

**City of Oberlin, Ohio**

**ORDINANCE No. 12-35 AC CMS**

AN ORDINANCE AMENDING SECTIONS 1185.01, 1185.02, 157.01 AND 157.10, OF THE CODIFIED ORDINANCES OF THE CITY OF OBERLIN, OHIO, TO PREVENT DISCRIMINATION OF PERSONS ON THE BASIS OF GENDER IDENTITY OR EXPRESSION IN HOUSING AND EMPLOYMENT WITH THE CITY OF OBERLIN AND DECLARING AN EMERGENCY

BE IT ORDAINED by the Council of the City of Oberlin, County of Lorain, State of Ohio, five-sevenths (5/7ths) of all members elected thereto concurring:

SECTION 1. That Sections 1185.01, 1185.02, 157.01 and 157.10 of the Oberlin Codified Ordinances are hereby amended to read as set forth in the **Exhibit A** attached hereto and incorporated herein by reference, to add discrimination against persons on the basis of gender identity or expression in various housing practices and in employment with the City of Oberlin.

SECTION 2. That it is hereby found and determined that all formal actions of this Council concerning or relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.


SECTION 3. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the citizens of the City of Oberlin, Ohio, or to provide for the usual daily operation of a municipal department, to wit:

“to add an additional housing and employment protections to the Codified Ordinances as soon as possible”,

And shall take effect immediately upon passage.

PASSED: 1st Reading – May 7, 2012  
2nd Reading - May 21, 2012 (S, E)  
3rd Reading -

ATTEST:

  
BELINDA B. ANDERSON, CMC  
CLERK OF COUNCIL

  
RONNIE J. RIMBERT  
PRESIDENT OF COUNCIL

POSTED: 05/22/2012

EFFECTIVE DATE: 05/21/2012

## Exhibit A

### 1185.01 DEFINITIONS

As used in this chapter, unless a different meaning clearly appears from the context, the following terms shall have the meanings described in this section:

(a) "Discrimination" or "discriminate" means any difference in treatment in the sale, lease, rental or financing of dwelling units.

(b) "Dwelling unit" means:

(1) A single room, suite of rooms or an apartment or a dwelling occupied or intended for occupancy as separate living quarters by an individual, family or group of individuals living together; or

(2) A parcel of real property or a lot available for the construction of one or more dwelling units.

(c) "Lending institution" means any persons, as defined in this section, regularly engaged in the business of lending money or guaranteeing loans or procuring lending money or the guarantee of loans.

(d) "Owner" means the lessee, sublessee, assignee, managing agent or other person having the right of ownership or possession of, or the right to sell, rent or lease any dwelling unit.

(e) "Person" means an association, partnership or corporation, as well as a natural person. "Person" as applied to partnerships or other associations, includes their members and as applied to corporations, includes those officers having control of any dwelling unit falling within this chapter.

(f) "Agent" means a real estate broker, real estate salesman or agent and these terms mean any natural person, partnership, association or corporation, who for a fee or other valuable consideration sells, purchases, exchanges or rents or negotiates or offers or attempts to negotiate the sale, purchase, exchange or rental of the real estate property or holds himself out as engaged in the business of selling, purchasing, exchanging or renting the real property. (Ord. 88-70AC. Passed 10-17-88.)

(g) "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 "handicap" does not include current, illegal use of or addiction to a controlled substance (as defined in Section 102 of the Controlled Substances Act (21 U.S.C. 802)).

(h) "Familial status" means one or more individuals (who have not attained the age of eighteen 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 other person.

The protection afforded against discrimination on the basis of familial status 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 eighteen years.

(i) "Sexual orientation" means having an orientation for or being identified as having an orientation for heterosexuality, bisexuality or homosexuality. (Ord. 91-32AC. Passed 6-17-91.)

(j) "Gender identity" means a person's own understanding of themselves in terms of gender categories. This can include refusing to label oneself with a gender. Gender identity does not cause or equal sexual orientation.

(k) "Gender expression" refers to the way in which a person's behavior communicates their gender identity or that others interpret as meaning something about their gender identity.

## 1185.02 PROHIBITED ACTS.

It shall be an unlawful housing practice for any agent, owner or person to:

(a) 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, sexual orientation (which shall not include persons whose sexual orientation involves minor children as the sex object), **gender identity or expression**, ancestry, handicap, familial status or national origin of any prospective owner, occupant or user of the housing;

(b) 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, sexual orientation (which shall not include persons whose sexual orientation involves minor children as the sex object), **gender identity or expression**, ancestry, handicap, familial status or national origin of any prospective owner, occupant or user of the housing;

(c) Refuse to lend money, whether or not secured by 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, sexual orientation, (which shall not include persons whose sexual orientation involves minor children as the sex object), **gender identity or expression**, ancestry, handicap, familial 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 or incident to his/her principal business and not only as part of the purchase price of an owner- occupied residence he/she 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, renting, leasing or subleasing 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 homeowners insurance, because of the race, color, religion, sex, sexual orientation (which shall not include persons whose sexual orientation involves minor children as the sex object), **gender identity or expression**, ancestry, handicap, familial 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;

(e) Discriminate against any person in the terms or conditions of any loan of money, whether or not secured by mortgage or otherwise for the acquisition, construction or rehabilitation, repair or maintenance of housing because of race, color, religion, sex, sexual orientation (which shall not include persons whose sexual orientation involves minor children as the sex object), **gender identity or expression**, ancestry, handicap, familial 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;

(f) 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;

(g) Print, publish or circulate any statement or advertisement relating to the sale, transfer, assignment, rental, lease, sublease or acquisition of any housing or the loan of money, whether or not secured by mortgage or otherwise, for the acquisition, construction, rehabilitation, repair or maintenance of housing which indicates any preference, limitation, specification or discrimination based upon race, color, religion, sex, sexual orientation (which shall not include persons whose sexual orientation involves

minor children as the sex object), **gender identity or expression**, ancestry, handicap, familial status or national origin, or an intention to make any such preference, limitation, specification or discrimination.

(h) Except as otherwise provided herein, 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, sexual orientation (which shall not include persons whose sexual orientation involves minor children as the sex object), **gender identity or expression**, ancestry, handicap, familial 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 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, sexual orientation (which shall not include persons whose sexual orientation involves minor children as the sex object), **gender identity or expression**, ancestry, handicap, familial status or national origin for the purpose of monitoring compliance with this chapter.

(i) 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, sexual orientation (which shall not include persons whose sexual orientation involves minor children as the sex object), **gender identity or expression**, ancestry, handicap, familial status or national origin, 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 property 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 brokers' organization or other service, organization 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, sexual orientation (which shall not include persons whose sexual orientation involves minor children as the sex object), national origin, handicap or **gender identity or expression**, ancestry;

(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 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;

(m) Refuse to sell, transfer, assign, rent, lease, sublease, finance or otherwise deny or withhold a burial lot from any person because of the race, color, sex, sexual orientation (which shall not include persons whose sexual orientation involves minor children as the sex object), age, **gender identity or expression**, ancestry, handicap, familial status or national origin of any prospective owner or user of such lot.

(n) For any person to discriminate in any manner against any other person because that person has opposed any unlawful housing 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 this chapter.

(o) For any person to aid, abet, incite, compel or coerce the doing of any act declared by this section to be an unlawful housing practice, or to obstruct or prevent any person from complying with this section or any order issued thereunder, or to attempt directly or indirectly to commit any act declared by this section to be an unlawful housing practice.

(p) Nothing set forth herein 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 a dwelling or persons of the same religion, unless membership in the religion is restricted on account of race, color or national origin. Further, nothing in this section 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.

(q) Nothing in this section 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, nor shall it 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.

## **157.01 DEFINITIONS**

As used in this chapter:

(a) "Discriminate," "discriminates," and "discrimination" mean distinguish, differentiate, separate or segregate solely on the basis of race, religion, color, sex or national origin.

(b) "Contractor" means any person, partnership, corporation, association or joint venture which has been awarded a public contract and includes every subcontractor on such a contract.

(c) "Subcontractor" means any person, partnership, corporation, association or joint venture which supplies any of the work, labor, services, supplies, equipment, materials or any combination of the foregoing under a contract with the contractor on a public contract.

(d) "Public contract" means any contract awarded by the City whereby the City is committed to expend or does expend its funds in return for work, labor, services, supplies, equipment, materials, or any combination of the foregoing, or any lease, lease by way of concession, concession agreement permit or permit agreement whereby the City leases, grants, or demises property of the City or otherwise grants a right or privilege to occupy or use property of the City.

(e) "Bidder" means any person, partnership, corporation, association or joint venture seeking to be awarded a public contract.

(f) "Construction contract" means any public contract for the construction, rehabilitation, alteration, conversion, extension or repair of buildings, streets or other improvements to real property.

(g) "Gender identity" means a person's own understanding of themselves in terms of gender categories. This can include refusing to label oneself with a gender. Gender identity does not cause or equal sexual orientation.

(h) "Gender expression" refers to the way in which a person's behavior communicates their gender identity or that others interpret as meaning something about their gender identity.

## **157.10 EQUAL EMPLOYMENT OPPORTUNITY PROGRAM**

(d) (3) “Members of protected classes” means persons protected from discrimination under federal, state or Oberlin law on the basis of race, religion, color, creed, age, sex, ancestry, marital status, disability, sexual orientation, **gender identity or expression**, national origin, political affiliation or veteran status.