

**PURPOSE**

*It is hereby declared to be the purpose of this chapter to provide, within constitutional limitations, fair housing throughout the City of North Royalton, to assure that all persons have full and equal opportunity to consider all available housing for themselves and their families within the City without discrimination based on race, color, religion, sex, familial status, ancestry, national origin, disability, military status, and to promote a stable, racially integrated community.*

628.01 DEFINITIONS.

As used in this chapter:

(a) "Chairperson" means the Chairperson of the Fair Housing Review Board, established pursuant to Section 628.06.

(b) "Discriminate" includes segregate or separate.

(c) "Fair Housing Review Board" means the board established by Section 628.06.

(d) "Familial status" means the status of one or more individuals: *(1)* who have not attained the age of eighteen years and who are domiciled with a parent or another person having legal custody of such individual or individuals, or with the designee of such parent or other person having such custody, with the written permission of such parent or other person; *(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.*

(e) "Handicap" "*Disability*" means ~~a medically diagnosable, abnormal condition which is expected to continue for a considerable length of time, whether correctable or uncorrectable by good medical practice, which can reasonably be expected to limit the person's functional ability, including, but not limited to, seeing, hearing, thinking, ambulating, climbing, descending, lifting, grasping, sitting, rising or any related function, or any limitation due to weakness and significantly decreased endurance, so that he or she cannot perform his or her everyday routine living and working without significantly increased hardship and vulnerability to what are considered the everyday obstacles and hazards encountered by the nonhandicapped.~~ "Handicap" also means a physical or mental impairment which substantially limits one or more of such person's 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.* but "handicap" *Disability* does not include current illegal use of, or addiction to, a controlled substance, *as defined in 21 U.S.C. 802.*

(f) "Housing accommodations" or "housing" includes any building or structure, or portion thereof, which is used or occupied or is intended, arranged or designed to be used or occupied, as the home residence or sleeping place of one or more individuals, groups or families, whether or not living independently of each other; any vacant land offered for sale or lease; and 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 such person's legal representative.

(g) "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, lessor, assignor, builder, manager, broker, salesperson, agent, employee or lending institution.

628.02 UNLAWFUL DISCRIMINATORY HOUSING PRACTICES.

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

(1) Refuse to sell, transfer, assign, rent, lease, sublease or finance housing accommodations; refuse to negotiate for the sale or rental of housing accommodations; or otherwise deny or make unavailable housing accommodations, because of the race, color, religion, sex, familial status, ancestry, ~~handicap~~ *disability, military status* or national origin of any prospective owner, occupant or user of the housing;

(2) Represent to any person that housing is not available for inspection, sale or rental, when in fact it is available, because of the race, color, religion, sex, familial status, ancestry, ~~handicap~~ *disability, military status* or national origin of any prospective owner, occupant or user of the housing;

(3) Refuse to lend money, whether or not secured by a mortgage or otherwise, for the acquisition, construction, rehabilitation, repair or maintenance of housing or otherwise withhold financing of housing from any person because of the race, color, religion, sex, familial status, ancestry, ~~handicap~~ **disability**, **military status** or national origin of any present or prospective owner, occupant or user of the housing, or because of the racial composition of the neighborhood in which the housing is located, provided that the person, whether an individual, corporation or association of any type, lends money as one of the principal aspects of or incident to his or her principal business and not only as a part of the purchase price of an owner-occupied residence he or she is selling nor merely casually or occasionally to a relative or friend;

(4) Discriminate against any person in the terms or conditions of selling, transferring, assigning, renting, leasing or subleasing of any housing, or in furnishing facilities, services or privileges in connection with the ownership, occupancy or use of any housing, including the sale of fire, extended coverage or homeowner's insurance, because of the race, color, religion, sex, familial status, ancestry, ~~handicap~~ **disability**, **military status** or national origin of any present or prospective owner, occupant or user of the housing, or because of the racial composition of the neighborhood in which the housing is located;

(5) Discriminate against any person in the terms or conditions of any loan of money, whether or not secured by a mortgage or otherwise, for the acquisition, construction, rehabilitation, repair or maintenance of housing, because of the race, color, religion, sex, familial status, ancestry, ~~handicap~~ **disability**, **military status** or national origin of any present or prospective owner, occupant or user of the housing, or because of the racial composition of the neighborhood in which the housing is located;

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

(7) Print, publish or circulate any statement or advertisement relating to the sale, transfer, assignment, rental, lease, sublease or acquisition of housing or the loan of money, whether or not secured by a mortgage or otherwise, for the acquisition, construction, rehabilitation, repair or maintenance of housing, which statement or advertisement indicates any preference, limitation, specification or discrimination based upon race, color, religion, sex, familial status, ancestry, ~~handicap~~ **disability**, **military status** or national origin, or an intention to make any such preference, limitation, specification or discrimination;

(8) Except as otherwise provided in this paragraph, make any inquiry, elicit any information, make or keep any record or use any form of application containing questions or entries concerning race, color, religion, sex, familial status, ancestry, ~~handicap~~ **disability**, **military status** or national origin in connection with the sale or lease of any housing or the loan of any money, whether or not secured by a mortgage or otherwise, for the acquisition, construction, rehabilitation, repair or maintenance of housing. Any person may make inquiries and make and keep records concerning race, color, religion, sex, familial status, ancestry, handicap or national origin for the purpose of monitoring compliance with this chapter.

(9) Include in any transfer, rental or lease of housing any restrictive covenant, or honor or exercise, or attempt to honor or exercise, any restrictive covenant, provided that the prior inclusion of a restrictive covenant in the chain of title shall not be deemed a violation of this paragraph;

(10) Induce or solicit, or attempt to induce or solicit, a housing 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 property is located, or induce or solicit, 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, familial status, ancestry, ~~handicap~~ **disability**, **military status** or national origin in the area will or may have results such as the following:

- A. The lowering of property values;
- B. A change in the racial, religious, sexual or ethnic composition of the block, neighborhood or area in which the property is located;
- C. An increase in criminal or antisocial behavior in the area; or
- D. A decline in the quality of the schools serving the area;

(11) Deny any person access to or membership or participation in any multiple-listing service, real estate brokers' organization or other service, organization or facility relating to the business of selling or renting housing accommodations, or discriminate against any person in the terms or conditions of

such access, membership or participation, on account of race, color, religion, sex, familial status, national origin, ~~handicap~~ **disability, military status** or ancestry;

(12) Coerce, intimidate, threaten or interfere with any person in the exercise or enjoyment of, or on account of that person's having exercised or enjoyed or having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by this section;

(13) Discourage or attempt to discourage the purchase by a prospective purchaser of a housing unit, by representing that any block, neighborhood or area has undergone or might undergo a change with respect to the religious, racial, sexual or ethnic composition of the block, neighborhood or area;

(14) 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 Ohio R.C. 4112.01 to 4112.07;

(15) Aid, abet, incite, compel or coerce the doing of any act declared by this section to be an unlawful discriminatory housing practice; obstruct or prevent any person from complying with Ohio R.C. 4112.01 to 4112.11, or any order issued thereunder; or attempt, directly or indirectly, to commit any act declared by this section to be an unlawful discriminatory housing practice; or

(16) Discriminate against any person in appraising the value of any housing in connection with its sale or rental because of the race, color, religion, sex, familial status, ancestry, ~~handicap~~ **disability, military status** or national origin of the person, or because of the racial composition of the neighborhood in which the housing is located.

(b) Whoever violates any of the provisions of this section is guilty of a misdemeanor of the second degree for a first offense and a misdemeanor of the first degree for a second or subsequent offense. Punishment shall be as provided in Section 698.02.

#### 628.03 REAL ESTATE STEERING.

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

(1) 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, color, sex, familial status, religion, national origin, ~~handicap~~ **disability, military status** or ancestry of occupants or prospective occupants of other housing accommodations in the neighborhood;

(2) Influence or attempt to influence, by any word, act or failure to act, any person who purports or represents himself or herself 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 attempt 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; or

(3) Discriminate against any person who purports or represents himself or herself 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, color, religion, sex, familial status, ancestry, ~~handicap~~ **disability, military status** or national origin of any person.

(b) Whoever violates any of the provisions of this section is guilty of a misdemeanor of the second degree for a first offense and a misdemeanor of the first degree for a second or subsequent offense. Punishment shall be as provided in Section 698.02.

628.04 INTIMIDATION IN CONNECTION WITH HOUSING.

(a) 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:

(1) Any person because of race, color, religion, sex, familial status, as defined in Ohio R.C. 4112.01, national origin, military status as defined in that section, disability, as defined in that section, 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 housing accommodations, or applying for or participating in any service, organization or facility relating to the business of selling or renting housing accommodations;

(2) Any person because that person is or has been doing, or in order to intimidate that person or any other person or any class of persons from doing either of the following:

A. Participating, without discrimination on account of race, color, religion, sex, familial status, as defined in Ohio R.C. 4112.01, national origin, military status as defined in that section, disability, as defined in that section, or ancestry, in any of the activities, services, organizations or facilities described in paragraph (a)(1) hereof;

B. Affording another person or class of persons opportunity or protection so to participate.

(3) Any person because that person is or has been, or in order to discourage that person or any other person from, lawfully aiding or encouraging other persons to participate, without discrimination on account of race, color, religion, sex, familial status, as defined in Ohio R.C. 4112.01, national origin, military status as defined in that section, handicap, as defined in that section, or ancestry, in any of the activities, services, organizations or facilities described in paragraph (a)(1) hereof, or participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to so participate.

(b) Whoever violates subsection (a) hereof is guilty of a misdemeanor of the first degree and shall be subject to the penalty provided in Section 698.02.  
(ORC 2927.03)

628.05 EXCEPTIONS TO CHAPTER.

(a) Nothing in this chapter shall bar any religious or denominational institution or organization, or any nonprofit, charitable or educational organization that is operated, supervised or controlled by or in connection with a religious organization, from limiting the sale, rental or occupancy of dwellings that it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference in the sale, rental or occupancy of such dwellings to persons of the same religion, unless membership in the religion is restricted on account of race, color or national origin. Nothing in this chapter shall bar any bona fide private or fraternal organization which, incidental to its primary purpose, owns or operates lodging for other than a commercial purpose, from limiting the rental or occupancy of the lodgings to its members or from giving preference to its members.

(b) Nothing in this chapter shall be construed to require any person selling or renting property to modify such property in any way or to exercise a higher degree of care for a person having a ~~handicap~~ **disability**, nor shall it be construed to relieve any ~~handicapped~~ person **having a disability** of any obligation generally imposed on all persons regardless of ~~handicap~~ **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 and conditions, including financial obligations, of the lease, agreement or contract.

(c) Nothing in this chapter requires that a dwelling be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals.

(d) Nothing in this chapter limits the applicability of any reasonable local, State or Federal restrictions regarding the maximum number of occupants permitted to occupy a dwelling. Nothing in this chapter regarding familial status shall apply to dwellings provided under any State or Federal programs specifically designed and operated to assist elderly persons, as defined in the State and Federal program, or to housing for older persons. As used in this chapter, "housing for older persons" means housing communities

consisting of dwellings intended for, and at least ninety percent occupied by, at least one person fifty-five years of age or older per unit, and providing significant facilities and services specifically designed to meet the physical or social needs of such persons, or intended for and occupied solely by persons sixty-two years of age or older.

628.06 FAIR HOUSING REVIEW BOARD.

(a) Establishment; Powers.

(1) There is hereby established a four member Fair Housing Review Board which shall consist of the Chairperson of the Building and Building Codes Committee of Council and three members appointed by the Mayor with the approval of Council. One of the three members appointed by the Mayor shall be a licensed realtor or a person who, by profession and experience has substantial knowledge of the sale of real estate in the City. Such person appointed by the Mayor shall be a nonvoting member of the Board. Appointments to the Board shall be for ~~two~~ **three** years, ***or until his or her successor is duly qualified and appointed, and may be reappointed by the proper authority and procedure.*** The Chairperson of the Building and Building Codes Committee of Council shall be the Chairperson of the Board.

(2) The Board shall have the responsibility to administer this chapter and to adjudicate complaints alleging violations of this chapter. The Board shall have and may exercise the following powers to implement 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 this chapter;

B. To subpoena witnesses, compel their attendance, administer oaths, take sworn testimony and, in connection therewith, require the production for examination of any documents relating to any matter under investigation or in question before the Board, and enforce such powers by proper petition to any court of competent jurisdiction;

C. To adopt such rules and regulations as the 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 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 Council, on or before January 31 of each calendar year, on the working of this chapter and for the purpose of advising on and recommending amendments to this chapter in order to effectuate its purposes;~~

~~F. To conduct a continuing program of education and community organization in the several sections of the City;~~

~~E.G.~~ To initiate an investigation without the filing of an official complaint, provided a majority of the Board elects to proceed based on reasonable cause to believe that violations of this chapter are occurring or have occurred. The Board shall have the same powers following this initiated investigation as it has with an investigation based on the filing of a complaint.

~~F.H.~~ To enter into cooperative agreements with other governmental agencies to effectuate the purposes of this chapter; and

~~F.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.

**H. Under the direction of the Fair Housing Board, the Safety Director shall serve as the Fair Housing Administrator and shall:**

**1. Collect, analyze and study the results of investigations made under this chapter and report to the Mayor and Council, on or before January 31 of each calendar year, on the working of this chapter and for the purpose of advising on and recommending amendments to this chapter in order to effectuate its purposes;**

2. **Conduct a continuing program of education and community involvement, and other programs affirmatively furthering fair housing;**

3. **Conduct initial investigation and fact finding of complaints or allegations of any violation of this chapter.**

(b) Complaints. Any person claiming to be aggrieved by a violation of this chapter, hereinafter referred to as the complainant, may file a complaint, in writing and under oath, with the Board. The complaint shall state the name and address of the person alleged to have committed the violation, hereinafter referred to as the respondent, and such other information as the Board may require. The complaint shall not constitute a public record unless and until a hearing is held pursuant to subsection (d) hereof. The complaint shall be filed within 180 days after the alleged act of discrimination.

(c) Investigations.

(1) The ~~Board~~ **Safety Director** shall ~~cause a~~ prompt investigation **the complaint to be** commenced within ten days after the filing of the complaint. The ~~Board~~ **Safety Director** may be assisted in the investigation by a fair housing agency or other organization or person under contract with the City. **The Safety Director shall promptly report to the Board the findings of the investigation.**

(2) If the Board determines after a preliminary investigation that it is probable that an unlawful discriminatory housing practice has been or is being engaged in, it shall endeavor, with the consent of both the complainant and the respondent, to eliminate the alleged discriminatory housing practice by conference, conciliation and persuasion. If successful, the terms of the conciliation shall be reduced to writing and incorporated into a consent agreement to be signed by the complainant, the respondent and the Chairperson.

(3) If conciliation is not undertaken pursuant to paragraph (c)(2) hereof, or if conciliation is undertaken without success, and if the Board determines through its investigation that probable cause exists for believing the allegations of the complaint, the Chairperson shall cause a written notice and a copy of the complaint to be served on the respondent. The notice shall specify a time and place for a public hearing on the allegations of the complaint. Notwithstanding the previous sentence, the Board, with consent of both the complainant and the respondent, may make findings and issue appropriate orders without the necessity of a public hearing on the complaint.

(d) Hearings.

(1) A public hearing shall be held not less than ten nor more than thirty days from the service of such written notice. The respondent may file a written verified answer to the complaint. The parties may present testimony in person or otherwise, with or without counsel, at the hearing. The Board or the complainant shall have the power, reasonably and fairly, to amend any complaint, and the respondent shall have like power to amend his or her answer. The Board shall not be bound by the strict rules of evidence prevailing in courts of law or equity. The testimony taken at the hearing shall be under oath and recorded.

(2) The parties may apply to the Board to have subpoenas issued in the Board's name. Failure to comply with a subpoena shall constitute a violation of this chapter. The parties may file such statements with the Board as they deem necessary. Not fewer than three of the same members of the Board must be present at all times during a hearing. The parties may appear before the Board in person or by duly authorized representative and may be represented by legal counsel. The parties may present witnesses, and all testimony and evidence shall be given under oath or by affirmation.

(e) Decisions.

(1) Where a hearing has been held before the Board, only those members of the Board who have attended the hearing on the complaint shall participate in the determination of the complaint. Within fifteen days of the close of the hearing, the decision shall be rendered in the form of a written order, which order shall include findings of fact, a statement of whether or not the respondent is in violation of this chapter and such remedial actions as the Board may order. The order shall be served upon the parties by certified mail within fifteen 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.

(2) If, at the conclusion of the hearing, the Board determines, upon the preponderance of the evidence, that the respondent has engaged or is engaging in any unlawful discriminatory practice, it shall issue such order as the facts warrant and shall state its findings of fact in support thereof. Such order may include:

A. That the respondent forthwith permit the complainant such right or privilege as constituted the subject of the complaint;

B. That the respondent perform an affirmative act that would otherwise have been performed had the complainant not been discriminated against because of race, color, religion, sex, familial status, ancestry, handicap or national origin; or

C. That the respondent comply with such other or further relief as the Board may deem appropriate for the enforcement of this chapter.

(3) If there are reasonable grounds to believe that a violation of this chapter has not occurred, then the Board shall dismiss the complaint by preparing a written notice of dismissal, including the reasons therefor, and shall notify the parties of the dismissal within five days by serving a copy of the notice of dismissal, by certified mail, on the parties. A copy of the notice shall also be filed with the Board. The notice of dismissal shall advise the complainant of his or her right of appeal under this section. Within fourteen days of receipt of the notice of dismissal, the complainant may appeal by filing a written request with Council for a review of the complaint by Council as a whole. By a majority vote, Council may overrule the dismissal and refer the complaint to the Board for a hearing pursuant to this section.

(4) If the respondent fails, within a reasonable time, to comply with an order issued by the Board, it shall certify the case, together with the record of its proceedings and the available evidence of noncompliance, to the Director of Law for appropriate action on behalf of the City to effectuate the purpose of this chapter.

(f) Penalty. Whoever violates paragraph (d)(2) hereof is guilty of a misdemeanor of the fourth degree. Punishment shall be as provided in Section 698.02.

#### 628.07 INJUNCTIVE RELIEF.

At any time after the Fair Housing Review Board has determined, pursuant to Section 628.06, that there are reasonable grounds to believe that a violation of Section 628.02 or 628.03 has occurred, the Chairperson may request the Director of Law to petition the appropriate court for temporary relief pending a final determination of the proceedings under this chapter, including an order or decree restraining the respondent from doing or causing any act which would render ineffectual any order or action made pursuant to this chapter by the Board.

(Ord. 1988-176. Passed 10-3-88.)

#### 628.08 CIVIL ACTIONS.

Whenever the Fair Housing Review Board has reasonable cause to believe that any person is engaged in a pattern or practice of resistance to a person's full enjoyment of the rights granted by Section 628.02 or 628.03, or that any group of persons has been denied any of the rights granted by such sections and the denial raises an issue of public importance, the 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 may seek any relief considered necessary to ensure the full enjoyment of the rights granted by this chapter.

628.09 OTHER LEGAL ACTION.

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. If a court determines that there has been a violation of this chapter, it may award compensatory damages and, where appropriate, punitive damages and attorneys' fees. The court may also order such other relief as it deems appropriate.

628.10 APPLICATION OF CHAPTER.

This chapter shall apply to all housing accommodations located within the territorial limits of the City.