

Sub. H. B. No. 96  
As Passed by the Senate  
CIVCD1

\_\_\_\_\_ moved to amend as follows:

After line 84584, insert:

"**Sec. 4112.055.** (A) (1) Aggrieved persons may enforce the rights granted by division (H) of section 4112.02 of the Revised Code by filing a civil action in the court of common pleas of the county in which the alleged unlawful discriminatory practice occurred within one year after it allegedly occurred. Upon application by an aggrieved person, upon a proper showing, and under circumstances that it considers just, a court of common pleas may appoint an attorney for the aggrieved person and authorize the commencement of a civil action under this division without the payment of costs.

Each party to a civil action under this division has the right to a jury trial of the action. To assert the right, a party shall demand a jury trial in the manner prescribed in the Rules of Civil Procedure. If a party demands a jury trial in that manner, the civil action shall be tried to a jury.

(2) (a) If a complaint is issued by the commission under division (B) (5) of section 4112.05 of the Revised Code for one



or more alleged unlawful discriminatory practices described in 19  
division (H) of section 4112.02 of the Revised Code, the 20  
complainant, any aggrieved person on whose behalf the complaint 21  
is issued, or the respondent may elect, following receipt of the 22  
relevant notice described in division (B) (5) of section 4112.05 23  
of the Revised Code, to proceed with the administrative hearing 24  
process under that section or to have the alleged unlawful 25  
discriminatory practices covered by the complaint addressed in a 26  
civil action commenced in accordance with divisions (A) (1) and 27  
(2) (b) of this section. An election to have the alleged unlawful 28  
discriminatory practices so addressed shall be made in a writing 29  
that is sent by certified mail, return receipt requested, to the 30  
commission, to the civil rights section of the office of the 31  
attorney general, and to the other parties to the pending 32  
administrative process within thirty days after the electing 33  
complainant, aggrieved person, or respondent received the 34  
relevant notice described in division (B) (5) of section 4112.05 35  
of the Revised Code. 36

(b) ~~Upon receipt of~~ Not more than thirty days after 37  
receiving a timely mailed election to have the alleged unlawful 38  
discriminatory practices addressed in a civil action, the 39  
commission shall authorize the office of the attorney general to 40  
commence and maintain the civil action in the court of common 41  
pleas of the county in which the alleged unlawful discriminatory 42  
practices occurred. Notwithstanding the period of limitations 43  
specified in division (A) (1) of this section, the office of the 44  
attorney general shall commence the civil action within thirty 45  
days after the receipt of the commission's authorization to 46  
commence the civil action. 47

Notwithstanding the period of limitations specified in 48

division (A) (1) of this section, if the commission fails to 49  
authorize the office of the attorney general to commence and 50  
maintain a civil action as required under this division, or the 51  
attorney general fails to commence a civil action as required 52  
under this division, the complainant or any aggrieved person may 53  
commence the action not less than thirty days, but not more than 54  
sixty days, after the date an election is mailed under division 55  
(A) (2) (a) of this section. 56

(c) Upon commencement of the civil action in accordance 57  
with division (A) (2) (b) of this section, the commission shall 58  
prepare an order dismissing the complaint in the pending 59  
administrative matter and serve a copy of the order upon the 60  
complainant, each aggrieved person on whose behalf the complaint 61  
was issued, and the respondent. 62

(d) If an election to have the alleged unlawful 63  
discriminatory practices addressed in a civil action is not 64  
filed in accordance with division (A) (2) (a) of this section, the 65  
commission shall continue with the administrative hearing 66  
process described in section 4112.05 of the Revised Code. 67

(e) With respect to the issues to be determined in a civil 68  
action commenced in accordance with division (A) (2) (b) of this 69  
section, any aggrieved person may intervene as a matter of right 70  
in that civil action. 71

(B) If the court or the jury in a civil action under this 72  
section finds that a violation of division (H) of section 73  
4112.02 of the Revised Code is about to occur, the court may 74  
order any affirmative action it considers appropriate, including 75  
a permanent or temporary injunction or temporary restraining 76  
order. 77

(C) Any sale, encumbrance, or rental consummated prior to 78  
the issuance of any court order under the authority of this 79  
section and involving a bona fide purchaser, encumbrancer, or 80  
tenant without actual notice of the existence of a charge under 81  
division (H) of section 4112.02 of the Revised Code or a civil 82  
action under this section is not affected by the court order. 83

(D) If the court or the jury in a civil action under this 84  
section finds that a violation of division (H) of section 85  
4112.02 of the Revised Code has occurred, the court shall award 86  
to the plaintiff or to the complainant or aggrieved person on 87  
whose behalf the office of the attorney general commenced or 88  
maintained the civil action, whichever is applicable, actual 89  
damages, reasonable attorney's fees, court costs incurred in the 90  
prosecution of the action, expert witness fees, and other 91  
litigation expenses, and may grant other relief that it 92  
considers appropriate, including a permanent or temporary 93  
injunction, a temporary restraining order, or other order and 94  
punitive damages. 95

(E) Any civil action brought under this section shall be 96  
heard and determined as expeditiously as possible. 97

(F) The court in a civil action under this section shall 98  
notify the commission of any finding pertaining to 99  
discriminatory housing practices within fifteen days after the 100  
entry of the finding." 101

Update the title, amend, enact, or repeal clauses accordingly 102

The motion was \_\_\_\_\_ agreed to.

SYNOPSIS

	103
<b>Housing discrimination--civil action</b>	104
<b>R.C. 4112.055</b>	105
Restores the House-passed provision that does all of the following:	106 107
--Requires CIV to authorize the AGO to file a civil suit in a housing discrimination claim not more than 30 days after receiving a timely notice from a party to a housing discrimination complaint that the party is electing to pursue the complaint in court rather than through the CIV complaint procedure.	108 109 110 111 112 113
--Allows a complainant or an aggrieved person named in a housing discrimination complaint to file a civil suit not less than 30 days, but not more than 60 days, after a party to the complaint elects to proceed in court, provided a specified circumstance applies.	114 115 116 117 118