

**As Introduced**

**136th General Assembly**

**Regular Session**

**2025-2026**

**H. B. No. 135**

**Representatives Upchurch, Lawson-Rowe**

**Cosponsors: Representatives Denson, Isaacsohn, Russo, McNally, Mohamed,  
Rader**

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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" means any lawful and verifiable source of money paid directly, indirectly, or on behalf of a person, including income derived from any lawful</u>	157 158 159

<u>profession or occupation, as well as assistance through private</u>	160
<u>grant or loan programs, and payments, benefits, or subsidies</u>	161
<u>derived from a federal, state, or local government program such</u>	162
<u>as:</u>	163
<u>(a) Low-income housing assistance under the "United States</u>	164
<u>Housing Act of 1937," 42 U.S.C. 1437f;</u>	165
<u>(b) The Ohio works first program established by Chapter</u>	166
<u>5107. of the Revised Code;</u>	167
<u>(c) Assistance through the Ohio housing finance agency</u>	168
<u>under Chapter 175. of the Revised Code;</u>	169
<u>(d) The medicaid program;</u>	170
<u>(e) A program administered by the United States department</u>	171
<u>of veterans' affairs or veterans' administration for any</u>	172
<u>service-connected disability;</u>	173
<u>(f) The supplemental nutrition assistance program</u>	174
<u>established under the "Food and Nutrition Act of 2008," 7 U.S.C.</u>	175
<u>2011 et seq., and administered by the department of job and</u>	176
<u>family services under section 5101.54 of the Revised Code;</u>	177
<u>(g) The special supplemental nutrition program for women,</u>	178
<u>infants, and children established under the "Child Nutrition Act</u>	179
<u>of 1966," 42 U.S.C. 1786, and administered by the department of</u>	180
<u>health under section 3701.132 of the Revised Code;</u>	181
<u>(h) Supplemental security income under the "Social</u>	182
<u>Security Act," 42 U.S.C. 1383;</u>	183
<u>(i) Social security disability benefits provided under the</u>	184
<u>"Social Security Act," 42 U.S.C. 401.</u>	185
(B) For the purposes of divisions (A) to (F) of section	186

4112.02 of the Revised Code, the terms "because of sex" and "on 187  
the basis of sex" include, but are not limited to, because of or 188  
on the basis of pregnancy, any illness arising out of and 189  
occurring during the course of a pregnancy, childbirth, or 190  
related medical conditions. Women affected by pregnancy, 191  
childbirth, or related medical conditions shall be treated the 192  
same for all employment-related purposes, including receipt of 193  
benefits under fringe benefit programs, as other persons not so 194  
affected but similar in their ability or inability to work, and 195  
nothing in division (B) of section 4111.17 of the Revised Code 196  
shall be interpreted to permit otherwise. This division shall 197  
not be construed to require an employer to pay for health 198  
insurance benefits for abortion, except where the life of the 199  
mother would be endangered if the fetus were carried to term or 200  
except where medical complications have arisen from the 201  
abortion, provided that nothing in this division precludes an 202  
employer from providing abortion benefits or otherwise affects 203  
bargaining agreements in regard to abortion. 204

**Sec. 4112.02.** It shall be an unlawful discriminatory 205  
practice: 206

(A) For any employer, because of the race, color, 207  
religion, sex, military status, national origin, disability, 208  
age, or ancestry of any person, to discharge without just cause, 209  
to refuse to hire, or otherwise to discriminate against that 210  
person with respect to hire, tenure, terms, conditions, or 211  
privileges of employment, or any matter directly or indirectly 212  
related to employment. 213

(B) For an employment agency or personnel placement 214  
service, because of race, color, religion, sex, military status, 215  
national origin, disability, age, or ancestry, to do any of the 216



following:	217
(1) Refuse or fail to accept, register, classify properly,	218
or refer for employment, or otherwise discriminate against any	219
person;	220
(2) Comply with a request from an employer for referral of	221
applicants for employment if the request directly or indirectly	222
indicates that the employer fails to comply with the provisions	223
of sections 4112.01 to 4112.07 of the Revised Code.	224
(C) For any labor organization to do any of the following:	225
(1) Limit or classify its membership on the basis of race,	226
color, religion, sex, military status, national origin,	227
disability, age, or ancestry;	228
(2) Discriminate against, limit the employment	229
opportunities of, or otherwise adversely affect the employment	230
status, wages, hours, or employment conditions of any person as	231
an employee because of race, color, religion, sex, military	232
status, national origin, disability, age, or ancestry.	233
(D) For any employer, labor organization, or joint labor-	234
management committee controlling apprentice training programs to	235
discriminate against any person because of race, color,	236
religion, sex, military status, national origin, disability, or	237
ancestry in admission to, or employment in, any program	238
established to provide apprentice training.	239
(E) Except where based on a bona fide occupational	240
qualification certified in advance by the commission, for any	241
employer, employment agency, personnel placement service, or	242
labor organization, prior to employment or admission to	243
membership, to do any of the following:	244

(1) Elicit or attempt to elicit any information concerning	245
the race, color, religion, sex, military status, national	246
origin, disability, age, or ancestry of an applicant for	247
employment or membership;	248
(2) Make or keep a record of the race, color, religion,	249
sex, military status, national origin, disability, age, or	250
ancestry of any applicant for employment or membership;	251
(3) Use any form of application for employment, or	252
personnel or membership blank, seeking to elicit information	253
regarding race, color, religion, sex, military status, national	254
origin, disability, age, or ancestry; but an employer holding a	255
contract containing a nondiscrimination clause with the	256
government of the United States, or any department or agency of	257
that government, may require an employee or applicant for	258
employment to furnish documentary proof of United States	259
citizenship and may retain that proof in the employer's	260
personnel records and may use photographic or fingerprint	261
identification for security purposes;	262
(4) Print or publish or cause to be printed or published	263
any notice or advertisement relating to employment or membership	264
indicating any preference, limitation, specification, or	265
discrimination, based upon race, color, religion, sex, military	266
status, national origin, disability, age, or ancestry;	267
(5) Announce or follow a policy of denying or limiting,	268
through a quota system or otherwise, employment or membership	269
opportunities of any group because of the race, color, religion,	270
sex, military status, national origin, disability, age, or	271
ancestry of that group;	272
(6) Utilize in the recruitment or hiring of persons any	273

employment agency, personnel placement service, training school 274  
or center, labor organization, or any other employee-referring 275  
source known to discriminate against persons because of their 276  
race, color, religion, sex, military status, national origin, 277  
disability, age, or ancestry. 278

(F) For any person seeking employment to publish or cause 279  
to be published any advertisement that specifies or in any 280  
manner indicates that person's race, color, religion, sex, 281  
military status, national origin, disability, age, or ancestry, 282  
or expresses a limitation or preference as to the race, color, 283  
religion, sex, military status, national origin, disability, 284  
age, or ancestry of any prospective employer. 285

(G) For any proprietor or any employee, keeper, or manager 286  
of a place of public accommodation to deny to any person, except 287  
for reasons applicable alike to all persons regardless of race, 288  
color, religion, sex, military status, national origin, 289  
disability, age, or ancestry, the full enjoyment of the 290  
accommodations, advantages, facilities, or privileges of the 291  
place of public accommodation. 292

(H) Subject to section 4112.024 of the Revised Code, for 293  
any person to do any of the following: 294

(1) Refuse to sell, transfer, assign, rent, lease, 295  
sublease, or finance housing accommodations, refuse to negotiate 296  
for the sale or rental of housing accommodations, or otherwise 297  
deny or make unavailable housing accommodations because of race, 298  
color, religion, sex, military status, familial status, 299  
ancestry, disability, or national origin; 300

(2) Represent to any person that housing accommodations 301  
are not available for inspection, sale, or rental, when in fact 302

they are available, because of race, color, religion, sex, 303  
military status, familial status, ancestry, disability, or 304  
national origin; 305

(3) Discriminate against any person in the making or 306  
purchasing of loans or the provision of other financial 307  
assistance for the acquisition, construction, rehabilitation, 308  
repair, or maintenance of housing accommodations, or any person 309  
in the making or purchasing of loans or the provision of other 310  
financial assistance that is secured by residential real estate, 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, provided that the person, whether an 315  
individual, corporation, or association of any type, lends money 316  
as one of the principal aspects or incident to the person's 317  
principal business and not only as a part of the purchase price 318  
of an owner-occupied residence the person is selling nor merely 319  
casually or occasionally to a relative or friend; 320

(4) Discriminate against any person in the terms or 321  
conditions of selling, transferring, assigning, renting, 322  
leasing, or subleasing any housing accommodations or in 323  
furnishing facilities, services, or privileges in connection 324  
with the ownership, occupancy, or use of any housing 325  
accommodations, including the sale of fire, extended coverage, 326  
or homeowners insurance, because of race, color, religion, sex, 327  
military status, familial status, ancestry, disability, or 328  
national origin or because of the racial composition of the 329  
neighborhood in which the housing accommodations are located; 330

(5) Discriminate against any person in the terms or 331  
conditions of any loan of money, whether or not secured by 332

mortgage or otherwise, for the acquisition, construction, 333  
rehabilitation, repair, or maintenance of housing accommodations 334  
because of race, color, religion, sex, military status, familial 335  
status, ancestry, disability, or national origin or because of 336  
the racial composition of the neighborhood in which the housing 337  
accommodations are located; 338

(6) Refuse to consider without prejudice the combined 339  
income of both husband and wife for the purpose of extending 340  
mortgage credit to a married couple or either member of a 341  
married couple; 342

(7) Print, publish, or circulate any statement or 343  
advertisement, or make or cause to be made any statement or 344  
advertisement, relating to the sale, transfer, assignment, 345  
rental, lease, sublease, or acquisition of any housing 346  
accommodations, or relating to the loan of money, whether or not 347  
secured by mortgage or otherwise, for the acquisition, 348  
construction, rehabilitation, repair, or maintenance of housing 349  
accommodations, that indicates any preference, limitation, 350  
specification, or discrimination based upon race, color, 351  
religion, sex, military status, familial status, ancestry, 352  
disability, or national origin, or an intention to make any such 353  
preference, limitation, specification, or discrimination; 354

(8) Except as otherwise provided in division (H) (8) or 355  
(17) of this section, make any inquiry, elicit any information, 356  
make or keep any record, or use any form of application 357  
containing questions or entries concerning race, color, 358  
religion, sex, military status, familial status, ancestry, 359  
disability, or national origin in connection with the sale or 360  
lease of any housing accommodations or the loan of any money, 361  
whether or not secured by mortgage or otherwise, for the 362

acquisition, construction, rehabilitation, repair, or 363  
maintenance of housing accommodations. Any person may make 364  
inquiries, and make and keep records, concerning race, color, 365  
religion, sex, military status, familial status, ancestry, 366  
disability, or national origin for the purpose of monitoring 367  
compliance with this chapter. 368

(9) Include in any transfer, rental, or lease of housing 369  
accommodations any restrictive covenant, or honor or exercise, 370  
or attempt to honor or exercise, any restrictive covenant; 371

(10) Induce or solicit, or attempt to induce or solicit, a 372  
housing accommodations listing, sale, or transaction by 373  
representing that a change has occurred or may occur with 374  
respect to the racial, religious, sexual, military status, 375  
familial status, or ethnic composition of the block, 376  
neighborhood, or other area in which the housing accommodations 377  
are located, or induce or solicit, or attempt to induce or 378  
solicit, a housing accommodations listing, sale, or transaction 379  
by representing that the presence or anticipated presence of 380  
persons of any race, color, religion, sex, military status, 381  
familial status, ancestry, disability, or national origin, in 382  
the block, neighborhood, or other area will or may have results 383  
including, but not limited to, the following: 384

(a) The lowering of property values; 385

(b) A change in the racial, religious, sexual, military 386  
status, familial status, or ethnic composition of the block, 387  
neighborhood, or other area; 388

(c) An increase in criminal or antisocial behavior in the 389  
block, neighborhood, or other area; 390

(d) A decline in the quality of the schools serving the 391

block, neighborhood, or other area.	392
(11) Deny any person access to or membership or	393
participation in any multiple-listing service, real estate	394
brokers' organization, or other service, organization, or	395
facility relating to the business of selling or renting housing	396
accommodations, or discriminate against any person in the terms	397
or conditions of that access, membership, or participation, on	398
account of race, color, religion, sex, military status, familial	399
status, national origin, disability, or ancestry;	400
(12) Coerce, intimidate, threaten, or interfere with any	401
person in the exercise or enjoyment of, or on account of that	402
person's having exercised or enjoyed or having aided or	403
encouraged any other person in the exercise or enjoyment of, any	404
right granted or protected by division (H) of this section;	405
(13) Discourage or attempt to discourage the purchase by a	406
prospective purchaser of housing accommodations, by representing	407
that any block, neighborhood, or other area has undergone or	408
might undergo a change with respect to its religious, racial,	409
sexual, military status, familial status, or ethnic composition;	410
(14) Refuse to sell, transfer, assign, rent, lease,	411
sublease, or finance, or otherwise deny or withhold, a burial	412
lot from any person because of the race, color, sex, military	413
status, familial status, age, ancestry, disability, or national	414
origin of any prospective owner or user of the lot;	415
(15) Discriminate in the sale or rental of, or otherwise	416
make unavailable or deny, housing accommodations to any buyer or	417
renter because of a disability of any of the following:	418
(a) The buyer or renter;	419
(b) A person residing in or intending to reside in the	420

housing accommodations after they are sold, rented, or made available;	421 422
(c) Any individual associated with the person described in division (H) (15) (b) of this section.	423 424
(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:	425 426 427 428 429
(a) That person;	430
(b) A person residing in or intending to reside in the housing accommodations after they are sold, rented, or made available;	431 432 433
(c) Any individual associated with the person described in division (H) (16) (b) of this section.	434 435
(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:	436 437 438 439 440 441 442 443 444 445 446
(a) An inquiry into an applicant's ability to meet the requirements of ownership or tenancy;	447 448



(b) An inquiry to determine whether an applicant is 449  
qualified for housing accommodations available only to persons 450  
with disabilities or persons with a particular type of 451  
disability; 452

(c) An inquiry to determine whether an applicant is 453  
qualified for a priority available to persons with disabilities 454  
or persons with a particular type of disability; 455

(d) An inquiry to determine whether an applicant currently 456  
uses a controlled substance in violation of section 2925.11 of 457  
the Revised Code or a substantively comparable municipal 458  
ordinance; 459

(e) An inquiry to determine whether an applicant at any 460  
time has been convicted of or pleaded guilty to any offense, an 461  
element of which is the illegal sale, offer to sell, 462  
cultivation, manufacture, other production, shipment, 463  
transportation, delivery, or other distribution of a controlled 464  
substance. 465

(18) (a) Refuse to permit, at the expense of a person with 466  
a disability, reasonable modifications of existing housing 467  
accommodations that are occupied or to be occupied by the person 468  
with a disability, if the modifications may be necessary to 469  
afford the person with a disability full enjoyment of the 470  
housing accommodations. This division does not preclude a 471  
landlord of housing accommodations that are rented or to be 472  
rented to a tenant with a disability from conditioning 473  
permission for a proposed modification upon the tenant with a 474  
disability doing one or more of the following: 475

(i) Providing a reasonable description of the proposed 476  
modification and reasonable assurances that the proposed 477

modification will be made in a workerlike manner and that any 478  
required building permits will be obtained prior to the 479  
commencement of the proposed modification; 480

(ii) Agreeing to restore at the end of the tenancy the 481  
interior of the housing accommodations to the condition they 482  
were in prior to the proposed modification, but subject to 483  
reasonable wear and tear during the period of occupancy, if it 484  
is reasonable for the landlord to condition permission for the 485  
proposed modification upon the agreement; 486

(iii) Paying into an interest-bearing escrow account that 487  
is in the landlord's name, over a reasonable period of time, a 488  
reasonable amount of money not to exceed the projected costs at 489  
the end of the tenancy of the restoration of the interior of the 490  
housing accommodations to the condition they were in prior to 491  
the proposed modification, but subject to reasonable wear and 492  
tear during the period of occupancy, if the landlord finds the 493  
account reasonably necessary to ensure the availability of funds 494  
for the restoration work. The interest earned in connection with 495  
an escrow account described in this division shall accrue to the 496  
benefit of the tenant with a disability who makes payments into 497  
the account. 498

(b) A landlord shall not condition permission for a 499  
proposed modification upon a tenant with a disability's payment 500  
of a security deposit that exceeds the customarily required 501  
security deposit of all tenants of the particular housing 502  
accommodations. 503

(19) Refuse to make reasonable accommodations in rules, 504  
policies, practices, or services when necessary to afford a 505  
person with a disability equal opportunity to use and enjoy a 506  
dwelling unit, including associated public and common use areas; 507

(20) Fail to comply with the standards and rules adopted	508
under division (A) of section 3781.111 of the Revised Code;	509
(21) Discriminate against any person in the selling,	510
brokering, or appraising of real property because of race,	511
color, religion, sex, military status, familial status,	512
ancestry, disability, or national origin;	513
(22) Fail to design and construct covered multifamily	514
dwellings for first occupancy on or after June 30, 1992, in	515
accordance with the following conditions:	516
(a) The dwellings shall have at least one building	517
entrance on an accessible route, unless it is impractical to do	518
so because of the terrain or unusual characteristics of the	519
site.	520
(b) With respect to dwellings that have a building	521
entrance on an accessible route, all of the following apply:	522
(i) The public use areas and common use areas of the	523
dwellings shall be readily accessible to and usable by persons	524
with a disability.	525
(ii) All the doors designed to allow passage into and	526
within all premises shall be sufficiently wide to allow passage	527
by persons with a disability who are in wheelchairs.	528
(iii) All premises within covered multifamily dwelling	529
units shall contain an accessible route into and through the	530
dwellings; all light switches, electrical outlets, thermostats,	531
and other environmental controls within such units shall be in	532
accessible locations; the bathroom walls within such units shall	533
contain reinforcements to allow later installation of grab bars;	534
and the kitchens and bathrooms within such units shall be	535
designed and constructed in a manner that enables an individual	536

in a wheelchair to maneuver about such rooms. 537

For purposes of division (H) (22) of this section, "covered 538  
multifamily dwellings" means buildings consisting of four or 539  
more units if such buildings have one or more elevators and 540  
ground floor units in other buildings consisting of four or more 541  
units. 542

(23) Refuse to rent, lease, or sublease a housing 543  
accommodation, refuse access to or use of the common areas and 544  
facilities of a housing accommodation, serve a notice of 545  
termination of tenancy, commence a forcible entry and detainer 546  
action on grounds not authorized under section 1923.02 of the 547  
Revised Code, or otherwise deny to or withhold from any person 548  
or persons a housing accommodation on the basis of a person's 549  
lawful source of income; 550

(24) Represent to any person, on the basis of the person's 551  
lawful source of income, that a housing accommodation is not 552  
available for inspection or rental when such housing 553  
accommodation is in fact available for inspection or rental, or 554  
to discriminate in the terms, conditions, or privileges 555  
pertaining to the rental or lease of any housing on the basis of 556  
a person's lawful source of income; 557

(25) Make, print, or publish, or cause to be made, 558  
printed, or published, any notice, statement, sign, 559  
advertisement, application, or contract with regard to renting 560  
or leasing of a housing accommodation offered by that person 561  
that indicates any preference, limitation, or discrimination 562  
with respect to a person's lawful source of income. 563

(I) For any person to discriminate in any manner against 564  
any other person because that person has opposed any unlawful 565

discriminatory practice defined in this section or because that 566  
person has made a charge, testified, assisted, or participated 567  
in any manner in any investigation, proceeding, or hearing under 568  
sections 4112.01 to 4112.07 of the Revised Code. 569

(J) For any person to aid, abet, incite, compel, or coerce 570  
the doing of any act declared by this section to be an unlawful 571  
discriminatory practice, to obstruct or prevent any person from 572  
complying with this chapter or any order issued under it, or to 573  
attempt directly or indirectly to commit any act declared by 574  
this section to be an unlawful discriminatory practice. 575

(K) Nothing in divisions (A) to (E) of this section shall 576  
be construed to require a person with a disability to be 577  
employed or trained under circumstances that would significantly 578  
increase the occupational hazards affecting either the person 579  
with a disability, other employees, the general public, or the 580  
facilities in which the work is to be performed, or to require 581  
the employment or training of a person with a disability in a 582  
job that requires the person with a disability routinely to 583  
undertake any task, the performance of which is substantially 584  
and inherently impaired by the person's disability. 585

(L) With regard to age, it shall not be an unlawful 586  
discriminatory practice and it shall not constitute a violation 587  
of division (A) of section 4112.14 of the Revised Code for any 588  
employer, employment agency, joint labor-management committee 589  
controlling apprenticeship training programs, or labor 590  
organization to do any of the following: 591

(1) Establish bona fide employment qualifications 592  
reasonably related to the particular business or occupation that 593  
may include standards for skill, aptitude, physical capability, 594  
intelligence, education, maturation, and experience; 595

(2) Observe the terms of a bona fide seniority system or 596  
any bona fide employee benefit plan, including, but not limited 597  
to, a retirement, pension, or insurance plan, that is not a 598  
subterfuge to evade the purposes of this section. However, no 599  
such employee benefit plan shall excuse the failure to hire any 600  
individual, and no such seniority system or employee benefit 601  
plan shall require or permit the involuntary retirement of any 602  
individual, because of the individual's age except as provided 603  
for in the "Age Discrimination in Employment Act Amendment of 604  
1978," 92 Stat. 189, 29 U.S.C.A. 623, as amended by the "Age 605  
Discrimination in Employment Act Amendments of 1986," 100 Stat. 606  
3342, 29 U.S.C.A. 623, as amended. 607

(3) Retire an employee who has attained sixty-five years 608  
of age who, for the two-year period immediately before 609  
retirement, is employed in a bona fide executive or a high 610  
policymaking position, if the employee is entitled to an 611  
immediate nonforfeitable annual retirement benefit from a 612  
pension, profit-sharing, savings, or deferred compensation plan, 613  
or any combination of those plans, of the employer of the 614  
employee, which equals, in the aggregate, at least forty-four 615  
thousand dollars, in accordance with the conditions of the "Age 616  
Discrimination in Employment Act Amendment of 1978," 92 Stat. 617  
189, 29 U.S.C.A. 631, as amended by the "Age Discrimination in 618  
Employment Act Amendments of 1986," 100 Stat. 3342, 29 U.S.C.A. 619  
631, as amended; 620

(4) Observe the terms of any bona fide apprenticeship 621  
program if the program is registered with the Ohio 622  
apprenticeship council pursuant to sections 4139.01 to 4139.06 623  
of the Revised Code and is approved by the federal committee on 624  
apprenticeship of the United States department of labor. 625

(M) Nothing in this chapter prohibiting age discrimination 626  
and nothing in division (A) of section 4112.14 of the Revised 627  
Code shall be construed to prohibit the following: 628

(1) The designation of uniform age the attainment of which 629  
is necessary for public employees to receive pension or other 630  
retirement benefits pursuant to Chapter 145., 742., 3307., 631  
3309., or 5505. of the Revised Code; 632

(2) The mandatory retirement of uniformed patrol officers 633  
of the state highway patrol as provided in section 5505.16 of 634  
the Revised Code; 635

(3) The maximum age requirements for appointment as a 636  
patrol officer in the state highway patrol established by 637  
section 5503.01 of the Revised Code; 638

(4) The maximum age requirements established for original 639  
appointment to a police department or fire department in 640  
sections 124.41 and 124.42 of the Revised Code; 641

(5) Any maximum age not in conflict with federal law that 642  
may be established by a municipal charter, municipal ordinance, 643  
or resolution of a board of township trustees for original 644  
appointment as a police officer or firefighter; 645

(6) Any mandatory retirement provision not in conflict 646  
with federal law of a municipal charter, municipal ordinance, or 647  
resolution of a board of township trustees pertaining to police 648  
officers and firefighters; 649

(7) Until January 1, 1994, the mandatory retirement of any 650  
employee who has attained seventy years of age and who is 651  
serving under a contract of unlimited tenure, or similar 652  
arrangement providing for unlimited tenure, at an institution of 653  
higher education as defined in the "Education Amendments of 654

1980," 94 Stat. 1503, 20 U.S.C.A. 1141(a). 655

(N) (1) (a) Except as provided in division (N) (1) (b) of this 656  
section, for purposes of divisions (A) to (E) of this section, a 657  
disability does not include any physiological disorder or 658  
condition, mental or psychological disorder, or disease or 659  
condition caused by an illegal use of any controlled substance 660  
by an employee, applicant, or other person, if an employer, 661  
employment agency, personnel placement service, labor 662  
organization, or joint labor-management committee acts on the 663  
basis of that illegal use. 664

(b) Division (N) (1) (a) of this section does not apply to 665  
an employee, applicant, or other person who satisfies any of the 666  
following: 667

(i) The employee, applicant, or other person has 668  
successfully completed a supervised drug rehabilitation program 669  
and no longer is engaging in the illegal use of any controlled 670  
substance, or the employee, applicant, or other person otherwise 671  
successfully has been rehabilitated and no longer is engaging in 672  
that illegal use. 673

(ii) The employee, applicant, or other person is 674  
participating in a supervised drug rehabilitation program and no 675  
longer is engaging in the illegal use of any controlled 676  
substance. 677

(iii) The employee, applicant, or other person is 678  
erroneously regarded as engaging in the illegal use of any 679  
controlled substance, but the employee, applicant, or other 680  
person is not engaging in that illegal use. 681

(2) Divisions (A) to (E) of this section do not prohibit 682  
an employer, employment agency, personnel placement service, 683



labor organization, or joint labor-management committee from 684  
doing any of the following: 685

(a) Adopting or administering reasonable policies or 686  
procedures, including, but not limited to, testing for the 687  
illegal use of any controlled substance, that are designed to 688  
ensure that an individual described in division (N) (1) (b) (i) or 689  
(ii) of this section no longer is engaging in the illegal use of 690  
any controlled substance; 691

(b) Prohibiting the illegal use of controlled substances 692  
and the use of alcohol at the workplace by all employees; 693

(c) Requiring that employees not be under the influence of 694  
alcohol or not be engaged in the illegal use of any controlled 695  
substance at the workplace; 696

(d) Requiring that employees behave in conformance with 697  
the requirements established under "The Drug-Free Workplace Act 698  
of 1988," 102 Stat. 4304, 41 U.S.C.A. 701, as amended; 699

(e) Holding an employee who engages in the illegal use of 700  
any controlled substance or who has alcoholism to the same 701  
qualification standards for employment or job performance, and 702  
the same behavior, to which the employer, employment agency, 703  
personnel placement service, labor organization, or joint labor- 704  
management committee holds other employees, even if any 705  
unsatisfactory performance or behavior is related to an 706  
employee's illegal use of a controlled substance or alcoholism; 707

(f) Exercising other authority recognized in the 708  
"Americans with Disabilities Act of 1990," 104 Stat. 327, 42 709  
U.S.C.A. 12101, as amended, including, but not limited to, 710  
requiring employees to comply with any applicable federal 711  
standards. 712

(3) For purposes of this chapter, a test to determine the 713  
illegal use of any controlled substance does not include a 714  
medical examination. 715

(4) Division (N) of this section does not encourage, 716  
prohibit, or authorize, and shall not be construed as 717  
encouraging, prohibiting, or authorizing, the conduct of testing 718  
for the illegal use of any controlled substance by employees, 719  
applicants, or other persons, or the making of employment 720  
decisions based on the results of that type of testing. 721

(O) This section does not apply to a religious 722  
corporation, association, educational institution, or society 723  
with respect to the employment of an individual of a particular 724  
religion to perform work connected with the carrying on by that 725  
religious corporation, association, educational institution, or 726  
society of its activities. 727

The unlawful discriminatory practices defined in this 728  
section do not make it unlawful for a person or an appointing 729  
authority administering an examination under section 124.23 of 730  
the Revised Code to obtain information about an applicant's 731  
military status for the purpose of determining if the applicant 732  
is eligible for the additional credit that is available under 733  
that section. 734

**Section 2.** That existing sections 4112.01 and 4112.02 of 735  
the Revised Code are hereby repealed. 736