

CITY OF TWINSBURG, OHIO

ORDINANCE 19-2009

AN ORDINANCE ADOPTING REGULATIONS
RELATING TO COMPLIANCE WITH FEDERAL FAIR
HOUSING STANDARDS AND DECLARING AN
EMERGENCY

WHEREAS, the Administration has recommended the adoption of regulations relating to the compliance with the Federal Fair Housing Standard amendments to be added to Chapter 1375 as Sections 1375.01 through 1375.22 relating to fair housing, fair lending and unlawful discriminatory housing and lending conduct, of the Codified Ordinance of Twinsburg, Ohio; and

WHEREAS, Council recognizes that the recommended adopt is necessary.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Twinsburg, County of Summit and State of Ohio:

SECTION I: That Chapter 1375, of the Codified Ordinances of Twinsburg, Ohio is hereby amended to read as follows:

CHAPTER 1375

FAIR HOUSING:

Section 1375.01

Purpose

It is hereby declared to be the purpose of this chapter to provide, within constitutional limitations, fair housing throughout Twinsburg (hereinafter, Twinsburg or the City), to assure that all persons have full and equal opportunity to consider all available housing and lending for themselves and their families within the City without discrimination based on race, religion, color, sex, sexual orientation, national origin, age, disability, ethnic group, Vietnam-era or disabled veteran status, familial status, marital status or ancestry, and to promote a stable community.

Section 1375.02

Definitions

As used herein –

- (a) “Aggrieved person” includes any person who
- (1) claims to have been injured by a discriminatory housing practice; or
 - (2) believes that such persons will be injured by a discriminatory housing practice that is about to occur.
- (b) “Fair Housing Board” is the board appointed by the mayor overseeing the activities of the foregoing Chapter.
- (c) “Covered multi-family dwellings” means buildings consisting of four or more units, if such buildings have one or more elevators, and ground floor units in other buildings consisting of four or more units.
- (d) “Disability”
- (1) means, with respect to a person:
 - A. a physical or mental impairment that substantially limits one or more major life activities, including the functions of caring for one’s self such as: performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and/or working;
 - B. a record of a physical or mental impairment; or
 - C. being regarded as having a physical or mental impairment.
 - (2) does not include current, illegal use of, or addiction to, a controlled substance, as defined in 21 U.S.C. Section 802.
- (e) “Discrimination Review Committee” means the Committee of the Fair Housing Board established by Section 1375.051.
- (f) “Familial status” refers to the status of

(1) one or more individuals (who have not attained the age of eighteen years)
being domiciled with:

- A. a parent or another person having legal custody of such individual or individuals; or
- B. the designee of such parent or other person having such custody, with the written permission of such parent or other persons.

(2) any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of eighteen years.

(g) “Housing for older persons” means

(1) housing provided under any State or Federal program that the Secretary of the United States Department of Housing and Urban Development (hereafter HUD) determines is specifically designed and operated to assist elderly persons (as defined in the State or Federal program);

(2) housing intended for, and solely occupied by, persons 62 years of age or older; or

(3) housing intended and operated for occupancy by at least one person 55 years or older per unit. The determination as to whether housing qualifies as housing for older persons under this subsection shall be consistent with regulations promulgated by the Secretary of HUD, provided at least the following factors are present:

- A. the existence of significant facilities and services specifically designed to meet the physical or social needs of older persons or if

the provision of such facilities and services is not practicable, that such housing is necessary to provide important housing opportunities for older persons; and

- B. that at least eighty percent (80%) of the units are occupied by at least one person 55 years of age or older per unit; and
- C. the publication of, and adherence to, policies and procedures which demonstrate an intent by the owner or manager to provide housing for persons 55 years of age or older.

(4) Housing shall not fail to meet the requirements for housing for older persons by reason of:

- A. there being persons residing in such housing as of the date of enactment of the Fair Housing Act of 1988 who do not meet the age requirements of subsection (i)(2) or (3); provided that the new occupants of such housing meet the age requirements of subsection (i)(2) or (3); or
- B. there being unoccupied units, provided that such units are reserved for occupancy by subsection (i)(2) or (3).

(h) "Lending institution" means any bank, savings and loan association, insurance company, or other organization or person regularly engaged in the business of lending money, guaranteeing insurance in connection with the purchase, sale or rental of dwellings.

(i) "Person" means one or more individuals, partnerships, associations, organizations, corporations, legal representatives, trustees, trustees in bankruptcy, receivers, and

other organized groups of persons. It also includes, but is not limited to, any owner, lessor, assignor, builder, manager, broker, salesman, appraiser, agent, employee, and lending institution.

(j) “Property,” as used herein, means any building, structure, facility or portion thereof, which is used, occupied or is intended, arranged or designed to be used or occupied:

(1) as the residence, dwelling unit, or sleeping place of one or more individuals, groups, or families whether or not living independently of each other, and includes any housing accommodations held or offered for sale or rent by a real estate broker, salesman, or agent, or by any other person pursuant to authorization of the owner, by the owner, or by such person’s legal representative;

(2) for the purpose of operating a business, an office, a manufactory or public accommodation; or

(3) any vacant land offered for sale, lease or held for the purpose of constructing or locating thereon any such building, structure, facility, business concern or public accommodation.

(k) “Protected group” or “protected class” refers to persons who are or may be discriminated against on the basis of race, religion, color, sex, sexual orientation, nation origin, age, disability, ethnic group, Vietnam-era or disabled veteran status, familial status, marital status or ancestry.

(l) “Purchase” means to obtain property through sale.

- (m) “Real estate broker” means a real estate agent or salesperson, or a limited real estate broker or salesperson as defined in Section 4735.01 of the Revised Code.
- (n) “Rent” or “rental” means to lease, sublease, assign or otherwise grant or obtain the right to occupy property not owned by the occupant in return for consideration, or a contract or option to do any of the foregoing.
- (o) “Sale” or “sell” means to convey, exchange, transfer or assign legal or equitable title to, or beneficial interest in, property in return for consideration, or a contract or option to do any of the foregoing.
- (p) “Sexual orientation” means a person’s actual or perceived homosexuality, bisexuality or heterosexuality, by orientation or practice.
- (q) “Solicitation” or “solicit” means the mailing or delivery of any printed matter or any oral communication either in person or by telephone to the owner or occupant of property by any real estate broker, agent, sales representative or other person for any of the following purposes:
- (1) advertising the accomplishments and/or abilities of the real estate broker, agent, sales representative or other person to sell or rent property;
 - (2) requesting or suggesting that the owner or occupant list his property for sale or rent; or
 - (3) offering to purchase or rent the owner’s property.
- (r) “Unlawful discriminatory housing practices” means any act prohibited by Section 1375.03, but shall not include special outreach efforts conducted by, or under the authority of units of local government (including agencies, departments and commissioners thereof) or non-profit fair housing corporations or agencies to

administer the programs and activities relating to housing and urban development in a manner which affirmatively furthers the policies of this chapter.

- (s) “Watch area” means an area of the City designated by the Fair Housing Board exhibiting certain conditions of change which have historically led to panic selling, racial change and/or incidents with considerations of the factors listed in division (b) of Section 1375.16.

Section 1375.03

Unlawful Discriminatory Housing Practices

It shall be an unlawful discriminatory housing practice for any person to:

- (a) refuse to sell, transfer, assign, rent, lease, sublease, finance, or negotiate after the making of a bona fide offer, or otherwise deny or make unavailable, because of membership in a protected class, a property to any person;
- (b) represent to any person, because of membership in a protected class, that a property is not available for sale, rental, inspection, purchase, transfer, assignment, lease or sublease when, in fact, it is available;
- (c) discriminate against any person in making available such a transaction, or in the terms or conditions of such a transaction, if such person’s business includes engaging in residential real estate-related transactions, because of race, color, religion, sex, sexual orientation, national origin, age, disability, ethnic group, Vietnam-era or disabled veteran status, familial status, marital status or ancestry. As used in this section, the term “residential real estate-related transaction” means any of the following:

- (1) The making or purchasing of loans or providing other financial assistance:

A. for purchasing, constructing, improving, repairing, or maintaining a dwelling;

B. secured by residential real estate.

(2) The selling, brokering or appraising of real property;

(d) discriminate against any person in the terms or conditions of selling, renting, transferring, assigning, brokering, leasing or subleasing any property, or in furnishing facilities, services or privileges in connection with the ownership, occupancy or use of any property because of membership in a protected class or because of the racial composition or presence of any other protected groups in the area in which the dwelling is located;

(e) discriminate against any person in the provision of property and casualty, including but not limited to, fire, extended coverage, renter's or homeowner's insurance ("insurance") or insurance related services because of membership in a protected class of a current or prospective purchaser, renter, or occupant, or of other residents in the area or community, by any one or more of the following practices:

(1) making insurance or insurance related services unavailable or making them available on different terms or conditions;

(2) refusing to sell or renew or by canceling insurance or an insurance policy;

(3) varying the terms or conditions under which an insurance policy or insurance related services is available;

- (4) establishing different qualifications, requirements or standards for making insurance or insurance related services available;
 - (5) offering different service, facilities or privileges in the provision of insurance or insurance related services;
 - (6) discouraging potential applicants from applying for insurance, including but not limited to utilizing different sales and marketing practices, except as provided in Section 1375.02(s);
 - (7) evaluating, settling, or paying insurance claims;
- (f) refuse to consider the combined income of both husband and wife for the purpose of extending mortgage credit to a married couple or either member thereof;
- (g) print, publish or circulate, or cause to be printed, published or circulated, any statement or advertisement, or make or cause to be made any written or oral statement, relating to the sale, transfer, assignment, rental, lease, sublease or acquisition of any property or the loan of money, whether or not secured by mortgage or otherwise, for the acquisition, construction, rehabilitation, repair or maintenance of a property, which indicates any preference, limitation, specification or discrimination based upon protected group membership, or an intention to make any such preference, limitation, specification or discrimination;
- (h) include in any sale, transfer, rental, lease or sublease of a property any restrictive covenant based on protected group membership, or honor or exercise, or attempt to honor or exercise any such restrictive covenant;
- (i) induce or solicit or attempt to induce or solicit including, but not limited to a property listing, sale, rental or transaction by representing that a change has

occurred or may occur with respect to the protected class or classes of the area in which the property is located, or induce or solicit or attempt to induce or solicit such listing, sale, or transaction by representing that the actual or anticipated presence of persons of any protected class in the area will or may have results such as:

- (1) the lowering of property values;
 - (2) a change in the composition of the area in which the property is located based upon a protected class or classes;
 - (3) an increase in criminal or anti-social behavior in the area;
 - (4) a decline in the quality of the schools serving the area.
- (j) coerce, injure, 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 this section;
- (k) discriminate against any person because of protected group status in appraising the value of any property in connection with the sale, brokering or rental or because of the composition of the area based upon protected class or classes;
- (l) deny any person access to, or membership or participation in, any multiple-listing service, real estate brokers' association or other service association or facility relating to the business of selling or renting housing accommodations or commercial property, or to discriminate against any person in the terms or conditions of such access, membership or participation, on account of membership in a protected class;

- (m) refuse to permit, at the expense of a disabled person, reasonable modifications to existing premises occupied or to be occupied by such person, if such modifications may be necessary to afford such person full enjoyment of the premises, except that, in the case of a rental, a landlord may – where it is reasonable on a renter’s agreement, which can include the establishment of an escrow account, to restore the interior of the premises to the condition that existed prior to the modification, reasonable wear and tear expected;
- (n) refuse to make reasonable accommodations in rules, policies, practices or services, when such accommodations may be necessary to afford a disabled person equal opportunity to use and enjoy a dwelling including associated public and common use areas;
- (o) construct covered multi-family dwellings that do not provide for accessibility and usability for physically disabled persons in compliance with 42 U.S.C. §3604 (f)(3)(c);
- (p) discriminate in any manner against any other person because that person has opposed any unlawful practice defined in this section, or because that person has made a charge, testified, assisted or participated in any manner in any investigation, proceeding or hearing under Sections 4112.01 to 4112.07 of the Revised Code;
- (q) aid, abet, incite, compel or coerce the doing of any act declared by this section to be an unlawful discriminatory practice, or obstruct or prevent any person from complying with Sections 4112.01 to 4112.11 of the Revised Code, 42 U.S.C. §3601 et seq., or any order issued pursuant thereto, or attempt to directly or

indirectly to commit any act declared by this section to be an unlawful discriminatory practice. (ORC 4412.02 (H), (I), (J)).

Section 1375.04 **Exemptions**

The provisions of this chapter shall not be construed to:

- (a) prohibit a religious or denominational institution, organization, society or association or nonprofit charitable or education organization that is operated, supervised or controlled by or in connection with a religious organization, from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than commercial purposes to persons of the same religion or from giving preference to such persons, unless membership in such religion is restricted on account of race, color or national origin, nor shall anything in this chapter prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes, provides lodging which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members;
- (b) require any person selling or renting property to modify such property in any way at his or her expense, provided that such person does not refuse to permit reasonable modifications by a disabled person, which are necessary for that person to fully enjoy the premises in which he or she resides, when such modifications are made at the expense of the disabled person, which permission may be reasonably based on the disabled person's promise, pursuant to division of (o) of Section 1375.03, to restore the premises to the

condition in which it previously existed before granting permission for such modification, nor shall this chapter be construed to relieve any disabled person of any obligation generally imposed on all persons, regardless of disability, in a written lease, rental agreement or contract of purchase or sale, or to forbid distinctions based on the inability to fulfill the terms or conditions, including financial obligations, of the lease, agreement or contract, so long as such distinctions are not based on the disability, or on the landlord's refusal to make reasonable modifications in the lease, agreement or contract conditions for the purpose of denying a disabled person equal opportunity to the use and enjoyment of the premises. (ORC 4112.02 (K), (N)).

- (c) prohibit the restriction of a sale or rental of a property on the basis of disability when such a property is authorized, approved, financed and subsidized, in whole or in part, for the benefit of disabled persons by a unit of the local, state or federal government, so long as such restrictions do not discriminate against an otherwise qualified disabled person;
- (d) require that a property be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others;
- (e) prohibit the application of any reasonable local, state or federal restrictions regarding the maximum number of occupants permitted to occupy a property;

- (f) with regard to familial status, apply to properties provided under any state or federal program provided that HUD has determined that such program or housing is exempt, which determination shall be conclusive, or to housing for older persons;
- (g) prohibit a person engaged in the business of furnishing appraisals of real property to take into consideration factors other than membership in protected class.

Section 1375.05 Fair Housing Board; Powers; Duties; Responsibilities

The Fair Housing Board shall have the responsibility to administer the provisions of this chapter and to adjudicate complaints alleging violations of any section. The Fair Housing Board shall have and may exercise the following powers to implement the purposes of this chapter:

- (a) to hold adjudicative hearings, make findings of fact, issue orders, enforce such orders and seek judicial and/or administrative relief with respect to any such complaints in accordance with the provisions of this chapter;
- (b) to subpoena witnesses, compel their attendance, administer oaths, take sworn testimony and, in connection therewith, to require the production for examination of any documents relating to any matter under investigation or in question before the Fair Housing Board, and

enforce such powers by proper petition to any court of competent jurisdiction;

- (c) to adopt such rules and regulations as the Fair Housing Board may deem necessary or desirable for the conduct of its business and to carry out the purposes of this chapter;
- (d) to do such other acts as are necessary and proper to perform those duties with which the Fair Housing Board is charged under this chapter, including the provision of referral services for the community;
- (e) to collect, analyze and study the results of investigations made under this chapter and report to the Mayor and City Council on or before January 31 or each calendar year on the working of this chapter for the purposes of advising on and recommending amendments to this chapter;
- (f) to conduct a continuing program of education and community organization throughout the City;
- (g) to initiate an investigation without the filing of an official complaint, provided a majority of the Fair Housing Board elects to proceed based upon reasonable cause to believe that violations of this chapter are occurring or have occurred. The Fair Housing Board shall have the same powers following this initiated investigation as it has with an investigation based on the filing of a complaint;

- (h) to enter into cooperative agreements with other governmental agencies to effectuate the purposes of this chapter;
- (i) to refer persons allegedly aggrieved by unlawful discriminatory housing practices to the Ohio Civil Rights Commission or other governmental or private agencies, as appropriate.

Section 1375.051 **Discrimination Review Committee; Duties;**

Responsibilities

- (a) There is hereby created a Discrimination Review Committee which shall consist of five members of the Fair Housing Board designated by the Mayor. The Mayor shall further designate one of the Committee members to serve as chairperson. No person shall be appointed to the Discrimination Review Committee who has any interest in any firm, association, company or corporation engaged in the sale or rental of real estate in the City of Twinsburg.
- (b) The Discrimination Review Committee shall have the responsibility to hear cases brought before the Fair Housing Board and such other duties as may be set forth in this Chapter. The Discrimination Review Committee shall make recommendations as to findings of fact, as to whether the Respondent has violated Section 1375.03, and as to remedial actions that may be appropriate under Section 1375.12.
- (c) The Fair Housing Board shall promulgate appropriate rules and regulations for the operation of the Discrimination Review Committee.

Section 1375.06 **Complaints**

- (a) Any aggrieved person may allege that a violation of Section 1375.03 has occurred by filing with the Fair Housing Board, within one (1) year of the alleged violation, a sworn, written complaint setting forth his or her grievance. The complaint shall state the name and address of the aggrieved party (hereinafter the “complainant”), the name and address of the person(s) alleged to have committed a violation of Section 1375.03 (hereinafter the “respondent”), a description and address of the property involved in the discriminatory incident and the particular facts thereof and such other information as may be required by the Board. A complaint may be amended at any time prior to the hearing conducted pursuant to Section 1375.09, and thereafter only with permission of the Fair Housing Board. Upon the filing of a complaint, the Fair Housing Board shall acknowledge the receipt of the complaint and serve notice thereof to the complainant, which notice shall also contain information as to the time limits, notice of procedural rights and obligations and choice of forum provided in this chapter.
- (b) Within ten (10) days after a complaint has been received by the Fair Housing Board, it shall serve or cause to be served, in person or by certified mail, a copy of the complaint on the respondent alleged to have committed a violation of Section 1375.03. Along with the service of the complaint, the Fair Housing Board shall advise the respondent, in writing, of his or her procedural rights and obligations under this chapter. The respondent may file a written verified answer to the complaint with the Fair Housing Board within

ten (10) days after receipt of notice of said complaint, and thereafter only with permission of the Fair Housing Board.

- (c) The Mayor, with the advice of the Fair Housing Board, may appoint a Fair Housing Administrator of the Fair Housing Board. The Administrator shall have such duties and responsibilities as may be provided by the Fair Housing Board, including, but not limited to, receipt and processing of complaints on behalf of the Fair Housing Board.

Section 1375.07 **Investigation of Complaints**

- (a) Investigations shall be commenced within thirty (30) days after a complaint has been received. Conciliation, pursuant to Section 1375.08, shall be attempted beginning with the filing of the complaint and ending with the filing of a charge or a dismissal of the complaint. If conciliation has failed and the investigation has been completed, the Discrimination Review Committee shall determine that:

(1) there are reasonable grounds to believe that a violation of Section 1375.03 has occurred, in which case the Fair Housing Administrator shall issue a charge stating the facts forming the basis for the finding of reasonable grounds to believe discrimination occurred or is about to occur under Section 1375.03. The Fair Housing Administrator shall then forward the complaint to the Fair Housing Board for a hearing, pursuant to Section 1375.09; or

(2) there are no reasonable grounds to believe that a violation of Section 1375.03 has occurred, in which case the Fair Housing Administrator

shall prepare and issue a written notice of dismissal, within five (5) days of the finding of no reasonable grounds, by serving a copy of the notice of dismissal by certified mail on the parties. The notice of dismissal shall advise the complainant of his or her right to appeal under this section. Within fourteen (14) days of receipt of notice of dismissal, the complainant may request, in writing, reconsideration by the Discrimination Review Committee of the dismissal. By a majority vote, the Discrimination Review Committee may affirm or reverse the dismissal. If the Discrimination Review Committee reverses, it shall refer the complaint to the Fair Housing Administrator for conciliation and other actions consistent with this chapter.

- (b) The Fair Housing Board shall complete the investigation within one hundred (100) days after receipt of the complaint, unless impracticable, in which case the Fair Housing Board shall inform, in writing, the complainant and the respondent of the reasons why the investigation cannot be completed within the time prescribed.
- (c) The Fair Housing Board may be assisted in the investigation by a fair housing agency or other organization or person under contract with the City. Upon request of the Fair Housing Board, the Executive Director of the Fair Housing Board may assign employees of the Fair Housing Board to assist in the investigation.

Section 1375.08

Conciliation Process

- (a) During the period beginning with the filing of such complaint and ending with the filing of a charge or a dismissal by the Fair Housing Board, the Fair Housing Board shall, to the extent feasible, engage in conciliation with respect to such complaint. As appropriate, the Administrator shall:
- (1) notify the complainant and respondent of the time, place and date of the conciliations conference at least ten (10) days prior thereto, and both parties shall appear at the conciliation conference in person or by attorney; and
 - (2) attempt to resolve the complaint by methods of conferment, conciliation and persuasion with all interested parties and such representatives as the conferences shall be informal and made public unless the parties agree thereto in writing. The terms of conciliation agreed to by the parties shall be reduced to writing and incorporated into a consent agreement to be signed by the parties, subject to approval by the Fair Housing Board. The terms of the conciliation agreement shall be made public, unless the complainant and the respondent agree otherwise and the Fair Housing Board determines that disclosure is not required to further the purposes of this chapter.
- (b) A conciliation agreement may provide for binding arbitration of the dispute arising from the complaint. Any such arbitration that results from a conciliation agreement may award appropriate relief, including monetary relief.

Section 1375.09

Hearings

- (a) Within thirty (30) days after the complaint is received by the Fair Housing Board pursuant to division (a)(1) of Section 1375.07, the Discrimination Review Committee shall, upon due and reasonable notice to all parties, hold a hearing on the complaint. Parties to the hearing shall be the complainant and respondent and such other persons as the Fair Housing Board may deem appropriate. The hearing shall be open to the public. At the time it determines to hold such hearing, the Fair Housing Board shall serve upon the respondent a summons requiring the attendance of named persons and the production of relevant documents and records.
- (b) At any time prior to the conclusion of the hearing, the parties may request the Fair Housing Board to issue subpoenas for individuals or documents in the Fair Housing Board's name. Failure to comply with a summons or subpoena shall constitute a violation of this chapter. The parties may appear before such Board in person or by duly authorized representatives any be represented by legal counsel. The parties shall have the right to present witnesses and to cross-examine witnesses, and all testimony and evidence shall be given under oath or by affirmation.
- (c) If a charge is issued pursuant to Section 1375.07 (a)(1), either the complainant or the respondent, in lieu of participating in the administrative hearing process, as outlined in this Section 1375.09, may elect to have the case heard in a civil action. Such civil action shall be maintained on behalf of the aggrieved person at the expense of the Fair Housing Board. Such election must be made within twenty (20) days after the receipt of the charge.

Section 1375.10

Hearing Decisions

- (a) Within thirty (30) days of the close of the hearing, the Discrimination Review Committee shall deliver its recommendations to the Fair Housing Board. The Fair Housing Board shall have thirty (30) days to adopt, reject or amend the recommendations of the Discrimination Review Committee. The Community Relation Board's decision shall be rendered in the form of a written order which shall include findings of fact and a statement as to whether the respondent has violated Section 1375.03 and such remedial actions as the Fair Housing Board may order pursuant to Section 1375.13. The order shall be served upon the parties by certified mail within fifteen (15) days of the date of the decision. The order shall be available for public inspection, and a copy shall be provided to any person upon request and payment of reproduction costs.
- (b) If the Discrimination Review Committee is unable to make a recommendation to the Fair Housing Board within the prescribed time frame in section (a), the Administrator shall notify the Fair Housing Board, the complainant and the respondent in writing of the reasons for not doing so.

Section 1375.11

Injunctive Relief

At any time after the filing of a complaint referred to in Section 1375.07, the Fair Housing Board may request the City's Director of Law to petition the appropriate court for temporary or preliminary relief pending final determination of the proceedings under this chapter, or as otherwise necessary to carry out the purposes of this chapter, including an order or decree restraining the respondent from doing or causing any act which would render ineffectual any order or action by the Fair Housing Board.

Section 1375.12

Remedial Actions

- (a) If the Fair Housing Board finds that the respondent has not violated Section 1375.03, its order under Section 1375.10 shall dismiss the complaint.
- (b) If the Fair Housing Board finds that the respondent has violated Section 1375.03, its order under Section 1375.10 shall provide for the taking of such remedial action, as it deems appropriate, which may include but not be limited to:
- (1) directing the respondent to cease and desist from violations of Section 1375.03 and to take such affirmative steps as necessary to effectuate the purposes of this chapter;
 - (2) initiating, at the Fair Housing Board's expense, an appropriate court action for the enforcement of Section 1375.03, and for such other or further relief as the court may deem appropriate including, but not limited to, injunctive relief, compensatory damages, punitive damages to the complainant and/or attorney's fees and costs incurred by the complainant and/or the Fair Housing Board and/or the City; such court action shall be required in the event the respondent does not voluntarily comply with remedial actions ordered by the Fair Housing Board;
 - (3) initiating proceedings based upon violation of federal or state law and/or regulations;
 - (4) initiating proceedings with any contracting agency, in the case of any violation of Section 1375.03 by respondent in the course of

performing under a contract or subcontract with the State or any political subdivision or agency thereof, or with the United States of America or any agency or instrumentality thereof, for the purpose of terminating such contract or any portion thereof, or obtaining other relief;

- (5) initiating proceedings with the State of Ohio, where applicable, to revoke, suspend or refuse to renew the license of any person found to have violated any provision of Section 1375.03;
- (6) directing the respondent to reimburse the complainant and/or the City, as applicable for his or her actual and reasonable expenses incurred and to be incurred as a result of each violation found, including, but not limited to, expenses for moving and temporary storage of household furnishings, additional expenses in connection with the purchase or rental of a dwelling for alternative accommodations, and reasonable attorneys' fees and costs;
- (7) directing the respondent to reimburse the City for its actual reasonable direct expenses incurred and to be incurred as a result of each violation found including reasonable attorneys' fees and costs;
- (8) assessing compensatory damages, as appropriate, or arrange to have adjudicated in court, at the Fair Housing Board's expense, the award of compensatory damages against the respondent;
- (9) assessing civil penalties, as appropriate, or arranging to have adjudicated in court at the Fair Housing Board's expense, the award of

punitive damages against the respondent. For purposes of this chapter, civil penalties are defined as penalties assessed against the respondent to vindicate the public interest in an amount:

A. not exceeding \$50,000 for a first violation; and

B. not exceeding \$100,000 for any subsequent violation.

(10) such other further relief as the Fair Housing Board may deem appropriate for enforcement of Section 1375.03.

(c) The Fair Housing Board shall make a final administrative disposition of a complaint within one (1) year after the complaint has been filed, unless it is impracticable to do so, in which case the complainant and respondent shall be notified, in writing, of the reasons why disposition of the complaint cannot be made within the time prescribed.

(d) Nothing herein shall be construed to prevent the City, at its own expense, from initiating appropriate court action on behalf of the complainant in order to enforce the provisions of this chapter.

(e) The complainant and the respondent shall have the right to appeal an adverse final determination by the Board to the Summit County Common Pleas Court pursuant to Chapter 2506 of the Revised Code, or in such other forum or court of competent jurisdiction as provided by law.

Section 1375.13

Judicial Relief

The City, the complaint, or any person aggrieved by a violation of any provision of this chapter may at any time within one (1) year from the date of the alleged violation and in

lieu of proceeding with the administrative process set forth in this chapter, apply to any court of competent jurisdiction for appropriate relief including, but not limited to:

- (a) injunctive relief or an order otherwise compelling compliance with this chapter;
- (b) compensatory damages and/or punitive damages;
- (c) reasonable attorneys' fees and costs to complainant and/or the City as applicable; and/or
- (d) such other or further relief as is appropriate for the enforcement of this ordinance and elimination of violations thereof.

Section 1375.14 **Intimidation or Interference in Housing**

No person, whether or not acting under color of law, shall by force or threat of force willfully injure, intimidate or interfere with, or attempt to injure, intimidate or interfere with any of the following:

- (a) any person because of race, religion, color, sex, sexual orientation, national origin, age, disability, or ethnic group, Vietnam-era or disabled veteran status, familial status, marital status or ancestry and because that person is or has been selling, purchasing, renting, financing, occupying, contracting, or negotiating for the sale, purchase, rental, financing, or occupation of any property; or applying for or participating in any service, organization, or facility relating to the business of selling or renting housing accommodations;
- (b) any person because that person is, or has been, or is considering:

- (1) participating, without discrimination on account of race, religion, color, sex, sexual orientation, national origin, age, disability, ethnic group, Vietnam-era or disabled veteran status, familial status, marital status or ancestry, in any of the activities, services, organizations or facilities described in division (a)(1) of this section;
 - (2) affording another person or class of persons opportunity of protection or protection so to participate;
- (c) any person because that person is, or is considering lawfully aiding or encouraging other persons to participate, without discrimination on account of race, religion, color, sex, sexual orientation, national origin, age, disability, ethnic group, Vietnam-era or disabled veteran status, familial status, marital status or ancestry, in any of the activities, services, organizations or facilities described in division (a)(1) of this section, or participating lawfully in speech.

Section 1375.15

Pattern or Practice of Discrimination

Whenever the Fair Housing Board has reasonable cause to believe that any person or persons are engaged in a pattern or practice of resistance to a person's or persons' full enjoyment of the rights granted by Section 1375.03 or 1375.18, of this chapter, or that any group of persons has been denied any of the rights granted by such section and the denial raises an issue of public policy, the Fair Housing Board may refer the matter to the Director of Law for commencement of a civil action in a court of competent jurisdiction

on behalf of the City. The Director of Law may seek any relief considered necessary to ensure the full enjoyment of the rights granted by this chapter.

Section 1375.16 **Prohibitions Against Real Estate Steering**

No person who receives or expects to receive pecuniary gain from the sale or rental of housing accommodations shall:

- (a) influence or attempt to influence any other person who purports or represents himself or herself to be a prospective purchaser, occupant or tenant of housing accommodations to refrain from purchasing or renting housing accommodations by referring to race, religion, color, sex, sexual orientation, national origin, age, disability, ethnic group, Vietnam-era or disabled veteran status, familial status, marital status or ancestry, of occupants or prospective occupants of other housing accommodations in the neighborhood;
- (b) influence or attempt to influence, by any words, acts, or failure to act any person who purports or represents himself to be a prospective seller, purchaser, occupant, landlord or tenant of housing accommodations, in connection with the sale or rental of housing accommodations, so as to promote or tend to promote the continuance or maintenance of segregated housing or so as to retard, obstruct or discourage integrated housing on or in any street, block or neighborhood;
- (c) discriminate against any person who purports or represents himself to be a prospective seller, purchaser, occupant, landlord or tenant of housing accommodations by any influence, suggestion, act or failure to act, or accord any differential treatment among such persons, in connection with the sale or

rental of housing accommodations or in the furnishing of information, services, or facilities relative thereto because of the race, religion, color, sex, sexual orientation, national origin, age, disability, ethnic group, Vietnam-era and disabled veteran status, familial status, marital status or ancestry of any person.

Section 1375.17 **Additional Remedies**

This chapter shall not prevent the City or any person from exercising any right or seeking any remedy to which that person might otherwise be entitled, or from filing any complaint with any other agency or court of law or equity.

Section 1375.18 **Scope/Severability**

- (a) Scope. The provisions of this chapter shall apply to all property, as defined herein, located within the territorial limits of the City of Twinsburg, Ohio.
- (b) Severability. If any provision of this chapter is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the chapter shall not be invalidated.

Section 1375.19 Unlawful Discriminatory Public Accommodations Practices

It shall be an unlawful discriminatory practice in a place of public accommodation for any person who is the owner, operator, lessee, manager, administrator, servant, agent or employee of any place of public accommodation:

- (a) to refuse, deny, segregate, discriminate or make a distinction, directly or indirectly, in offering its goods, services, facilities or accommodations to any person because of membership in a protected class;
- (b) to refuse, deny, segregate, separate, discriminate, or make a distinction, directly or indirectly in any way, against any person in the full or equal use and enjoyment of the services, facilities, privileges, advantages or enforcement powers of the City, or any unit or office thereof, because of membership in a protected class;
- (c) for any person, whether or not specifically prohibited from discriminating under any provisions of this section, to aid, abet, incite, compel, or coerce the doing of any act declared to be an unlawful discriminatory practice by this section, or to attempt to do so;
- (d) to coerce, intimidate, threaten, retaliate against, or otherwise interfere with any person, or attempt to do so, because he or she has promoted the provisions of this section, or because he or she has filed a complaint, testified, or assisted in any proceeding, investigation or hearing authorized by Sections 1375.011 through 1375.013 or by appropriate state or federal law;

- (e) nothing in this section shall prohibit a religious or denominational institution, organization, society or association or any nonprofit charitable or educational organization that is operated, supervised or controlled by or in connection with a religious organization, from limiting its offerings of goods, services, facilities and accommodations to persons of the same religion, or from giving preference to such persons, provided that such offerings mentioned above are not, in fact, offered for commercial purposes;
- (f) nothing in this section shall prohibit the establishment of programs or other public accommodations designed and operated for a particular age group. However, such public accommodations shall not discriminate on the basis of membership in a protected class.

Section 1375.20 Definitions

- (a) As used herein, “public accommodation” or “place of public accommodation” means any inn, restaurant, eating house, barbershop, public conveyance by air, land, or water, theater, store or other place for the sale of merchandise or provision of services, amusement or accommodation of which the accommodations, advantages, facilities, or privileges are offered or available to the public.

- (b) All other terms used in Sections 1375.01 through 1375.13 shall have the meanings and definitions given in Chapter 1375, except as may be specifically provided herein or as required by the context.

Section 1375.21 Complaints

Any aggrieved person may allege that a violation of Section 1375.01 has occurred by filing a complaint with the Fair Housing Board in the time, manner and form prescribed under Section 1375.06 for complaints of unlawful practices under Section 1375.03. The Fair Housing Board and its Discrimination Review Committee each shall have the same powers, duties and responsibilities with respect to a complaint alleging a violation of Section 1375.01 as it has under Sections 1375.05 through 1375.10 with respect to a complaint alleging a violation of Section 1375.03, except as may be inapplicable or required by the context or by law.

Section 1375.22 Remedies and Beliefs

The City, the Fair Housing Board, any person aggrieved by a violation of Section 1375.01 and any respondent thereto shall have the same rights, powers, duties and responsibilities with respect to remedies and relief for violation of Section 1375.01 as they have under Section 1375.11 through Section 1375.13 with respect to a violation of Section 1375.03, except as may be inapplicable or required by the context or by law.

Section 5. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by

the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

SECTION IV: It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in open meeting or meetings of this Council, and that all deliberations of this Council were in meetings open to the public and in full compliance with all legal requirements, including without limitations, those set forth in Section 121.22 of the Ohio Revised Code.

SECTION V: That this Ordinance is hereby declared to be an emergency measure, necessary for the immediate preservation of the public peace, health, safety welfare and convenience of the citizens of the City of Twinsburg, and for the additional reason that in order to facilitate payment of compensation to certain employees of the City, the foregoing ordinance is required at the earliest possible time, and provided it receives the affirmative vote of five or more members of Council, it shall take effect and be in force immediately upon its passage and approval of the Mayor; otherwise, it shall take effect and be in force at the earliest period allowed by law.

PASSED: _____

APPROVED: _____

Steve Murphy, President of Council

Submitted to the Mayor for approval this

_____ day of _____, 2009

Approved by the Mayor _____, 2009

Katherine A. Procop, Mayor

ATTEST:

Marie K. Weaver
Clerk of Council

1st Rdg. _____
2nd Rdg. _____
3rd Rdg. _____

Passed: _____

Yes _____ No _____

PROPOSED

CERTIFICATE OF POSTING

I, Marie K. Weaver, Clerk of Council, of the City of Twinsburg, State of Ohio, do hereby certify that publication of the foregoing ordinances, resolutions was duly made by posting true copies thereof at five of the most public places in said City as determined by Section 113.02 of the Codified Ordinances of the City of Twinsburg; each for a period of fifteen days commencing on the _____ day of _____, 2009

PROPOSED

Marie K. Weaver
Clerk of Council
City of Twinsburg