

An Ordinance No. \_\_\_\_\_

To amend Ordinance No. 91-90, passed March 12, 1991, and commonly known as the Codified Ordinances of The City of Springfield, Ohio, by the amendment of various sections to prohibit discrimination based on sexual orientation.



BE IT ORDAINED by the City Commission of The City of Springfield, Ohio:

Section 1. That Ordinance No. 91-90, passed March 12, 1991, and commonly known as the Codified Ordinances of The City of Springfield, Ohio, is hereby amended by the amendment of the following sections to read as follows:

**101.02 GENERAL DEFINITIONS.**

As used in the Codified Ordinances, unless another definition is provided or the context otherwise requires:

- (a) "And" may be read "or", and "or" may be read "and", if the sense requires it.  
(ORC 1.02(F))
- (b) "Another" when used to designate the owner of property which is the subject of an offense, includes not only natural persons but also every other owner of property.  
(ORC 1.02(B))
- (c) "Bond" includes an undertaking and "undertaking" includes a bond. (ORC 1.02(D), (E))
- (d) "Commission" means the legislative authority of the City of Springfield, Ohio.
- (e) "County" means Clark County, Ohio.
- (f) "Keeper" or "proprietor" includes all persons, whether acting by themselves or as a servant, agent or employee.
- (g) "Land" or "real estate" includes rights and easements of an incorporeal nature.  
(ORC 701.01(F))
- (h) "Municipality" or "City" means the City of Springfield, Ohio.
- (i) "Oath" includes affirmation and "swear" includes affirm.  
(ORC 1.59(B))
- (j) "Owner", when applied to property, includes any part owner, joint owner or

- tenant in common of the whole or part of such property.
- (k) “Parachurch organization” is a non-profit entity organized for a religious purpose, engaged in activity consistent with and in furtherance of that purpose that holds itself out to the public as religious or faith-based and is not engaged primarily in commercial activity.
  - (l) "Person" includes an individual, corporation, business trust, estate, trust, partnership and association.  
(ORC 1.59(C))
  - (m) "Premises", as applied to property, includes land and buildings.
  - (n) "Property" means real and personal property.  
(ORC 1.59(E))  
"Personal property" includes all property except real.  
"Real property" includes lands, tenements, and hereditaments.
  - (o) "Public authority" includes boards of education; the Municipal, County, State or Federal government, its officers or an agency thereof; or any duly authorized public official.
  - (p) "Public place" includes any street, sidewalk, park, cemetery, school yard, body of water or watercourse, public conveyance, or any other place for the sale of merchandise, public accommodation or amusement.
  - (q) "Registered mail" includes certified mail and "certified mail" includes registered mail.  
(ORC 1.02(G))
  - (r) "Rule" includes regulation. (ORC 1.59(F))
  - (s) "Sidewalk" means that portion of the street between the curb line and the adjacent property line intended for the use of pedestrians.
  - (t) “Sexual orientation” means a person’s actual or perceived heterosexuality, bisexuality, homosexuality or gender identity, by orientation or practice by and between consenting adults.
  - (u) "This State" or "the State" means the State of Ohio.  
(ORC 1.59(G))
  - (v) "Street" includes alleys, avenues, boulevards, lanes, roads, highways, viaducts and all other public thoroughfares within the Municipality.
  - (w) "Tenant" or "occupant", as applied to premises, includes any person holding a written or oral lease, or who actually occupies the whole or any part of such premises, alone or with others.
  - (x) "Whoever" includes all persons, natural and artificial; partners; principals, agents and employees; and all officials, public or private.  
(ORC 1.02(A))
  - (y) "Written" or "in writing" includes any representation of words, letters, symbols or figures. This provision does not affect any law relating to signatures.

**145.08 UNLAWFUL DISCRIMINATION.**

Every contract, for or on behalf of the City, for the purchase by the City of any goods or services, is subject to the following provisions:

- (a) In the hiring of employees for the manufacture, processing or furnishing of such goods or services, the seller and any person or corporation acting on his behalf, shall not, by reason of race, religion, color, ancestry, national origin, sex, or sexual orientation discriminate against any person who is qualified to perform the work required by such employment.
- (b) The seller and any person or corporation acting on his behalf, shall not, on account of race, religion, color, ancestry, national origin, sex, or sexual orientation in any manner intimidate any employee hired for the performance of work in connection with the manufacture, processing or furnishing of any such goods or service.
- (c) Any seller who violates this section is subject to the following forfeitures:
  - (1) The deduction of one hundred dollars (\$100.00) from the amount payable to the seller by the City under such contract for each person who is discriminated against or intimidated in violation of this section;
  - (2) The cancellation or termination by the City of the seller's contract with the City and the forfeiture of all money due thereunder for a second or subsequent violation of this section.
- (d) Contracts with the City shall contain a warning that the above described unlawful acts shall subject the seller to the forfeitures set forth in this section.

**153.11 NONDISCRIMINATION BY CONTRACTORS.**

(a) The goals referred to in Section 153.01 are established to encourage affirmative action by all parties who participate in contracts with the City and apply to all contractors and subcontractors.

(b) No contractor shall discriminate against any employee or applicant for employment because of race, religion, color, sex, national origin, age, handicap, ancestry, Vietnam-era or disabled veteran status, or sexual orientation. Contractors shall take such affirmative action as is required by law to ensure that applicants are employed and that employees are treated during employment without regard to race, religion, color, sex, national origin, age, handicap, ancestry, Vietnam-era or disabled veteran status, or sexual orientation. As used herein, "treated" means and includes without limitation the following: recruited whether by advertising or other means; compensated, whether in the form of rates of pay or other forms of compensation; selected for training, including apprenticeship, promoted, upgraded, demoted, transferred, laid off and terminated. Contractors shall post in conspicuous places, available to employees and applicants for employment, notices to be provided by the hiring representatives of contractors setting forth the provisions of this nondiscrimination clause.

(c) Any person who intentionally misrepresents himself/herself as owning, controlling, operating or participating in a MBE or DBE for the purpose of obtaining contracts, subcontracts, or any other benefits under this chapter shall be guilty of theft by deception as provided in Ohio R.C. 2913.02.

#### **155.01 DEFINITIONS.**

As used in this chapter, the following words, phrases and terms shall be defined as set forth as follows:

- (a) "Affirmative action program" means a written program wherein the contractor takes affirmative action to ensure that applicants are employed and that employees are treated during employment without regard to their race, color, religion, natural origin, disability (provided the person is a qualified person with a disability), sex, or sexual orientation. Such action shall include, but not be limited to the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; lay-off or termination; rates of pay or other forms of compensation; selection for training, including apprenticeship. Each affirmative action program submitted shall include goals and timetables for the implementation of such program and the goals to which the contractor's good faith efforts must be directed.

#### **171.01 DEFINITIONS.**

For the purpose of the enforcement of this chapter, the following definitions shall apply:

- (a) "Age" means at least forty years old.
- (b) "Controlled substance" has the same meaning as in section 3719.01 of the Ohio Revised Code.
- (c) "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, agent, employee, lending institution, and the City of Springfield and any officer or employee thereof.
- (d) "Employer" means the City of Springfield and any officer or employee thereof, any person employing four or more persons, and any person acting in the interest of an employer, directly or indirectly.
- (e) "Employee" does not include any individual employed in the domestic service of any person.
- (f) "Labor organization" means any organization which exists for the purpose, in whole or in part, of collective bargaining or of dealing with employers concerning grievances, terms or conditions of employment, or for other mutual aid or protection in relation to employment.
- (g) "Employment agency" means any person regularly undertaking with or

without compensation to procure opportunities to work or to procure, recruit, refer or place employees.

- (h) "Physical or mental impairment" includes any of the following:
  - (1) Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; and endocrine;
  - (2) Any mental or psychological disorder, including, but not limited to, mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities;
  - (3) Diseases and conditions, including, but not limited to, orthopedic, visual, speech, and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, human immunodeficiency virus infection, mental retardation, emotional illness, drug addiction, and alcoholism.
  - (4) "Physical or mental impairment" does not include any of the following:
    - A. Homosexuality and bisexuality;
    - B. Transvestism, transsexualism, pedophilia, exhibitionism, voyeurism, gender identity disorders not resulting from physical impairments, or other sexual behavior disorders;
    - C. Compulsive gambling, kleptomania, or pyromania;
    - D. Psychoactive substance use disorders resulting from current illegal use of a controlled substance.
- (i) "Public accommodations" means any business, enterprise or activity consisting of or involving furnishing, providing or making available to the public any goods, services, accommodations, facilities, advantages or privileges, and includes any activity engaged in pursuant to the performance of any public duty.
- (j) "Discriminatory practice" means any act, practice or course of conduct constituting or resulting in inequality of treatment of any person because of race, religion, color, ancestry, national origin, handicap, age, sex, or sexual orientation in the areas of employment, education, public accommodations or economic opportunity. As used in this chapter, "discriminatory practice" includes, but is not limited to the following:
  - (1) For any employer, because of the race, color, religion, national origin, ancestry, handicap, age, sex, or sexual orientation of any person, to refuse to hire or otherwise to discriminate against him with respect to hire, tenure, terms, conditions or privileges of

- employment, or any matter directly or indirectly related to employment.
- (2) For an employment agency to:
    - A. Refuse or fail to accept, register, classify properly or refer to employment, or otherwise to discriminate against any person because of race, color, religion, national origin, ancestry, handicap, age, sex, or sexual orientation, or
    - B. Comply with a request from an employer for referral of applicants for employment if the request or any other matters known to such employment agency reasonably indicate, directly or indirectly, that the employer engages or shall engage in a discriminatory practice in connection with the hiring of any employee.
  - (3) For any labor organization to:
    - A. Limit or classify its membership on the basis of race, color, religion, national origin, ancestry, handicap, age, sex, or sexual orientation, or
    - B. Discriminate against any person or limit his employment opportunities, or otherwise adversely effect his status as an employee, or his wages, hours or employment conditions, because of his race, color, religion, national origin, ancestry, handicap, age, sex, or sexual orientation.
  - (4) For any employer, labor organization or joint labor-management committee controlling apprentice training programs to discriminate against any person because of his race, color, religion, national origin, ancestry, handicap, age, sex, or sexual orientation in admission to, or employment in any program established to provide apprentice training.
  - (5) For any person to:
    - A. Refuse to lend money, whether or not secured by mortgage or otherwise, to any person because of the race, color, religion, ancestry, national origin, handicap, age, sex, or sexual orientation of any such person, provided such lender, whether an individual, corporation or association of any type, lends money as one of the principal aspects of his business or incidental to his principal business; or
    - B. Discriminate against any person in the terms or conditions of any loan of money, whether or not secured by mortgage or otherwise, because of the race, color, religion, ancestry, national origin, handicap, age, sex, or sexual orientation of any such person.
  - (6) For any person in any manner engaged in any public accommodations to deny to any person, except for reasons

applicable alike to all persons, regardless of race, color, religion, national origin, ancestry, handicap, age, sex, or sexual orientation the full enjoyment of the goods, services, accommodations, facilities, advantages or privileges thereof.

- (7) For any person to discriminate in any manner against any other person because he has opposed any practice defined in this section or because he has made a charge, testified, assisted or participated in any manner in any investigation, proceeding or hearing under this chapter.
- (8) The provisions of this Chapter as they pertain to discriminatory practices based on sexual orientation shall not apply to religious schools, churches that are engaged in religious activities, parachurch organizations, or any nonprofit institution, or organization operated, supervised, or controlled by or in conjunction with a religious organization, association, or society, and owner-occupied residences with not more than three (3) unrelated renters.
- (k) "Handicap" 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.

#### **171.04 BOARD DUTIES.**

- (a) The Human Relations Board shall:
  - (1) By means of public hearing or otherwise investigate and study any conditions having an adverse affect on inter-group relations in the City and the problems of prejudice, intolerance, bigotry and discrimination as they affect the public safety and general welfare of the City;
  - (2) Institute and conduct educational and other programs to promote the equal rights and opportunities of all persons, regardless of their race, color, religion, ancestry, national origin, handicap, age, sex, or sexual orientation. In the performance of its duties the Board may cooperate with interested citizens, private agencies, business entities, non-profit organizations, educational institutions and agencies of the federal, State and local governments;
  - (3) Appoint hearing examiners who shall be admitted to the practice of law in the State of Ohio and other employees as it deems necessary to effectuate the purposes of this chapter. No commitments for employees or services shall ever exceed the appropriations made by the City Commission for such purposes;

- (4) Receive, investigate and pass upon written charges made under oath of policies, practices or courses of conduct prohibited by Section 171.01;
  - (5) On a periodic basis review discrimination complaint processing carried out by the Ohio Civil Rights Commission as such complaints relate to activities occurring in the City of Springfield;
  - (6) Adopt, promulgate, amend and rescind rules and regulations and other guidelines to effectuate the purposes of this chapter;
  - (7) Foster through community efforts or otherwise, good will among the groups and elements of the City of Springfield;
  - (8) Study the problems of discrimination in all or specific fields of human relations and make periodic surveys, gather data, and publish statistical summaries of the results of investigations and research into the existence and effect of discrimination because of race, color, religion, ancestry, national origin, handicap, age, sex, or sexual orientation or the enjoyment of civil rights and human rights by persons within the City to the extent that, in the Board's judgment, will tend to promote good will and minimize or eliminate discrimination; and
  - (9) Submit reports and recommendations to the City Commission from time to time, but not less than once a year describing the work performed by the Board. The Board shall submit an annual report to the City Commission describing the effectiveness of discrimination complaint processing conducted by the Ohio Civil Rights Commission on matters occurring in the City of Springfield. Reports may include a copy of any surveys or other studies prepared by the Board and may include recommendations of the Board as to remedial action, legislative and otherwise.
- (b) The Board may:
- (1) Meet and function at any place within the City;
  - (2) Adopt goals and objectives in carrying out the mission of the Board and at least annually review and update the goals and objectives;
  - (3) Initiate and undertake on its own motion, investigations of discriminatory practices as defined in Section 171.01; and
  - (4) Upon the affirmative vote of at least a majority of the Board, pursuant to a finding by such members of the necessity and propriety therefor, issue subpoenas for the attendance and testimony of witnesses and for the production of relevant papers, documents and other evidence at any time subsequent to the filing or initiation of a complaint alleging a discriminating practice.

### **173.01 DECLARATION OF POLICY.**

It is hereby declared to be the purpose of this chapter to provide, within constitutional limitations, for fair housing throughout the City, to assure that all persons have full and equal opportunity to consider all available housing for themselves and their families within the City without being discriminated against on the basis of race, color, religion, sex, ancestry, handicap, familial status, national origin, or sexual orientation, and to promote a stable, racially integrated community.

### **173.02 DEFINITIONS.**

For the purposes of the enforcement of this chapter, the following definitions shall apply:

- (a) "Administrator" means the Director of Human Relations, Housing, and Neighborhood Services.
- (b) "Board" means the Human Relations Board.
- (c) "Discriminate" or "discrimination" means to separate or segregate persons in a particular manner solely or in part because of race, color, religion, sex, ancestry, handicap, familial status, national origin, or sexual orientation; provided that "discriminate" or "discrimination" shall not include special outreach efforts conducted by or under the authority of units of local government (including agencies, departments, and commissions thereof) or non-profit fair housing corporations or agencies to ensure that persons of minority groups are fully informed of, and have access to, available dwelling opportunities in areas of present or prospective majority group concentration, or to ensure that persons of the majority group are fully informed of and have access to available dwelling opportunities in areas of present or prospective minority group concentration.
- (d) "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.
- (e) "Dwelling" means a building or structure, or part thereof, used or designed or intended to be used for residential purposes.
- (f) "Familial status" means one or more individuals (who have not attained the age of 18 years) being domiciled with:
  - (1) a parent or another person having legal custody of such individual or individuals; or
  - (2) the designee of such parent or other person having such custody, with the written permission of such parent or their person;  
and shall apply to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of 18 years.
- (g) "Housing for older persons" means housing:
  - (1) Provided under any State or Federal program that the Secretary of

HUD determines is specifically designed and operated to assist elderly persons (as defined in the State or Federal program); or

- (2) Intended for, and solely occupied by, persons 62 years of age or older; or
  - (3) Housing facilities where at least 80 percent of the units in the housing facility are occupied by at least one person 55 years of age or older, except that a newly constructed housing facility for first occupancy after March 12, 1989, need not comply with this requirement until 25 percent of the units in such facility are occupied. Housing satisfies the requirements of this section even though:
    - (A) On September 13, 1988, under 80 percent of occupied units in the housing facility are occupied by at least one person 55 years of age or older per unit, provided that at least 80 percent of the units that are occupied after September 13, 1988, are occupied by at least one person 55 years of age or older.
    - (B) There are unoccupied units, provided that at least 80 percent of the occupied units are occupied by at least one person 55 years of age or older.
    - (C) There are units occupied by employees of the housing provider (and family members residing in the same unit) who are under 55 years of age, provided the employees perform substantial duties directly related to the management or maintenance of the housing.
    - (D) There are insufficient units occupied by at least one person 55 years of age or older to meet the requirements of this subsection, but the housing provider:
      - (i) Reserves all unoccupied units for occupancy by at least one person 55 years of age or older until at least 80 percent of the units are occupied by at least one person who is 55 or older; or
      - (ii) Where application of the 80 percent rule stated in this subsection (g) results in a fraction of a unit, that unit shall be considered to be included in the units which must be occupied by at least one person who is 55 or older.
- (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 loans for profit, or otherwise providing financial assistance or insurance in connection with the purchase, sale or rental of dwellings.
  - (i) "Person" means one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint stock companies, trusts, unincorporated organizations, trustees,

- trustees in bankruptcy, receivers, or fiduciaries.
- (j) "Purchase" means to obtain a dwelling through a sale.
  - (k) "Real estate agent" means a real estate broker or salesman, or a limited real estate broker or salesman, as defined in Section 4735.01 of the Ohio Revised Code.
  - (l) "Rent" or "rental" means to lease, sublease, assign, or otherwise grant or obtain the right to occupy a dwelling not owned by the occupant in return for consideration, or a contract or option to do any of the foregoing.
  - (m) "Sale" or "sell" means to convey, exchange, transfer, or assign legal or equitable title to, or beneficial interest in, a dwelling in return for consideration, or a contract or option to do any of the foregoing.
  - (n) "Solicit" or "solicitation" means any conduct by a real estate agent, or an employee or agent thereof, intended to induce the owner of a dwelling within the City to sell, rent, or list the same for sale or rental.
  - (o) "Unlawful discriminatory practice" means any act prohibited by Section 173.04 of this chapter.
  - (p) "Handicap" means, with respect to a person:
    - (1) a physical or mental impairment which substantially limits one or more of such person's major life activities;
    - (2) a record of having such an impairment; or
    - (3) being regarded as having such an impairment; but such term does not include current, illegal use of or addiction to a controlled substance as defined in 21 U. S. C. Section 802.

### **173.03 EXEMPTIONS.**

The provisions of this chapter shall not:

- (a) Prohibit a religious organization, association, or society, or any nonprofit institution or organization operated, supervised, or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose 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 lodgings 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, provided such club does not discriminate in its membership policies on the basis of race, color, religion, sex, ancestry, handicap, familial status, or national origin. The provisions of this chapter as it pertains to sexual orientation shall not apply to religious schools, churches engaged in religious activities and owner-occupied residences with not more than three (3) unrelated renters.

- (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 handicapped person, 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 handicapped person, which permission may be conditioned on that person's promise 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 handicapped person of any obligation generally imposed on all persons regardless of handicap in a written lease, rental agreement, or contract of purchase or sale, or to forbid distinctions based on the inability to fulfill the terms and conditions, including financial obligations, of the lease, agreement, or contract, so long as such distinctions are not based on the handicap itself, or on the landlord's refusal to make reasonable modification in the lease, agreement or contract conditions for the purpose of denying a handicapped person equal opportunity to the use and enjoyment of the premises.
- (c) Prohibit restricting the sale or rental of a dwelling on the basis of handicap when such a dwelling is authorized, approved, financed, or subsidized in whole or in part for the benefit of persons of a handicap by a unit of state, local, or federal government, so long as such restrictions do not discriminate against otherwise qualified handicapped persons.
- (d) Require that a dwelling be made available to a person with a handicap 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 applicability of any reasonable local, state, or federal restrictions regarding the maximum number of occupants permitted to occupy a dwelling.
- (f) With regard to familial status, apply to dwellings provided under any state or federal program specifically designed and operated to assist elderly persons, as defined in the State or Federal program, or to housing for older persons, provided that HUD has determined that such program or housing is exempt, which determination shall be conclusive.
- (g) Prohibit a person engaged in the business of furnishing appraisals of real property to take into consideration factors other than race, color, religion, national origin, sex, handicap, familial status, or sexual orientation.
- (h) Apply to any single-family house sold or rented by an owner, under the terms and conditions set forth in 42 U. S. C. Section 3603(b); or to rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his residence.

- (i) Prohibit conduct against a person because such person has been convicted by any court of competent jurisdiction of the illegal manufacture or distribution of a controlled substance as defined in 21 U. S. C. Section 802.

**173.04 PROHIBITED ACTS.**

It is hereby declared to be a discriminatory housing practice and unlawful for any person to:

- (a) Refuse to sell, transfer, assign, rent, lease, sublease, finance, negotiate, or otherwise deny or make unavailable a dwelling to any person because of the race, color, religion, sex, ancestry, handicap, familial status, national origin, or sexual orientation of any present or prospective owner, occupant, or user of such dwelling, or in the case of a handicapped person, an associate thereof;
- (b) Represent to any person, because of race, color, religion, sex, ancestry, handicap, familial status, national origin, or sexual orientation, that a dwelling is not available for sale, rental, or inspection when in fact it is available;
- (c) Refuse to lend money, or to purchase a loan, or to provide other financial assistance, whether or not secured by mortgage or otherwise, for the acquisition, construction, rehabilitation, repair, or maintenance of a dwelling or otherwise withhold financing of a dwelling from any person because of the race, color, religion, sex, ancestry, handicap, familial status, national origin, or sexual orientation of any present or dwelling, provided such person lends money as one of the principal aspects or incident to his principal business and not only as a part of the purchase price of an owner-occupied residence he is selling nor merely casually or occasionally to a relative or friend;
- (d) Discriminate against any person in the terms or conditions of selling, transferring, assigning, brokering, renting, leasing, or subleasing any dwelling or in furnishing facilities, services, or privileges in connection with the ownership, occupancy, or use of any dwelling, including the sale of fire, extended coverage or homeowners insurance, because of the race, color, religion, sex, ancestry, handicap, familial status, national origin, or sexual orientation of any present or prospective owner, occupant, or user of such dwelling, or in the case of a handicapped person, an associate thereof, or because of the racial composition of the neighborhood in which the dwelling is located;
- (e) Discriminate against any person in the terms or conditions of any loan of money, purchase of loans, or in a providing other financial assistance, whether or not secured by mortgage or otherwise, for the acquisition, construction, rehabilitation, repair, or maintenance of a dwelling because of the race, color, religion, sex, ancestry, handicap, familial status, national origin, or sexual orientation of any present or prospective owner,

- occupant, or user of such dwelling, or because of the racial composition of the neighborhood in which the dwelling is located;
- (f) Refuse to consider without prejudice the purpose of extending mortgage credit to a married couple or either member thereof;
  - (g) Print, publish, or circulate any statement or advertisement, or make any verbal statement, relating to the sale, transfer, assignment, rental, lease, sublease, or acquisition of any dwelling or the loan of money, whether or not secured by mortgage or otherwise, for the acquisition, construction, rehabilitation, repair, or maintenance of a dwelling which indicates any preference, limitation, specification, or discrimination based upon race, color, religion, sex, ancestry, handicap, familial status, national origin, or sexual orientation or an intention to make any such preference, limitation, specification, or discrimination.
  - (h) Include in any transfer, rental, or lease of a dwelling any restrictive covenant, based on race, color, religion, sex, ancestry, handicap, familial status, national origin, or sexual orientation or honor or exercise, or attempt to honor or exercise, any such restrictive covenant, provided that the prior inclusion of such a restrictive covenant in the chain of title shall not be deemed a violation of this provision;
  - (i) Induce or solicit or attempt to induce or solicit a dwelling listing, sale, or transaction by representing that a change has occurred or may occur with respect to the racial, religious, sexual, or ethnic composition of the block, neighborhood, or area in which the dwelling is located, or induced or solicited or attempt to induce or solicit such sale or listing by representing that the presence or anticipated presence of persons of any race, color, religion, sex, ancestry, handicap, familial status, national origin, or sexual orientation, in the area will or may have results such as the following:
    - (1) The lowering of property values;
    - (2) A change in the racial, religious, sexual, or ethnic composition of the block, neighborhood, or area in which the dwelling is located;
    - (3) An increase in criminal or antisocial behavior in the area;
    - (4) A decline in the quality of the schools serving the area.
  - (j) Deny any person access to or membership or participation in any multiple-listing service, real estate agents' association, or other service, association, or facility relating to the business of selling or renting housing accommodations, or to discriminate against any person in the terms or conditions of such access, membership, or participation, on account of race, color, religion, sex, national origin, handicap, familial status, ancestry, or sexual orientation;
  - (k) Coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of that person's having exercised or enjoyed or having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by this section;

- (l) Discourage or attempt to discourage the purchase by a prospective purchaser of a dwelling, by representing that any block, neighborhood, or area has undergone or might undergo a change with respect to the religious, racial, sexual, familial status, or ethnic composition of the block, neighborhood, or area.
- (m) Discriminate against any person, because of race, color, religion, sex, national origin, handicap, familial status, ancestry, or sexual orientation, in appraising the value of any dwelling in connection with the sale, brokering, or rental of such dwelling.
- (n) Refuse to permit, at the expense of a handicapped person, reasonable modifications of existing premises occupied or to be occupied by such person if such modifications may be necessary to afford such person full enjoyment of the premise, except that, in the case of a rental, no modification need be permitted unless the renter first agrees to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted unless previously negotiated with the landlord.
- (o) Refuse to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford a handicapped person equal opportunity to use and enjoy a dwelling.
- (p) Construct covered multi-family dwellings that do not provide for accessibility and usability for physically handicapped persons in compliance with applicable state or federal law, whichever is controlling.
- (q) Discriminate in any manner against any other person because that person has opposed any unlawful practice defined in this chapter, or because that person has made a charge, testified, assisted, or participated in any manner in any investigation, proceeding, or hearing as provided pursuant to this chapter.
- (r) Aid, abet, incite, compel, or coerce the doing of any act declared by this chapter to be an unlawfully discriminatory practice, or to obstruct or prevent any person from complying with the provisions of this chapter, or any order issued pursuant thereto, or to attempt directly or indirectly to commit any act declared by this chapter to be an unlawful discriminatory practice.

#### **173.05 POSTING OF NOTICES.**

All real estate agents and all persons who operate or manage a dwelling with more than four (4) dwelling units shall post in a conspicuous location in those areas of their places of business located within the City where prospective purchasers, sellers, or renters normally make inquiries, and where the terms of a sale or rental are normally negotiated, a notice which contains the following language, printed on a light-colored background, in not less than fourteen-point type:

"It is a violation of the City of Springfield Fair Housing Law, in connection with any housing activity, to discriminate against any person because of race, color, religion, sex, ancestry, handicap, familial status, national origin, or sexual orientation.

For more information, contact: 324-7380"

**541.05 ETHNIC INTIMIDATION.**

(a) No person shall violate Ohio R.C. 2903.21, 2903.22, 2909.06, 2909.07 or 2917.21(A)(3) to (5) or Sections 541.02 or 541.03 of the General Offenses Code by reason of the race, color, religion, national origin, or sexual orientation of another person or group of persons.

(b) Whoever violates this section is guilty of ethnic intimidation. Ethnic intimidation is an offense of the next higher degree than the offense the commission of which is a necessary element of ethnic intimidation.

**959.09 MANDATORY LEASE CLAUSES.**

(a) Lessee agrees to operate the premises leased for the use and benefit of the public:

- (1) To furnish good, prompt and efficient service, adequate to meet all the reasonable demands for its service at the Airport.
- (2) To furnish such service on a fair, equal and nondiscriminatory basis to all users thereof.
- (3) To charge fair, reasonable and nondiscriminatory prices for each unit of sale or service, provided that the lessee may be allowed to make reasonable and nondiscriminatory discounts, rebates or other similar types of price reductions.

(b) The lessee, his/her agents and employees shall not discriminate against any person or class of persons by reason of race, color, creed, sex, national origin, or sexual orientation in providing any service or in the use of any of its facilities provided for the public, in any manner prohibited by part 152 of the Federal Aviation Regulations. The lessee further agrees to comply with such enforcement procedures as the United States might demand that the lessor take in order to comply with the sponsor's assurances.

(c) The lessor shall be responsible for the payment of all property taxes for the areas leased to it. The lessee shall be responsible for the payment of all other taxes whether City, State or Federal which arise or may arise as a result of its operation conducted on the leased premises.

(d) It is understood and agreed that nothing contained in the lease shall be construed to grant or authorize the granting of an exclusive right of service.

Section 2. That existing Sections 101.02, 145.08, 153.11, 155.01, 171.01, 171.04, 173.01, 173.02, 173.03, 173.04, 173.05, 541.05, and 959.09 are hereby repealed. For purposes of applying Section 53 of the City Charter, the effect of this Ordinance is limited to adding the language underlined in this Ordinance and the language not underlined is unaffected by this Ordinance.

Section 3. That this Ordinance shall take effect and be in force from and after fourteen (14) days from the date of its passage.

PASSED this \_\_\_\_\_ day of \_\_\_\_\_, A.D.,  
2018.

\_\_\_\_\_  
PRESIDENT OF THE CITY COMMISSION

\_\_\_\_\_  
CLERK OF THE CITY COMMISSION

(Published: *Springfield News-Sun*)

\_\_\_\_\_, 2018)

I do hereby certify that the foregoing Ordinance No. \_\_\_\_\_ was duly published in the *Springfield News-Sun* on \_\_\_\_\_, 2018.

\_\_\_\_\_  
CLERK OF THE CITY COMMISSION