

As Introduced

134th General Assembly

Regular Session

2021-2022

H. B. No. 182

Representatives Upchurch, Miller, A.

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

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 77 78
(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 81 82 83 84
(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 86 87
(16) (a) Except as provided in division (A) (16) (b) of this section, "physical or mental impairment" includes any of the following:	88 89 90
(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 92 93 94 95 96
(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 98 99
(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,	100 101 102 103 104

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) The lowering of property values; 362

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

(c) An increase in criminal or antisocial behavior in the block, neighborhood, or other area;	366 367
(d) A decline in the quality of the schools serving the block, neighborhood, or other area.	368 369
(11) Deny any person access to or membership or participation in any multiple-listing service, real estate brokers' organization, or other service, organization, or facility relating to the business of selling or renting housing accommodations, or discriminate against any person in the terms or conditions of that access, membership, or participation, on account of race, color, religion, sex, military status, familial status, national origin, disability, or ancestry;	370 371 372 373 374 375 376 377
(12) Coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of that person's having exercised or enjoyed or having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by division (H) of this section;	378 379 380 381 382
(13) Discourage or attempt to discourage the purchase by a prospective purchaser of housing accommodations, by representing that any block, neighborhood, or other area has undergone or might undergo a change with respect to its religious, racial, sexual, military status, familial status, or ethnic composition;	383 384 385 386 387
(14) Refuse to sell, transfer, assign, rent, lease, sublease, or finance, or otherwise deny or withhold, a burial lot from any person because of the race, color, sex, military status, familial status, age, ancestry, disability, or national origin of any prospective owner or user of the lot;	388 389 390 391 392
(15) Discriminate in the sale or rental of, or otherwise make unavailable or deny, housing accommodations to any buyer or	393 394

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

disabilities:	423
(a) An inquiry into an applicant's ability to meet the requirements of ownership or tenancy;	424 425
(b) An inquiry to determine whether an applicant is qualified for housing accommodations available only to persons with disabilities or persons with a particular type of disability;	426 427 428 429
(c) An inquiry to determine whether an applicant is qualified for a priority available to persons with disabilities or persons with a particular type of disability;	430 431 432
(d) An inquiry to determine whether an applicant currently uses a controlled substance in violation of section 2925.11 of the Revised Code or a substantively comparable municipal ordinance;	433 434 435 436
(e) An inquiry to determine whether an applicant at any time has been convicted of or pleaded guilty to any offense, an element of which is the illegal sale, offer to sell, cultivation, manufacture, other production, shipment, transportation, delivery, or other distribution of a controlled substance.	437 438 439 440 441 442
(18)(a) Refuse to permit, at the expense of a person with a disability, reasonable modifications of existing housing accommodations that are occupied or to be occupied by the person with a disability, if the modifications may be necessary to afford the person with a disability full enjoyment of the housing accommodations. This division does not preclude a landlord of housing accommodations that are rented or to be rented to a disabled tenant from conditioning permission for a proposed modification upon the disabled tenant's doing one or	443 444 445 446 447 448 449 450 451

more of the following: 452

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

person is not engaging in that illegal use. 655

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

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

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

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

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

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

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

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

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

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

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

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

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