; 665

(b) Prohibiting the illegal use of controlled substances 666  
and the use of alcohol at the workplace by all employees; 667

(c) Requiring that employees not be under the influence of 668  
alcohol or not be engaged in the illegal use of any controlled 669  
substance at the workplace; 670

(d) Requiring that employees behave in conformance with 671  
the requirements established under "The Drug-Free Workplace Act 672  
of 1988," 102 Stat. 4304, 41 U.S.C.A. 701, as amended; 673

(e) Holding an employee who engages in the illegal use of 674  
any controlled substance or who is an alcoholic to the same 675  
qualification standards for employment or job performance, and 676  
the same behavior, to which the employer, employment agency, 677  
personnel placement service, labor organization, or joint labor- 678  
management committee holds other employees, even if any 679  
unsatisfactory performance or behavior is related to an 680  
employee's illegal use of a controlled substance or alcoholism; 681

(f) Exercising other authority recognized in the 682  
"Americans with Disabilities Act of 1990," 104 Stat. 327, 42 683

U.S.C.A. 12101, as amended, including, but not limited to, 684  
requiring employees to comply with any applicable federal 685  
standards. 686

(3) For purposes of this chapter, a test to determine the 687  
illegal use of any controlled substance does not include a 688  
medical examination. 689

(4) Division (N) of this section does not encourage, 690  
prohibit, or authorize, and shall not be construed as 691  
encouraging, prohibiting, or authorizing, the conduct of testing 692  
for the illegal use of any controlled substance by employees, 693  
applicants, or other persons, or the making of employment 694  
decisions based on the results of that type of testing. 695

(O) This section does not apply to a religious 696  
corporation, association, educational institution, or society 697  
with respect to the employment of an individual of a particular 698  
religion to perform work connected with the carrying on by that 699  
religious corporation, association, educational institution, or 700  
society of its activities. 701

The unlawful discriminatory practices defined in this 702  
section do not make it unlawful for a person or an appointing 703  
authority administering an examination under section 124.23 of 704  
the Revised Code to obtain information about an applicant's 705  
military status for the purpose of determining if the applicant 706  
is eligible for the additional credit that is available under 707  
that section. 708

**Section 2.** That existing sections 4112.01 and 4112.02 of 709  
the Revised Code are hereby repealed. 710