

**As Introduced**

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

**S. B. No. 317**

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

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**A BILL**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~(9) "Place of public accommodation" means any inn, restaurant, eating house, barbershop, public conveyance by air, land, or water, theater, store, other place for the sale of merchandise, or any other place of public accommodation or amusement of which the accommodations, advantages, facilities, or privileges are available to the public.~~ 104  
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~~(10) "Housing accommodations" includes any building or structure, or portion of a building or structure, that is used or occupied or is intended, arranged, or designed to be used or occupied as the home residence, dwelling, dwelling unit, or sleeping place of one or more individuals, groups, or families whether or not living independently of each other; and any vacant land offered for sale or lease. "Housing accommodations" also includes any housing accommodations held or offered for sale or rent by a real estate broker, salesperson, or agent, by any other person pursuant to authorization of the owner, by the owner, or by the owner's legal representative.~~ 110  
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~~(11) "Restrictive covenant" means any specification limiting the transfer, rental, lease, or other use of any housing accommodations because of race, color, religion, sex, military status, familial status, national origin, disability, or ancestry, or any limitation based upon affiliation with or approval by any person, directly or indirectly, employing race, color, religion, sex, military status, familial status, national origin, disability, or ancestry as a condition of affiliation or approval.~~ 121  
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~~(12) "Burial lot" means any lot for the burial of deceased persons within any public burial ground or cemetery, including, but not limited to, cemeteries owned and operated by municipal corporations, townships, or companies or associations~~ 130  
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~~incorporated for cemetery purposes.~~ 134

~~(13) "Disability" means a physical or mental impairment that substantially limits one or more major life activities, including the functions of caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working; a record of a physical or mental impairment; or being regarded as having a physical or mental impairment.~~ 135  
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~~(14) Except as otherwise provided in section 4112.021 of the Revised Code, "age" means an individual aged forty years or older.~~ 142  
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~~(15) "Familial status" means either of the following:~~ 145

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

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

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

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

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

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

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

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

(i) Homosexuality and bisexuality; 198

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

(a) The lowering of property values; 464

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

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

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

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

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

right granted or protected by division (H) of this section;	484
(13) Discourage or attempt to discourage the purchase by a prospective purchaser of housing accommodations, by representing that any block, neighborhood, or other area has undergone or might undergo a change with respect to its religious, racial, sexual, military status, familial status, or ethnic composition;	485 486 487 488 489
(14) Refuse to sell, transfer, assign, rent, lease, sublease, or finance, or otherwise deny or withhold, a burial lot from any person because of the race, color, sex, military status, familial status, age, ancestry, disability, or national origin of any prospective owner or user of the lot;	490 491 492 493 494
(15) Discriminate in the sale or rental of, or otherwise make unavailable or deny, housing accommodations to any buyer or renter because of a disability of any of the following:	495 496 497
(a) The buyer or renter;	498
(b) A person residing in or intending to reside in the housing accommodations after they are sold, rented, or made available;	499 500 501
(c) Any individual associated with the person described in division (H) (15) (b) of this section.	502 503
(16) Discriminate in the terms, conditions, or privileges of the sale or rental of housing accommodations to any person or in the provision of services or facilities to any person in connection with the housing accommodations because of a disability of any of the following:	504 505 506 507 508
(a) That person;	509
(b) A person residing in or intending to reside in the housing accommodations after they are sold, rented, or made	510 511

available;	512
(c) Any individual associated with the person described in division (H) (16) (b) of this section.	513 514
(17) Except as otherwise provided in division (H) (17) of this section, make an inquiry to determine whether an applicant for the sale or rental of housing accommodations, a person residing in or intending to reside in the housing accommodations after they are sold, rented, or made available, or any individual associated with that person has a disability, or make an inquiry to determine the nature or severity of a disability of the applicant or such a person or individual. The following inquiries may be made of all applicants for the sale or rental of housing accommodations, regardless of whether they have disabilities:	515 516 517 518 519 520 521 522 523 524 525
(a) An inquiry into an applicant's ability to meet the requirements of ownership or tenancy;	526 527
(b) An inquiry to determine whether an applicant is qualified for housing accommodations available only to persons with disabilities or persons with a particular type of disability;	528 529 530 531
(c) An inquiry to determine whether an applicant is qualified for a priority available to persons with disabilities or persons with a particular type of disability;	532 533 534
(d) An inquiry to determine whether an applicant currently uses a controlled substance in violation of section 2925.11 of the Revised Code or a substantively comparable municipal ordinance;	535 536 537 538
(e) An inquiry to determine whether an applicant at any time has been convicted of or pleaded guilty to any offense, an	539 540

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The unlawful discriminatory practices defined in this 804

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) One of the following occurs: 1042

(i) The person receives a notice of right to sue from the Ohio civil rights commission pursuant to section 4112.051 of the Revised Code. 1043  
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(ii) The person has requested a notice of right to sue from the Ohio civil rights commission, and the commission fails to issue the notice of right to sue within forty-five days after the date the commission is permitted to grant the request under division (N) of section 4112.051 of the Revised Code. 1046  
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(iii) The Ohio civil rights commission, after a preliminary investigation conducted pursuant to a charge filed under section 4112.051 of the Revised Code, determines that it is probable that an unlawful discriminatory practice relating to employment has occurred or is occurring and the complainant, after being informed by the commission of the right to file a civil action under this chapter, elects to file a civil action and notifies the commission of that fact. 1051  
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(2) A person may file a civil action under this section alleging an unlawful discriminatory practice relating to employment or a violation of division (A) of section 4112.14 of the Revised Code without satisfying the conditions of division (B) (1) of this section if either of the following apply: 1059  
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(a) The person seeks only injunctive relief. 1064

(b) All of the following occur: 1065

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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