

As Introduced

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H. B. No. 135

Representatives Upchurch, Lawson-Rowe

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

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 18
person. 19

(3) "Employee" means an individual employed by any 20
employer but does not include any individual employed in the 21
domestic service of any person. 22

(4) "Labor organization" includes any organization that 23
exists, in whole or in part, for the purpose of collective 24
bargaining or of dealing with employers concerning grievances, 25
terms or conditions of employment, or other mutual aid or 26
protection in relation to employment. 27

(5) "Employment agency" includes any person regularly 28
undertaking, with or without compensation, to procure 29
opportunities to work or to procure, recruit, refer, or place 30
employees. 31

(6) "Commission" means the Ohio civil rights commission 32
created by section 4112.03 of the Revised Code. 33

(7) "Discriminate" includes segregate or separate. 34

(8) "Unlawful discriminatory practice" means any act 35
prohibited by section 4112.02, 4112.021, or 4112.022 of the 36
Revised Code. 37

(9) "Place of public accommodation" means any inn, 38
restaurant, eating house, barbershop, public conveyance by air, 39
land, or water, theater, store, other place for the sale of 40
merchandise, or any other place of public accommodation or 41
amusement of which the accommodations, advantages, facilities, 42
or privileges are available to the public. 43

(10) "Housing accommodations" includes any building or 44
structure, or portion of a building or structure, that is used 45

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 76
the Revised Code, "age" means an individual aged forty years or 77
older. 78

(15) "Familial status" means either of the following: 79

(a) One or more individuals who are under eighteen years 80
of age and who are domiciled with a parent or guardian having 81
legal custody of the individual or domiciled, with the written 82
permission of the parent or guardian having legal custody, with 83
a designee of the parent or guardian; 84

(b) Any person who is pregnant or in the process of 85
securing legal custody of any individual who is under eighteen 86
years of age. 87

(16) (a) Except as provided in division (A) (16) (b) of this 88
section, "physical or mental impairment" includes any of the 89
following: 90

(i) Any physiological disorder or condition, cosmetic 91
disfigurement, or anatomical loss affecting one or more of the 92
following body systems: neurological; musculoskeletal; special 93
sense organs; respiratory, including speech organs; 94
cardiovascular; reproductive; digestive; genito-urinary; hemic 95
and lymphatic; skin; and endocrine; 96

(ii) Any mental or psychological disorder, including, but 97
not limited to, intellectual disability, organic brain syndrome, 98
emotional or mental illness, and specific learning disabilities; 99

(iii) Diseases and conditions, including, but not limited 100
to, orthopedic, visual, speech, and hearing impairments, 101
cerebral palsy, autism, epilepsy, muscular dystrophy, multiple 102
sclerosis, cancer, heart disease, diabetes, human 103
immunodeficiency virus infection, intellectual disability, 104

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.

(23) "Aggrieved person" includes both of the following:

(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;

(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.

(24) "Unlawful discriminatory practice relating to
employment" means both of the following:

(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;

(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.

(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.

(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

profession or occupation, as well as assistance through private 160
grant or loan programs, and payments, benefits, or subsidies 161
derived from a federal, state, or local government program such 162
as: 163

(a) Low-income housing assistance under the "United States 164
Housing Act of 1937," 42 U.S.C. 1437f; 165

(b) The Ohio works first program established by Chapter 166
5107. of the Revised Code; 167

(c) Assistance through the Ohio housing finance agency 168
under Chapter 175. of the Revised Code; 169

(d) The medicaid program; 170

(e) A program administered by the United States department 171
of veterans' affairs or veterans' administration for any 172
service-connected disability; 173

(f) The supplemental nutrition assistance program 174
established under the "Food and Nutrition Act of 2008," 7 U.S.C. 175
2011 et seq., and administered by the department of job and 176
family services under section 5101.54 of the Revised Code; 177

(g) The special supplemental nutrition program for women, 178
infants, and children established under the "Child Nutrition Act 179
of 1966," 42 U.S.C. 1786, and administered by the department of 180
health under section 3701.132 of the Revised Code; 181

(h) Supplemental security income under the "Social 182
Security Act," 42 U.S.C. 1383; 183

(i) Social security disability benefits provided under the 184
"Social Security Act," 42 U.S.C. 401. 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 421
available; 422

(c) Any individual associated with the person described in 423
division (H) (15) (b) of this section. 424

(16) Discriminate in the terms, conditions, or privileges 425
of the sale or rental of housing accommodations to any person or 426
in the provision of services or facilities to any person in 427
connection with the housing accommodations because of a 428
disability of any of the following: 429

(a) That person; 430

(b) A person residing in or intending to reside in the 431
housing accommodations after they are sold, rented, or made 432
available; 433

(c) Any individual associated with the person described in 434
division (H) (16) (b) of this section. 435

(17) Except as otherwise provided in division (H) (17) of 436
this section, make an inquiry to determine whether an applicant 437
for the sale or rental of housing accommodations, a person 438
residing in or intending to reside in the housing accommodations 439
after they are sold, rented, or made available, or any 440
individual associated with that person has a disability, or make 441
an inquiry to determine the nature or severity of a disability 442
of the applicant or such a person or individual. The following 443
inquiries may be made of all applicants for the sale or rental 444
of housing accommodations, regardless of whether they have 445
disabilities: 446

(a) An inquiry into an applicant's ability to meet the 447
requirements of ownership or tenancy; 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
dwelling; 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