

As Introduced

**134th General Assembly
Regular Session
2021-2022**

S. B. No. 317

**Senator Maharath
Cosponsors: Senators Yuko, Craig**

A BILL

To amend sections 4112.01, 4112.02, 4112.051, 1
4112.052, and 4112.08 of the Revised Code to 2
prohibit discrimination in rental housing based 3
on lawful sources of income. 4

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

Section 1. That sections 4112.01, 4112.02, 4112.051, 5
4112.052, and 4112.08 of the Revised Code be amended to read as 6
follows: 7

Sec. 4112.01. (A) As used in this chapter: 8

(1) ~~"Person" includes one or more individuals, 9
partnerships, associations, organizations, corporations, legal 10
representatives, trustees, trustees in bankruptcy, receivers, 11
and other organized groups of persons. "Person" also includes, 12
but is not limited to, any owner, lesser, assignor, builder, 13
manager, broker, salesperson, appraiser, agent, employee, 14
lending institution, and the state and all political 15
subdivisions, authorities, agencies, boards, and commissions of 16
the state. Except as otherwise provided in section 4112.021 of 17
the Revised Code, "age" means an individual aged forty years or 18~~

<u>older.</u>	19
(2) <u>"Aggrieved person" includes both of the following:</u>	20
(a) <u>Any person who claims to have been injured by any</u>	21
<u>unlawful discriminatory practice described in division (H) of</u>	22
<u>section 4112.02 of the Revised Code.</u>	23
(b) <u>Any person who believes that the person will be</u>	24
<u>injured by any unlawful discriminatory practice described in</u>	25
<u>division (H) of section 4112.02 of the Revised Code that is</u>	26
<u>about to occur.</u>	27
(3) <u>"Burial lot" means any lot for the burial of deceased</u>	28
<u>persons within any public burial ground or cemetery, including,</u>	29
<u>but not limited to, cemeteries owned and operated by municipal</u>	30
<u>corporations, townships, or companies or associations</u>	31
<u>incorporated for cemetery purposes.</u>	32
(4) <u>"Commission" means the Ohio civil rights commission</u>	33
<u>created by section 4112.03 of the Revised Code.</u>	34
(5) <u>"Common use areas" means rooms, spaces, or elements</u>	35
<u>inside or outside a building that are made available for the use</u>	36
<u>of residents of the building or their guests, and includes, but</u>	37
<u>is not limited to, hallways, lounges, lobbies, laundry rooms,</u>	38
<u>refuse rooms, mail rooms, recreational areas, and passageways</u>	39
<u>among and between buildings.</u>	40
(6) <u>"Controlled substance" has the same meaning as in</u>	41
<u>section 3719.01 of the Revised Code.</u>	42
(7) <u>"Disability" means a physical or mental impairment</u>	43
<u>that substantially limits one or more major life activities,</u>	44
<u>including the functions of caring for one's self, performing</u>	45
<u>manual tasks, walking, seeing, hearing, speaking, breathing,</u>	46

learning, and working; a record of a physical or mental 47
impairment; or being regarded as having a physical or mental 48
impairment. 49

(8) "Disabled tenant" means a tenant or prospective tenant 50
who is a person with a disability. 51

(9) "Discriminate" includes segregate or separate. 52

(10) "Dwelling unit" means a single unit of residence for 53
a family of one or more persons. 54

(11) "Employee" means an individual employed by any 55
employer but does not include any individual employed in the 56
domestic service of any person. 57

(12) "Employer" means the state, any political subdivision 58
of the state, or a person employing four or more persons within 59
the state, and any agent of the state, political subdivision, or 60
person. 61

~~(3) "Employee" means an individual employed by any~~ 62
~~employer but does not include any individual employed in the~~ 63
~~domestic service of any person.~~ 64

~~(4)-(13) "Employment agency" includes any person regularly~~ 65
~~undertaking, with or without compensation, to procure~~ 66
~~opportunities to work or to procure, recruit, refer, or place~~ 67
~~employees.~~ 68

(14) "Familial status" means either of the following: 69

(a) One or more individuals who are under eighteen years 70
of age and who are domiciled with a parent or guardian having 71
legal custody of the individual or domiciled, with the written 72
permission of the parent or guardian having legal custody, with 73
a designee of the parent or guardian; 74

(b) Any person who is pregnant or in the process of 75
securing legal custody of any individual who is under eighteen 76
years of age. 77

(15) "Housing accommodations" includes any building or 78
structure, or portion of a building or structure, that is used 79
or occupied or is intended, arranged, or designed to be used or 80
occupied as the home residence, dwelling, dwelling unit, or 81
sleeping place of one or more individuals, groups, or families 82
whether or not living independently of each other; and any 83
vacant land offered for sale or lease. "Housing accommodations" 84
also includes any housing accommodations held or offered for 85
sale or rent by a real estate broker, salesperson, or agent, by 86
any other person pursuant to authorization of the owner, by the 87
owner, or by the owner's legal representative. 88

(16) "Labor organization" includes any organization that 89
exists, in whole or in part, for the purpose of collective 90
bargaining or of dealing with employers concerning grievances, 91
terms or conditions of employment, or other mutual aid or 92
protection in relation to employment. 93

~~(5) "Employment agency" includes any person regularly~~ 94
~~undertaking, with or without compensation, to procure~~ 95
~~opportunities to work or to procure, recruit, refer, or place~~ 96
~~employees.~~ 97

~~(6) "Commission" means the Ohio civil rights commission~~ 98
~~created by section 4112.03 of the Revised Code.~~ 99

~~(7) "Discriminate" includes segregate or separate.~~ 100

~~(8) "Unlawful discriminatory practice" means any act~~ 101
~~prohibited by section 4112.02, 4112.021, or 4112.022 of the~~ 102
~~Revised Code.~~ 103

~~(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.~~ 104
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~~(10) "Housing accommodations" includes any building or structure, or portion of a building or structure, that is used or occupied or is intended, arranged, or designed to be used or occupied as the home residence, dwelling, dwelling unit, or sleeping place of one or more individuals, groups, or families whether or not living independently of each other; and any vacant land offered for sale or lease. "Housing accommodations" also includes any housing accommodations held or offered for sale or rent by a real estate broker, salesperson, or agent, by any other person pursuant to authorization of the owner, by the owner, or by the owner's legal representative.~~ 110
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~~(11) "Restrictive covenant" means any specification limiting the transfer, rental, lease, or other use of any housing accommodations because of race, color, religion, sex, military status, familial status, national origin, disability, or ancestry, or any limitation based upon affiliation with or approval by any person, directly or indirectly, employing race, color, religion, sex, military status, familial status, national origin, disability, or ancestry as a condition of affiliation or approval.~~ 121
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~~(12) "Burial lot" means any lot for the burial of deceased persons within any public burial ground or cemetery, including, but not limited to, cemeteries owned and operated by municipal corporations, townships, or companies or associations~~ 130
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~~incorporated for cemetery purposes.~~ 134

~~(13) "Disability" means a physical or mental impairment that substantially limits one 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.~~ 135
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~~(14) Except as otherwise provided in section 4112.021 of the Revised Code, "age" means an individual aged forty years or older.~~ 142
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~~(15) "Familial status" means either of the following:~~ 145

~~(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;~~ 146
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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.~~ 151
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~~(16)(a)-(17) "Lawful source of income" includes benefits or subsidy programs including housing assistance, housing vouchers, public assistance, emergency rental assistance, veterans benefits, social security, supplemental security income or other retirement programs, and other programs administered by any federal, state, local, or nonprofit entity.~~ 154
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~~(18) "Military status" means a person's status in "service in the uniformed services" as defined in section 5923.05 of the Revised Code.~~ 160
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(19) "Notice of right to sue" means a notice sent by the 163
commission to a person who files a charge under section 4112.051 164
of the Revised Code that states that the person who filed the 165
charge may bring a civil action related to the charge pursuant 166
to section 4112.052 or 4112.14 of the Revised Code, in 167
accordance with section 4112.052 of the Revised Code. 168

(20) "Person" includes one or more individuals, 169
partnerships, associations, organizations, corporations, legal 170
representatives, trustees, trustees in bankruptcy, receivers, 171
and other organized groups of persons. "Person" also includes, 172
but is not limited to, any owner, lessor, assignor, builder, 173
manager, broker, salesperson, appraiser, agent, employee, 174
lending institution, and the state and all political 175
subdivisions, authorities, agencies, boards, and commissions of 176
the state. 177

(21) (a) Except as provided in division ~~(A) (16) (b)~~ (A) (21) 178
(b) of this section, "physical or mental impairment" includes 179
any of the following: 180

(i) Any physiological disorder or condition, cosmetic 181
disfigurement, or anatomical loss affecting one or more of the 182
following body systems: neurological; musculoskeletal; special 183
sense organs; respiratory, including speech organs; 184
cardiovascular; reproductive; digestive; genito-urinary; hemic 185
and lymphatic; skin; and endocrine; 186

(ii) Any mental or psychological disorder, including, but 187
not limited to, intellectual disability, organic brain syndrome, 188
emotional or mental illness, and specific learning disabilities; 189

(iii) Diseases and conditions, including, but not limited 190
to, orthopedic, visual, speech, and hearing impairments, 191

cerebral palsy, autism, epilepsy, muscular dystrophy, multiple 192
sclerosis, cancer, heart disease, diabetes, human 193
immunodeficiency virus infection, intellectual disability, 194
emotional illness, drug addiction, and alcoholism. 195

(b) "Physical or mental impairment" does not include any 196
of the following: 197

(i) Homosexuality and bisexuality; 198

(ii) Transvestism, transsexualism, pedophilia, 199
exhibitionism, voyeurism, gender identity disorders not 200
resulting from physical impairments, or other sexual behavior 201
disorders; 202

(iii) Compulsive gambling, kleptomania, or pyromania; 203

(iv) Psychoactive substance use disorders resulting from 204
the current illegal use of a controlled substance or the current 205
use of alcoholic beverages. 206

~~(17) "Dwelling unit" means a single unit of residence for-~~ 207
~~a family of one or more persons.~~ 208

~~(18) "Common use areas" means rooms, spaces, or elements-~~ 209
~~inside or outside a building that are made available for the use-~~ 210
~~of residents of the building or their guests, and includes, but-~~ 211
~~is not limited to, hallways, lounges, lobbies, laundry rooms,-~~ 212
~~refuse rooms, mail rooms, recreational areas, and passageways-~~ 213
~~among and between buildings.~~ 214

(22) "Place of public accommodation" means any inn, 215
restaurant, eating house, barbershop, public conveyance by air, 216
land, or water, theater, store, other place for the sale of 217
merchandise, or any other place of public accommodation or 218
amusement of which the accommodations, advantages, facilities, 219

<u>or privileges are available to the public.</u>	220
(19) (23) "Public use areas" means interior or exterior rooms or spaces of a privately or publicly owned building that are made available to the general public.	221 222 223
(20) "Controlled substance" has the same meaning as in section 3719.01 of the Revised Code.	224 225
(21) "Disabled tenant" means a tenant or prospective tenant who is a person with a disability.	226 227
(22) "Military status" means a person's status in "service in the uniformed services" as defined in section 5923.05 of the Revised Code.	228 229 230
(23) "Aggrieved person" includes both of the following:	231
(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;	232 233 234
(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.	235 236 237 238
(24) <u>"Restrictive covenant" means any specification limiting the transfer, rental, lease, or other use of any housing accommodations because of race, color, religion, sex, military status, familial status, national origin, disability, or ancestry, or any limitation based upon affiliation with or approval by any person, directly or indirectly, employing race, color, religion, sex, military status, familial status, national origin, disability, or ancestry as a condition of affiliation or approval.</u>	239 240 241 242 243 244 245 246 247

(25) "Unlawful discriminatory practice" means any act prohibited by section 4112.02, 4112.021, or 4112.022 of the Revised Code. 248
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(26) "Unlawful discriminatory practice relating to employment" means both of the following: 251
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(a) An unlawful discriminatory practice that is prohibited 253
by division (A), (B), (C), (D), (E), or (F) of section 4112.02 254
of the Revised Code; 255

(b) An unlawful discriminatory practice that is prohibited 256
by division (I) or (J) of section 4112.02 of the Revised Code 257
that is related to employment. 258

~~(25) "Notice of right to sue" means a notice sent by the 259
commission to a person who files a charge under section 4112.051- 260
of the Revised Code that states that the person who filed the 261
charge may bring a civil action related to the charge pursuant 262
to section 4112.052 or 4112.14 of the Revised Code, in 263
accordance with section 4112.052 of the Revised Code. 264~~

(B) For the purposes of divisions (A) to (F) of section 265
4112.02 of the Revised Code, the terms "because of sex" and "on 266
the basis of sex" include, but are not limited to, because of or 267
on the basis of pregnancy, any illness arising out of and 268
occurring during the course of a pregnancy, childbirth, or 269
related medical conditions. Women affected by pregnancy, 270
childbirth, or related medical conditions shall be treated the 271
same for all employment-related purposes, including receipt of 272
benefits under fringe benefit programs, as other persons not so 273
affected but similar in their ability or inability to work, and 274
nothing in division (B) of section 4111.17 of the Revised Code 275
shall be interpreted to permit otherwise. This division shall 276

not be construed to require an employer to pay for health 277
insurance benefits for abortion, except where the life of the 278
mother would be endangered if the fetus were carried to term or 279
except where medical complications have arisen from the 280
abortion, provided that nothing in this division precludes an 281
employer from providing abortion benefits or otherwise affects 282
bargaining agreements in regard to abortion. 283

Sec. 4112.02. It shall be an unlawful discriminatory 284
practice: 285

(A) For any employer, because of the race, color, 286
religion, sex, military status, national origin, disability, 287
age, or ancestry of any person, to discharge without just cause, 288
to refuse to hire, or otherwise to discriminate against that 289
person with respect to hire, tenure, terms, conditions, or 290
privileges of employment, or any matter directly or indirectly 291
related to employment. 292

(B) For an employment agency or personnel placement 293
service, because of race, color, religion, sex, military status, 294
national origin, disability, age, or ancestry, to do any of the 295
following: 296

(1) Refuse or fail to accept, register, classify properly, 297
or refer for employment, or otherwise discriminate against any 298
person; 299

(2) Comply with a request from an employer for referral of 300
applicants for employment if the request directly or indirectly 301
indicates that the employer fails to comply with the provisions 302
of sections 4112.01 to 4112.07 of the Revised Code. 303

(C) For any labor organization to do any of the following: 304

(1) Limit or classify its membership on the basis of race, 305

color, religion, sex, military status, national origin,	306
disability, age, or ancestry;	307
(2) Discriminate against, limit the employment	308
opportunities of, or otherwise adversely affect the employment	309
status, wages, hours, or employment conditions of any person as	310
an employee because of race, color, religion, sex, military	311
status, national origin, disability, age, or ancestry.	312
(D) For any employer, labor organization, or joint labor-	313
management committee controlling apprentice training programs to	314
discriminate against any person because of race, color,	315
religion, sex, military status, national origin, disability, or	316
ancestry in admission to, or employment in, any program	317
established to provide apprentice training.	318
(E) Except where based on a bona fide occupational	319
qualification certified in advance by the commission, for any	320
employer, employment agency, personnel placement service, or	321
labor organization, prior to employment or admission to	322
membership, to do any of the following:	323
(1) Elicit or attempt to elicit any information concerning	324
the race, color, religion, sex, military status, national	325
origin, disability, age, or ancestry of an applicant for	326
employment or membership;	327
(2) Make or keep a record of the race, color, religion,	328
sex, military status, national origin, disability, age, or	329
ancestry of any applicant for employment or membership;	330
(3) Use any form of application for employment, or	331
personnel or membership blank, seeking to elicit information	332
regarding race, color, religion, sex, military status, national	333
origin, disability, age, or ancestry; but an employer holding a	334

contract containing a nondiscrimination clause with the 335
government of the United States, or any department or agency of 336
that government, may require an employee or applicant for 337
employment to furnish documentary proof of United States 338
citizenship and may retain that proof in the employer's 339
personnel records and may use photographic or fingerprint 340
identification for security purposes; 341

(4) Print or publish or cause to be printed or published 342
any notice or advertisement relating to employment or membership 343
indicating any preference, limitation, specification, or 344
discrimination, based upon race, color, religion, sex, military 345
status, national origin, disability, age, or ancestry; 346

(5) Announce or follow a policy of denying or limiting, 347
through a quota system or otherwise, employment or membership 348
opportunities of any group because of the race, color, religion, 349
sex, military status, national origin, disability, age, or 350
ancestry of that group; 351

(6) Utilize in the recruitment or hiring of persons any 352
employment agency, personnel placement service, training school 353
or center, labor organization, or any other employee-referring 354
source known to discriminate against persons because of their 355
race, color, religion, sex, military status, national origin, 356
disability, age, or ancestry. 357

(F) For any person seeking employment to publish or cause 358
to be published any advertisement that specifies or in any 359
manner indicates that person's race, color, religion, sex, 360
military status, national origin, disability, age, or ancestry, 361
or expresses a limitation or preference as to the race, color, 362
religion, sex, military status, national origin, disability, 363
age, or ancestry of any prospective employer. 364

(G) For any proprietor or any employee, keeper, or manager 365
of a place of public accommodation to deny to any person, except 366
for reasons applicable alike to all persons regardless of race, 367
color, religion, sex, military status, national origin, 368
disability, age, or ancestry, the full enjoyment of the 369
accommodations, advantages, facilities, or privileges of the 370
place of public accommodation. 371

(H) Subject to section 4112.024 of the Revised Code, for 372
any person to do any of the following: 373

(1) Refuse to sell, transfer, assign, rent, lease, 374
sublease, or finance housing accommodations, refuse to negotiate 375
for the sale or rental of housing accommodations, or otherwise 376
deny or make unavailable housing accommodations because of race, 377
color, religion, sex, military status, familial status, 378
ancestry, disability, or national origin; 379

(2) Represent to any person that housing accommodations 380
are not available for inspection, sale, or rental, when in fact 381
they are available, because of race, color, religion, sex, 382
military status, familial status, ancestry, disability, or 383
national origin; 384

(3) Discriminate against any person in the making or 385
purchasing of loans or the provision of other financial 386
assistance for the acquisition, construction, rehabilitation, 387
repair, or maintenance of housing accommodations, or any person 388
in the making or purchasing of loans or the provision of other 389
financial assistance that is secured by residential real estate, 390
because of race, color, religion, sex, military status, familial 391
status, ancestry, disability, or national origin or because of 392
the racial composition of the neighborhood in which the housing 393
accommodations are located, provided that the person, whether an 394

individual, corporation, or association of any type, lends money 395
as one of the principal aspects or incident to the person's 396
principal business and not only as a part of the purchase price 397
of an owner-occupied residence the person is selling nor merely 398
casually or occasionally to a relative or friend; 399

(4) Discriminate against any person in the terms or 400
conditions of selling, transferring, assigning, renting, 401
leasing, or subleasing any housing accommodations or in 402
furnishing facilities, services, or privileges in connection 403
with the ownership, occupancy, or use of any housing 404
accommodations, including the sale of fire, extended coverage, 405
or homeowners insurance, because of race, color, religion, sex, 406
military status, familial status, ancestry, disability, or 407
national origin or because of the racial composition of the 408
neighborhood in which the housing accommodations are located; 409

(5) Discriminate against any person in the terms or 410
conditions of any loan of money, whether or not secured by 411
mortgage or otherwise, for the acquisition, construction, 412
rehabilitation, repair, or maintenance of housing accommodations 413
because of race, color, religion, sex, military status, familial 414
status, ancestry, disability, or national origin or because of 415
the racial composition of the neighborhood in which the housing 416
accommodations are located; 417

(6) Refuse to consider without prejudice the combined 418
income of both husband and wife for the purpose of extending 419
mortgage credit to a married couple or either member of a 420
married couple; 421

(7) Print, publish, or circulate any statement or 422
advertisement, or make or cause to be made any statement or 423
advertisement, relating to the sale, transfer, assignment, 424

rental, lease, sublease, or acquisition of any housing 425
accommodations, or relating to the loan of money, whether or not 426
secured by mortgage or otherwise, for the acquisition, 427
construction, rehabilitation, repair, or maintenance of housing 428
accommodations, that indicates any preference, limitation, 429
specification, or discrimination based upon race, color, 430
religion, sex, military status, familial status, ancestry, 431
disability, or national origin, or an intention to make any such 432
preference, limitation, specification, or discrimination; 433

(8) Except as otherwise provided in division (H) (8) or 434
(17) of this section, make any inquiry, elicit any information, 435
make or keep any record, or use any form of application 436
containing questions or entries concerning race, color, 437
religion, sex, military status, familial status, ancestry, 438
disability, or national origin in connection with the sale or 439
lease of any housing accommodations or the loan of any money, 440
whether or not secured by mortgage or otherwise, for the 441
acquisition, construction, rehabilitation, repair, or 442
maintenance of housing accommodations. Any person may make 443
inquiries, and make and keep records, concerning race, color, 444
religion, sex, military status, familial status, ancestry, 445
disability, or national origin for the purpose of monitoring 446
compliance with this chapter. 447

(9) Include in any transfer, rental, or lease of housing 448
accommodations any restrictive covenant, or honor or exercise, 449
or attempt to honor or exercise, any restrictive covenant; 450

(10) Induce or solicit, or attempt to induce or solicit, a 451
housing accommodations listing, sale, or transaction by 452
representing that a change has occurred or may occur with 453
respect to the racial, religious, sexual, military status, 454

familial status, or ethnic composition of the block, 455
neighborhood, or other area in which the housing accommodations 456
are located, or induce or solicit, or attempt to induce or 457
solicit, a housing accommodations listing, sale, or transaction 458
by representing that the presence or anticipated presence of 459
persons of any race, color, religion, sex, military status, 460
familial status, ancestry, disability, or national origin, in 461
the block, neighborhood, or other area will or may have results 462
including, but not limited to, the following: 463

(a) The lowering of property values; 464

(b) A change in the racial, religious, sexual, military 465
status, familial status, or ethnic composition of the block, 466
neighborhood, or other area; 467

(c) An increase in criminal or antisocial behavior in the 468
block, neighborhood, or other area; 469

(d) A decline in the quality of the schools serving the 470
block, neighborhood, or other area. 471

(11) Deny any person access to or membership or 472
participation in any multiple-listing service, real estate 473
brokers' organization, or other service, organization, or 474
facility relating to the business of selling or renting housing 475
accommodations, or discriminate against any person in the terms 476
or conditions of that access, membership, or participation, on 477
account of race, color, religion, sex, military status, familial 478
status, national origin, disability, or ancestry; 479

(12) Coerce, intimidate, threaten, or interfere with any 480
person in the exercise or enjoyment of, or on account of that 481
person's having exercised or enjoyed or having aided or 482
encouraged any other person in the exercise or enjoyment of, any 483

right granted or protected by division (H) of this section;	484
(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;	485 486 487 488 489
(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;	490 491 492 493 494
(15) Discriminate in the sale or rental of, or otherwise make unavailable or deny, housing accommodations to any buyer or renter because of a disability of any of the following:	495 496 497
(a) The buyer or renter;	498
(b) A person residing in or intending to reside in the housing accommodations after they are sold, rented, or made available;	499 500 501
(c) Any individual associated with the person described in division (H) (15) (b) of this section.	502 503
(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:	504 505 506 507 508
(a) That person;	509
(b) A person residing in or intending to reside in the housing accommodations after they are sold, rented, or made	510 511

available;	512
(c) Any individual associated with the person described in division (H) (16) (b) of this section.	513 514
(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 disabilities:	515 516 517 518 519 520 521 522 523 524 525
(a) An inquiry into an applicant's ability to meet the requirements of ownership or tenancy;	526 527
(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;	528 529 530 531
(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;	532 533 534
(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;	535 536 537 538
(e) An inquiry to determine whether an applicant at any time has been convicted of or pleaded guilty to any offense, an	539 540

element of which is the illegal sale, offer to sell, 541
cultivation, manufacture, other production, shipment, 542
transportation, delivery, or other distribution of a controlled 543
substance. 544

(18) (a) Refuse to permit, at the expense of a person with 545
a disability, reasonable modifications of existing housing 546
accommodations that are occupied or to be occupied by the person 547
with a disability, if the modifications may be necessary to 548
afford the person with a disability full enjoyment of the 549
housing accommodations. This division does not preclude a 550
landlord of housing accommodations that are rented or to be 551
rented to a disabled tenant from conditioning permission for a 552
proposed modification upon the disabled tenant's doing one or 553
more of the following: 554

(i) Providing a reasonable description of the proposed 555
modification and reasonable assurances that the proposed 556
modification will be made in a workerlike manner and that any 557
required building permits will be obtained prior to the 558
commencement of the proposed modification; 559

(ii) Agreeing to restore at the end of the tenancy the 560
interior of the housing accommodations to the condition they 561
were in prior to the proposed modification, but subject to 562
reasonable wear and tear during the period of occupancy, if it 563
is reasonable for the landlord to condition permission for the 564
proposed modification upon the agreement; 565

(iii) Paying into an interest-bearing escrow account that 566
is in the landlord's name, over a reasonable period of time, a 567
reasonable amount of money not to exceed the projected costs at 568
the end of the tenancy of the restoration of the interior of the 569
housing accommodations to the condition they were in prior to 570

the proposed modification, but subject to reasonable wear and 571
tear during the period of occupancy, if the landlord finds the 572
account reasonably necessary to ensure the availability of funds 573
for the restoration work. The interest earned in connection with 574
an escrow account described in this division shall accrue to the 575
benefit of the disabled tenant who makes payments into the 576
account. 577

(b) A landlord shall not condition permission for a 578
proposed modification upon a disabled tenant's payment of a 579
security deposit that exceeds the customarily required security 580
deposit of all tenants of the particular housing accommodations. 581

(19) Refuse to make reasonable accommodations in rules, 582
policies, practices, or services when necessary to afford a 583
person with a disability equal opportunity to use and enjoy a 584
dwelling unit, including associated public and common use areas; 585

(20) Fail to comply with the standards and rules adopted 586
under division (A) of section 3781.111 of the Revised Code; 587

(21) Discriminate against any person in the selling, 588
brokering, or appraising of real property because of race, 589
color, religion, sex, military status, familial status, 590
ancestry, disability, or national origin; 591

(22) Fail to design and construct covered multifamily 592
dwellings for first occupancy on or after June 30, 1992, in 593
accordance with the following conditions: 594

(a) The dwellings shall have at least one building 595
entrance on an accessible route, unless it is impractical to do 596
so because of the terrain or unusual characteristics of the 597
site. 598

(b) With respect to dwellings that have a building 599

entrance on an accessible route, all of the following apply: 600

(i) The public use areas and common use areas of the 601
dwellings shall be readily accessible to and usable by persons 602
with a disability. 603

(ii) All the doors designed to allow passage into and 604
within all premises shall be sufficiently wide to allow passage 605
by persons with a disability who are in wheelchairs. 606

(iii) All premises within covered multifamily dwelling 607
units shall contain an accessible route into and through the 608
dwelling; all light switches, electrical outlets, thermostats, 609
and other environmental controls within such units shall be in 610
accessible locations; the bathroom walls within such units shall 611
contain reinforcements to allow later installation of grab bars; 612
and the kitchens and bathrooms within such units shall be 613
designed and constructed in a manner that enables an individual 614
in a wheelchair to maneuver about such rooms. 615

For purposes of division (H) (22) of this section, "covered 616
multifamily dwellings" means buildings consisting of four or 617
more units if such buildings have one or more elevators and 618
ground floor units in other buildings consisting of four or more 619
units. 620

(23) Refuse to rent or lease a housing accommodation, or 621
access to or use of the common areas and facilities of the 622
housing accommodation, serve a notice of termination of tenancy, 623
commence a forcible entry and detainer action on grounds not 624
authorized under section 1923.02 of the Revised Code, or 625
otherwise deny to or withhold from any person or persons, a 626
housing accommodation on the basis of lawful source of income. 627

(24) Represent to any person, on the basis of lawful 628

source of income, that a housing accommodation is not available 629
for inspection or rental when such housing accommodation is in 630
fact available for inspection or rental, or to require different 631
terms for such transactions on the basis of lawful source of 632
income. 633

(25) Make, print, or publish, or cause to be made, 634
printed, or published any notice, statement, sign, 635
advertisement, application, or contract with regard to renting 636
or leasing of a housing accommodation offered by that person 637
that indicates any preference, limitation, or discrimination 638
with respect to lawful source of income. 639

(I) For any person to discriminate in any manner against 640
any other person because that person has opposed any unlawful 641
discriminatory practice defined in this section or because that 642
person has made a charge, testified, assisted, or participated 643
in any manner in any investigation, proceeding, or hearing under 644
sections 4112.01 to 4112.07 of the Revised Code. 645

(J) For any person to aid, abet, incite, compel, or coerce 646
the doing of any act declared by this section to be an unlawful 647
discriminatory practice, to obstruct or prevent any person from 648
complying with this chapter or any order issued under it, or to 649
attempt directly or indirectly to commit any act declared by 650
this section to be an unlawful discriminatory practice. 651

(K) Nothing in divisions (A) to (E) of this section shall 652
be construed to require a person with a disability to be 653
employed or trained under circumstances that would significantly 654
increase the occupational hazards affecting either the person 655
with a disability, other employees, the general public, or the 656
facilities in which the work is to be performed, or to require 657
the employment or training of a person with a disability in a 658

job that requires the person with a disability routinely to 659
undertake any task, the performance of which is substantially 660
and inherently impaired by the person's disability. 661

(L) With regard to age, it shall not be an unlawful 662
discriminatory practice and it shall not constitute a violation 663
of division (A) of section 4112.14 of the Revised Code for any 664
employer, employment agency, joint labor-management committee 665
controlling apprenticeship training programs, or labor 666
organization to do any of the following: 667

(1) Establish bona fide employment qualifications 668
reasonably related to the particular business or occupation that 669
may include standards for skill, aptitude, physical capability, 670
intelligence, education, maturation, and experience; 671

(2) Observe the terms of a bona fide seniority system or 672
any bona fide employee benefit plan, including, but not limited 673
to, a retirement, pension, or insurance plan, that is not a 674
subterfuge to evade the purposes of this section. However, no 675
such employee benefit plan shall excuse the failure to hire any 676
individual, and no such seniority system or employee benefit 677
plan shall require or permit the involuntary retirement of any 678
individual, because of the individual's age except as provided 679
for in the "Age Discrimination in Employment Act Amendment of 680
1978," 92 Stat. 189, 29 U.S.C.A. 623, as amended by the "Age 681
Discrimination in Employment Act Amendments of 1986," 100 Stat. 682
3342, 29 U.S.C.A. 623, as amended. 683

(3) Retire an employee who has attained sixty-five years 684
of age who, for the two-year period immediately before 685
retirement, is employed in a bona fide executive or a high 686
policymaking position, if the employee is entitled to an 687
immediate nonforfeitable annual retirement benefit from a 688

pension, profit-sharing, savings, or deferred compensation plan, 689
or any combination of those plans, of the employer of the 690
employee, which equals, in the aggregate, at least forty-four 691
thousand dollars, in accordance with the conditions of the "Age 692
Discrimination in Employment Act Amendment of 1978," 92 Stat. 693
189, 29 U.S.C.A. 631, as amended by the "Age Discrimination in 694
Employment Act Amendments of 1986," 100 Stat. 3342, 29 U.S.C.A. 695
631, as amended; 696

(4) Observe the terms of any bona fide apprenticeship 697
program if the program is registered with the Ohio 698
apprenticeship council pursuant to sections 4139.01 to 4139.06 699
of the Revised Code and is approved by the federal committee on 700
apprenticeship of the United States department of labor. 701

(M) Nothing in this chapter prohibiting age discrimination 702
and nothing in division (A) of section 4112.14 of the Revised 703
Code shall be construed to prohibit the following: 704

(1) The designation of uniform age the attainment of which 705
is necessary for public employees to receive pension or other 706
retirement benefits pursuant to Chapter 145., 742., 3307., 707
3309., or 5505. of the Revised Code; 708

(2) The mandatory retirement of uniformed patrol officers 709
of the state highway patrol as provided in section 5505.16 of 710
the Revised Code; 711

(3) The maximum age requirements for appointment as a 712
patrol officer in the state highway patrol established by 713
section 5503.01 of the Revised Code; 714

(4) The maximum age requirements established for original 715
appointment to a police department or fire department in 716
sections 124.41 and 124.42 of the Revised Code; 717

(5) Any maximum age not in conflict with federal law that 718
may be established by a municipal charter, municipal ordinance, 719
or resolution of a board of township trustees for original 720
appointment as a police officer or firefighter; 721

(6) Any mandatory retirement provision not in conflict 722
with federal law of a municipal charter, municipal ordinance, or 723
resolution of a board of township trustees pertaining to police 724
officers and firefighters; 725

(7) Until January 1, 1994, the mandatory retirement of any 726
employee who has attained seventy years of age and who is 727
serving under a contract of unlimited tenure, or similar 728
arrangement providing for unlimited tenure, at an institution of 729
higher education as defined in the "Education Amendments of 730
1980," 94 Stat. 1503, 20 U.S.C.A. 1141(a). 731

(N) (1) (a) Except as provided in division (N) (1) (b) of this 732
section, for purposes of divisions (A) to (E) of this section, a 733
disability does not include any physiological disorder or 734
condition, mental or psychological disorder, or disease or 735
condition caused by an illegal use of any controlled substance 736
by an employee, applicant, or other person, if an employer, 737
employment agency, personnel placement service, labor 738
organization, or joint labor-management committee acts on the 739
basis of that illegal use. 740

(b) Division (N) (1) (a) of this section does not apply to 741
an employee, applicant, or other person who satisfies any of the 742
following: 743

(i) The employee, applicant, or other person has 744
successfully completed a supervised drug rehabilitation program 745
and no longer is engaging in the illegal use of any controlled 746

substance, or the employee, applicant, or other person otherwise 747
successfully has been rehabilitated and no longer is engaging in 748
that illegal use. 749

(ii) The employee, applicant, or other person is 750
participating in a supervised drug rehabilitation program and no 751
longer is engaging in the illegal use of any controlled 752
substance. 753

(iii) The employee, applicant, or other person is 754
erroneously regarded as engaging in the illegal use of any 755
controlled substance, but the employee, applicant, or other 756
person is not engaging in that illegal use. 757

(2) Divisions (A) to (E) of this section do not prohibit 758
an employer, employment agency, personnel placement service, 759
labor organization, or joint labor-management committee from 760
doing any of the following: 761

(a) Adopting or administering reasonable policies or 762
procedures, including, but not limited to, testing for the 763
illegal use of any controlled substance, that are designed to 764
ensure that an individual described in division (N) (1) (b) (i) or 765
(ii) of this section no longer is engaging in the illegal use of 766
any controlled substance; 767

(b) Prohibiting the illegal use of controlled substances 768
and the use of alcohol at the workplace by all employees; 769

(c) Requiring that employees not be under the influence of 770
alcohol or not be engaged in the illegal use of any controlled 771
substance at the workplace; 772

(d) Requiring that employees behave in conformance with 773
the requirements established under "The Drug-Free Workplace Act 774
of 1988," 102 Stat. 4304, 41 U.S.C.A. 701, as amended; 775

(e) Holding an employee who engages in the illegal use of 776
any controlled substance or who is an alcoholic to the same 777
qualification standards for employment or job performance, and 778
the same behavior, to which the employer, employment agency, 779
personnel placement service, labor organization, or joint labor- 780
management committee holds other employees, even if any 781
unsatisfactory performance or behavior is related to an 782
employee's illegal use of a controlled substance or alcoholism; 783

(f) Exercising other authority recognized in the 784
"Americans with Disabilities Act of 1990," 104 Stat. 327, 42 785
U.S.C.A. 12101, as amended, including, but not limited to, 786
requiring employees to comply with any applicable federal 787
standards. 788

(3) For purposes of this chapter, a test to determine the 789
illegal use of any controlled substance does not include a 790
medical examination. 791

(4) Division (N) of this section does not encourage, 792
prohibit, or authorize, and shall not be construed as 793
encouraging, prohibiting, or authorizing, the conduct of testing 794
for the illegal use of any controlled substance by employees, 795
applicants, or other persons, or the making of employment 796
decisions based on the results of that type of testing. 797

(O) This section does not apply to a religious 798
corporation, association, educational institution, or society 799
with respect to the employment of an individual of a particular 800
religion to perform work connected with the carrying on by that 801
religious corporation, association, educational institution, or 802
society of its activities. 803

The unlawful discriminatory practices defined in this 804

section do not make it unlawful for a person or an appointing 805
authority administering an examination under section 124.23 of 806
the Revised Code to obtain information about an applicant's 807
military status for the purpose of determining if the applicant 808
is eligible for the additional credit that is available under 809
that section. 810

Sec. 4112.051. (A) As used in this section: 811

(1) "Complainant" means a person who files a charge under 812
this section. 813

(2) "Respondent" means a person who is the subject of a 814
charge filed under this section. 815

(B) The Ohio civil rights commission, as provided in this 816
section, shall prevent any person from engaging in unlawful 817
discriminatory practices relating to employment. The commission 818
may at any time attempt to resolve allegations of unlawful 819
discriminatory practices relating to employment by the use of 820
alternative dispute resolution, provided that, before 821
instituting the formal hearing authorized by this section, it 822
shall attempt, by informal methods of conference, conciliation, 823
and persuasion, to induce compliance with this chapter. 824

(C) (1) Any person who believes that a person has been the 825
subject of an unlawful discriminatory practice relating to 826
employment may file a charge with the commission alleging either 827
or both of the following: 828

(a) That an employer, employment agency, personnel 829
placement service, or labor organization has engaged or is 830
engaging in an unlawful discriminatory practice relating to 831
employment; 832

(b) That a person has engaged in an unlawful 833

discriminatory practice relating to employment described in 834
division ~~(A) (24) (b)~~ (A) (26) (b) of section 4112.01 of the Revised 835
Code. 836

(2) A charge under this section shall be in writing, under 837
oath, and shall be filed with the commission within two years 838
after the alleged unlawful discriminatory practice was 839
committed. 840

(3) An oath under this section may be made in any form of 841
affirmation the person considers binding on the person's 842
conscience. Acceptable forms include, but are not limited to, 843
declarations made under penalty of perjury. 844

(4) Any charge timely received, via facsimile, postal 845
mail, electronic mail, or otherwise, may be signed under oath 846
after the limitations period for filing set forth under division 847
(C) of this section and will relate back to the original filing 848
date. 849

(D) (1) Upon receiving a charge under this section, the 850
commission may initiate a preliminary investigation to determine 851
whether it is probable that an alleged unlawful discriminatory 852
practice relating to employment has occurred or is occurring. 853
The commission also may conduct, on its own initiative and 854
independent of the filing of any charge, a preliminary 855
investigation relating to any alleged unlawful discriminatory 856
practice relating to employment. Before a notification of a 857
complainant under division (E) of this section or before the 858
commencement of informal methods of conference, conciliation, 859
and persuasion, or alternative dispute resolution, under 860
division (F) of this section, the members of the commission and 861
the officers and employees of the commission shall not make 862
public in any manner and shall retain as confidential all 863

information that was obtained as a result of or that otherwise 864
pertains to a preliminary investigation. 865

(2) With respect to a charge filed under division (C) of 866
this section that alleges an unlawful discriminatory practice 867
relating to employment, the complainant may request in writing 868
that the commission cease its preliminary investigation and 869
issue a notice of right to sue to the complainant. If the 870
commission ceases its preliminary investigation, it shall issue 871
a notice of right to sue to the complainant. The complainant is 872
prohibited from refiling the charge with the commission. 873

(E) If, after a preliminary investigation, the commission 874
determines that it is not probable that an unlawful 875
discriminatory practice relating to employment has occurred or 876
is occurring, the commission shall notify the complainant of its 877
determination and that it will not issue a complaint in the 878
matter. The commission shall include a notice of right to sue in 879
the notice. 880

(F) (1) If, after a preliminary investigation, the 881
commission determines that it is probable that an unlawful 882
discriminatory practice relating to employment has occurred or 883
is occurring, the commission shall notify the complainant and 884
the respondent of its determination and, in the notice the 885
commission issues to the complainant, inform the complainant 886
that the complainant may withdraw the charge and file a civil 887
action under this chapter. If the complainant does not withdraw 888
the charge, the commission shall endeavor to eliminate the 889
alleged unlawful discriminatory practice relating to employment 890
by informal methods of conference, conciliation, and persuasion, 891
or by alternative dispute resolution. 892

(2) If, after the use of the informal methods of 893

conference, conciliation, and persuasion, or alternative dispute 894
resolution, the commission is satisfied that the unlawful 895
discriminatory practice in question will be eliminated, the 896
commission may treat the charge as being conciliated and enter 897
that disposition on the records of the commission. 898

(3) Nothing said or done during informal methods of 899
conference, conciliation, or persuasion, or during alternative 900
dispute resolution, under this section shall be disclosed by any 901
member of the commission or its staff or be used as evidence in 902
any subsequent hearing or other proceeding. 903

(G) If the commission fails to effect the elimination of 904
the alleged unlawful discriminatory practice relating to 905
employment and is unable to obtain voluntary compliance with 906
this chapter through informal methods of conference, 907
conciliation, and persuasion, or by alternative dispute 908
resolution under this section, the commission shall issue and 909
cause to be served upon any person, including the respondent, a 910
complaint. 911

(1) The complaint shall state the charges involved and 912
shall contain a notice of a hearing before the commission, a 913
member of the commission, or a hearing examiner, as well as the 914
hearing's location. Any such hearing shall be held in the county 915
in which the alleged unlawful discriminatory practice occurred 916
or is occurring or in which the respondent transacts business, 917
and shall be held not less than thirty days after service of the 918
complaint. After issuing a complaint, the commission may do any 919
of the following: 920

(a) Upon the request of a complainant that the commission 921
receives not later than thirty days before the date of the 922
hearing, dismiss the complaint; 923

(b) Eliminate the alleged unlawful discriminatory practice 924
relating to employment by the informal methods described in 925
division (F) (1) of this section and treat the charge as being 926
conciliated as provided in division (F) (2) of this section; 927

(c) Continue with the hearing process as provided in this 928
section. 929

(2) The attorney general shall represent the commission at 930
any such hearing and shall present the evidence in support of 931
the complaint. 932

(3) Any complaint issued pursuant to this division after 933
the filing of a charge under this section shall be issued within 934
one year after the complainant filed the charge with respect to 935
an alleged unlawful discriminatory practice relating to 936
employment. 937

(4) Any such complaint may be amended by the commission, a 938
member of the commission, or the commission's legal counsel at 939
any time prior to the hearing if the respondent is given 940
sufficient and reasonable notice. The respondent shall have the 941
right to file an answer or an amended answer to the original, 942
and any amended, complaints. 943

(5) The respondent shall have the right to appear at the 944
hearing in person, by attorney, or otherwise to examine and 945
cross-examine witnesses. 946

(6) The complainant shall be a party to a hearing under 947
this section. Any person who is an indispensable party to a 948
complete determination or settlement of the complaint central to 949
the hearing shall be joined. 950

(7) For any hearing initiated under this section, the 951
commission, a member of the commission, or a hearing officer is 952

not bound by the Rules of Evidence, but shall take into account 953
all reliable, probative, and substantial statistical or other 954
evidence produced at the hearing that may prove the existence of 955
a predetermined pattern of employment or membership. 956

(8) (a) The testimony provided during a hearing under this 957
section shall be under oath and shall be transcribed in writing 958
and filed with the commission. 959

(b) The commission, at its discretion, may hear further 960
testimony or argument after the initial hearing if notice, that 961
indicates an opportunity to be present, is provided to the 962
complainant and the respondent. 963

(H) If, after a hearing carried out under division (G) of 964
this section, the commission determines that the respondent has 965
engaged in, or is engaging in, any unlawful discriminatory 966
practice relating to employment, whether against the complainant 967
or others adversely affected by the allegations in the 968
complaint, the commission shall state its findings of fact and 969
conclusions of law and shall issue and cause to be served to the 970
respondent, subject to the provisions of Chapter 119. of the 971
Revised Code, an order to cease and desist from the unlawful 972
discriminatory practice. 973

(1) The order shall require the respondent to take 974
affirmative or other action necessary to effectuate the purposes 975
of this chapter, including hiring, reinstating, or promoting the 976
complainant or others adversely affected by the unlawful 977
discriminatory practice and shall require the respondent to 978
report to the commission the manner of compliance. 979

(2) (a) The order may require back pay or admission or 980
restoration to union membership. 981

(b) If the order requires back pay, the commission shall 982
take into account earnings collected during the resolution of 983
the complaint. 984

(3) Upon receipt of the report of compliance required 985
under this division, the commission may issue a declaratory 986
order stating that the respondent has ceased to engage in the 987
unlawful discriminatory practices that were the subject of the 988
complaint. 989

(I) If, after a hearing carried out under division (G) of 990
this section, the commission finds that a respondent has not 991
engaged in any unlawful discriminatory practice relating to 992
employment against the complainant or others, it shall issue an 993
order stating its findings of fact and dismissing the complaint 994
to the complainant, respondent, and any other affected party. A 995
copy of the order shall also be delivered to the attorney 996
general and any other public officer the commission considers 997
appropriate. 998

(J) The commission, subject to Chapter 119. of the Revised 999
Code, upon reasonable notice to the respondent and claimant and 1000
in the manner it considers proper, may modify or set aside, in 1001
whole or in part, any finding or order made under this section 1002
until the time period for appeal set forth in section 4112.06 of 1003
the Revised Code has passed. 1004

(K) The commission shall adopt rules, in accordance with 1005
Chapter 119. of the Revised Code, to carry out this section. 1006

(L) Nothing in this section requires any person to observe 1007
in hiring the proportion that persons of any race, color, 1008
religion, sex, military status, familial status, national 1009
origin, disability, age, or ancestry bear to the total 1010

population or in accordance with any other criteria than the 1011
qualifications of applicants. 1012

(M) The issuance of a notice of right to sue by the 1013
commission under this section does not prohibit the commission 1014
from offering assistance to the person to whom the notice was 1015
issued. 1016

(N) If a complainant requests a notice of right to sue 1017
under this section less than sixty days after filing a charge 1018
pursuant to division (C) of this section, the commission shall 1019
not grant the request until at least sixty days after the 1020
complainant filed the charge. If a complainant requests a notice 1021
of right to sue under this section sixty or more days after 1022
filing a charge, the commission may immediately grant the 1023
request. 1024

Sec. 4112.052. (A) Subject to division (B) of this 1025
section, and except as provided in division (D) (2) of section 1026
4112.14 of the Revised Code, a person alleging an unlawful 1027
discriminatory practice relating to employment in violation of 1028
section 4112.02 of the Revised Code may bring a civil action in 1029
a court of competent jurisdiction. 1030

(B) (1) Except as otherwise provided in division (B) (2) of 1031
this section, a person may file a civil action under this 1032
section alleging an unlawful discriminatory practice relating to 1033
employment or a violation of division (A) of section 4112.14 of 1034
the Revised Code only if the person satisfies both of the 1035
following conditions: 1036

(a) The person has first filed a charge with the Ohio 1037
civil rights commission under section 4112.051 of the Revised 1038
Code with respect to the practice complained of in the complaint 1039

for the civil action within the time period required under that section. 1040
1041

(b) One of the following occurs: 1042

(i) The person receives a notice of right to sue from the Ohio civil rights commission pursuant to section 4112.051 of the Revised Code. 1043
1044
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(ii) The person has requested a notice of right to sue from the Ohio civil rights commission, and the commission fails to issue the notice of right to sue within forty-five days after the date the commission is permitted to grant the request under division (N) of section 4112.051 of the Revised Code. 1046
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(iii) The Ohio civil rights commission, after a preliminary investigation conducted pursuant to a charge filed under section 4112.051 of the Revised Code, determines that it is probable that an unlawful discriminatory practice relating to employment has occurred or is occurring and the complainant, after being informed by the commission of the right to file a civil action under this chapter, elects to file a civil action and notifies the commission of that fact. 1051
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(2) A person may file a civil action under this section alleging an unlawful discriminatory practice relating to employment or a violation of division (A) of section 4112.14 of the Revised Code without satisfying the conditions of division (B) (1) of this section if either of the following apply: 1059
1060
1061
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1063

(a) The person seeks only injunctive relief. 1064

(b) All of the following occur: 1065

(i) The person has filed a charge with the Ohio civil rights commission under section 4112.051 of the Revised Code 1066
1067

with respect to the practice complained of in the complaint for 1068
the civil action within the time period required under that 1069
section. 1070

(ii) The person has filed a charge with the equal 1071
employment opportunity commission or its successor organization 1072
with respect to the practice complained of in the complaint for 1073
the civil action within the time period required under federal 1074
law. 1075

(iii) The person has received a notice from the equal 1076
employment opportunity commission or its successor organization 1077
that states that the person may bring a civil action against the 1078
employer and the notice was sent in connection with the charge 1079
filed with the equal employment opportunity commission or its 1080
successor organization. 1081

(3) With respect to an action described in division (B) (2) 1082
(a) of this section, the person may amend the complaint to 1083
include damages, but the amendment will relate back to the 1084
original filing date of the complaint in the action only after 1085
one of the following occurs: 1086

(a) The person receives a notice of right to sue from the 1087
Ohio civil rights commission pursuant to section 4112.051 of the 1088
Revised Code. 1089

(b) The person has requested a notice of right to sue from 1090
the Ohio civil rights commission, and the commission fails to 1091
issue the notice of right to sue within forty-five days after 1092
the date the commission is permitted to grant the request under 1093
division (N) of section 4112.051 of the Revised Code. 1094

(c) The Ohio civil rights commission, after a preliminary 1095
investigation conducted pursuant to a charge filed under section 1096

4112.051 of the Revised Code, determines that it is probable 1097
that an unlawful discriminatory practice relating to employment 1098
has occurred or is occurring and the complainant, after being 1099
informed by the commission of the right to file a civil action 1100
under this chapter, elects to file a civil action and notifies 1101
the commission of that fact. 1102

(4) With respect to an unlawful discriminatory practice 1103
relating to employment described in division ~~(A) (24) (b)~~ (A) (26) 1104
(b) of section 4112.01 of the Revised Code, a charge filed with 1105
the Ohio civil rights commission or the equal employment 1106
opportunity commission satisfies division (B) (1) (a) or divisions 1107
(B) (2) (b) (i) and (ii) of this section if both of the following 1108
apply: 1109

(a) The charge is related to the conduct alleged in the 1110
complaint for the civil action; 1111

(b) The charge is filed against the person who committed 1112
the unlawful discriminatory practice, the employer of the person 1113
who committed the unlawful discriminatory practice, or both the 1114
person who committed the unlawful discriminatory practice and 1115
the person's employer. 1116

(C) (1) Except as provided in division (C) (2) of this 1117
section, a civil action brought under this section shall be 1118
filed within two years after the alleged unlawful discriminatory 1119
practice was committed. 1120

(2) The time period to file a civil action shall be tolled 1121
for one of the following periods, as applicable: 1122

(a) If a charge that is based, in whole or in part, on the 1123
same allegations and practices was filed under section 4112.051 1124
of the Revised Code less than sixty days before the time period 1125

specified under that section expires, the time period to file a 1126
civil action is tolled for the period beginning on the date the 1127
charge was filed and ending on the date that is sixty days after 1128
the charge is no longer pending with the commission. 1129

(b) If a charge that is based, in whole or in part, on the 1130
same allegations and practices was filed under section 4112.051 1131
of the Revised Code sixty or more days before the time period 1132
specified under that section expires, the time period to file a 1133
civil action is tolled for the period beginning on the date the 1134
charge was filed and ending on the date the charge is no longer 1135
pending with the commission. 1136

(D) A civil action based on 42 U.S.C. 1981a, 42 U.S.C. 1137
1983, and 42 U.S.C. 1985 shall be brought within two years after 1138
the cause of action accrues. The period of limitations set forth 1139
in this division does not apply to causes of action based on 42 1140
U.S.C. 1981 as amended by the "Civil Rights Act of 1991," Pub. 1141
L. No. 102-166. 1142

(E) The Ohio civil rights commission may intervene in a 1143
civil action if the commission determines that the case is of 1144
public importance. 1145

Sec. 4112.08. (A) This chapter shall be construed 1146
liberally for the accomplishment of its purposes, and any law 1147
inconsistent with any provision of this chapter shall not apply. 1148
Nothing contained in this chapter shall be considered to repeal 1149
any of the provisions of any law of this state relating to 1150
discrimination because of race, color, religion, sex, military 1151
status, familial status, disability, national origin, age, or 1152
ancestry. 1153

However, no person has a cause of action or claim based on 1154

an unlawful discriminatory practice relating to employment 1155
described in division ~~(A) (24) (a)~~ (A) (26) (a) of section 4112.01 1156
of the Revised Code against a supervisor, manager, or other 1157
employee of an employer unless that supervisor, manager, or 1158
other employee is the employer. Nothing in this division 1159
abrogates statutory claims outside this chapter or any claims of 1160
liability that exist against an individual at common law. 1161

(B) The procedures and remedies for unlawful 1162
discriminatory practices relating to employment in this chapter 1163
are the sole and exclusive procedures and remedies available to 1164
a person who alleges such discrimination actionable under this 1165
chapter. 1166

Section 2. That existing sections 4112.01, 4112.02, 1167
4112.051, 4112.052, and 4112.08 of the Revised Code are hereby 1168
repealed. 1169