

CITY OF OBERLIN, OHIO

ORDINANCE NO. 17-50 AC CMS

AN ORDINANCE AMENDING SECTIONS 157.01, 157.03, 157.10, 537.24, 1185.01 AND 1185.02 OF THE OBERLIN CODIFIED ORDINANCES TO PROHIBIT DISCRIMINATION BASED UPON SEXUAL ORIENTATION OR GENDER IDENTITY OR EXPRESSION IN THE CITY OF OBERLIN'S EQUAL EMPLOYMENT OPPORTUNITY PROGRAM, TO PROHIBIT INTIMIDATION IN CONNECTION WITH HOUSING BASED UPON SEXUAL ORIENTATION OR GENDER IDENTITY OR EXPRESSION, TO ENACT AS A CRIMINAL OFFENSE THE INTIMIDATION OF A PERSON BASED UPON THEIR SEXUAL ORIENTATION OR GENDER IDENTITY OR EXPRESSION, TO DELETE REFERENCES TO MINOR CHILDREN AS A FACET OF SEXUAL ORIENTATION IN THE CITY OF OBERLIN'S FAIR HOUSING ORDINANCE TO AMEND DEFINITIONS AND TO RENUMBER CERTAIN SECTIONS OF THE CODIFIED ORDINANCES ACCORDINGLY

WHEREAS, it is the intent of City Council in enacting this ordinance to expand existing safeguards and protections against discrimination and intimidation based upon race, religion, color, sex, national origin, handicap, veteran status, familial status and ancestry to include sexual orientation and gender identity or expression and to replace the word "handicap" with "disability" and to replace the phrase "veteran status" with, military status.

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 157.01, 157.03, 157.10, 537.24, 1185.01 and 1185.02 of the Oberlin Codified Ordinances be amended to read as is set forth on **Exhibit A** attached hereto and incorporated herein.

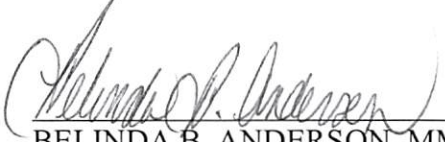
SECTION 2: That new Section 541.09 be enacted as is set forth on **Exhibit A** attached hereto and incorporated herein and that existing Sections 541.09 through 541.11 be renumbered accordingly.

SECTION 3. 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 4. That this Ordinance shall take effect at the earliest date allowed by law.

PASSED: 1st Reading: September 18, 2017
2nd Reading: October 2, 2017 (A)
3rd Reading: October 16, 2017(A)

ATTEST:



BELINDA B. ANDERSON, MMC
CLERK OF COUNCIL



RONNIE J. RIMBERT
PRESIDENT OF COUNCIL

POSTED: 10/16/2017

EFFECTIVE DATE: 11/15/2017

EXHIBIT A

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, ancestry, national origin, military status, familial status, disability, sexual orientation or gender identity or expression.

(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) "Disability" shall have the same meaning as is set forth in Section 1185.01(g) of the City of Oberlin Codified Ordinances.

(h) "Familial Status" shall have the same meaning as is set forth in Section 1185.01(h) of the City of Oberlin Codified Ordinances.

(i) "Gender identity or expression" means having or being perceived as having a gender identity or expression whether or not that gender identity or expression is different from that traditionally associated with the sex assigned to that individual at birth

(j) "Sexual orientation" means having an orientation for or being identified as having an orientation for heterosexuality, bisexuality or homosexuality.

157.03 EQUAL EMPLOYMENT OPPORTUNITY CLAUSE.

All public contracts hereinafter entered into by the City shall incorporate an Equal Employment Opportunity Clause, which shall read as follows:

(a) The contractor shall not discriminate against any employee or applicant for employment because of race, religion, color, sex, ancestry, national origin, military status, familial status, disability, sexual orientation or gender identity or expression. The contractor shall take affirmative action to insure that applicants are employed, and that employees are treated during employment, without regard to their race, religion, color, sex, national origin, sexual orientation or gender identity or expression. As used herein the word "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; downgraded; transferred; laid off, and terminated. The contractor agrees to and shall post in conspicuous places, available to employees and applicants for employment, notices to be provided by the contracting officers setting forth the provisions of this nondiscrimination clause.

(b) The contractor shall, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, religion, color, sex, ancestry, national origin, military status, familial status, disability, sexual orientation or gender identity or expression.

(c) The contractor shall send to each labor union or representative of workers with which he/she has a collective bargaining agreement or other contract or understanding, a notice advising the labor union or worker's representative of the contractor's commitments under the Equal Employment Opportunity Clause of the City and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(d) The contractor shall furnish all information and reports required by the Equal Employment Opportunity Officer pursuant to Sections [157.01](#) to [157.10](#) inclusive, and shall permit access to his/her books, records and accounts by the contracting agency and by the Equal Employment Opportunity Officer for purposes of investigation to ascertain compliance with the program.

(e) The contractor shall take such action with respect to any subcontractor as the City may direct as a means of enforcing the provisions of subsections (a) through (h) hereof, including penalties and sanctions for noncompliance. However, in the event the contractor becomes involved in or is threatened with litigation as the result of such direction by the City, the City will enter into such litigation as is necessary to protect the interests of the City and to effectuate the City's Equal Employment Opportunity Program and in the case of contracts receiving Federal assistance, the contractor or the City may request the United States to enter into such litigation to protect the interests of the United States.

(f) The contractor shall file and shall cause his/her subcontractors, if any, to file compliance reports with the City in the form and to the extent prescribed by the Equal Employment Opportunity Officer. Compliance reports filed at such times as directed shall contain information as to the employment practices, policies, programs, and statistics of the contractor and his subcontractors.

(g) The contractor shall include the provisions of subsections (a) through (h) hereof, of this Equal Employment Opportunity Clause in every subcontract or purchase order so that such provisions will be binding upon each subcontractor or vendor.

(h) Refusal by the contractor or subcontractor to comply with any portion of this program as herein stated and described will subject the offending party to any or all of the following penalties:

(1) Withholding of all future payments under the involved public contract to the contractor in violation until it is determined that the contractor or subcontractor is in compliance with the provisions of the contract.

(2) Refusal of all future bids for any public contract with the City or any of its departments or divisions until such time as the contractor or subcontractor demonstrates that he/she has established and shall carry out the policies of the program as herein outlined;

(3) Cancellation of the public contract and declaration of forfeiture of the performance bond;

(4) In cases in which there is substantial or material violation or the threat of substantial or material violation of the compliance procedure or as may be provided for by contract, appropriate proceedings may be brought to enforce those provisions, including the enjoining, within applicable law, of contractors, subcontractors or other organizations, individuals or groups who prevent

directly, indirectly, or seek to prevent directly or indirectly, compliance with the policy, as herein outlined.

157.10 EQUAL EMPLOYMENT OPPORTUNITY PROGRAM.

(a) The City does hereby reaffirm its policy to insure equal opportunity employment for all persons, to prohibit discrimination in employment, and to promote the full realization of equal employment opportunity through a continuing intensive program in each department of the City. Furthermore, equal employment opportunity shall be an integral part of every aspect of personnel policy and practice in the employment, development, advancement and treatment of employees of the City to the maximum extent possible.

(b) The City, as evidence of its intent to comply with basic policies and procedures necessary for effective, uniform and judicious enforcement of equal employment opportunity standards, does hereby adopt this program.

(c) General Policy. In all of its employee relationships, including but not limited to internal employment and job training and career advancement, the City government of Oberlin prohibits any discrimination on the basis of race, religion, color, , age, sex, ancestry, military status, familial status, disability, sexual orientation, gender identity or expression, national origin, or political affiliation. Equal employment opportunity for all persons is a fundamental City policy. Equal employment opportunity is a legal, social, moral and economic necessity to the City of Oberlin. To this end it shall be the desire of the City government to have the City workforce mirror the diversity of potential qualified individuals found in the community's labor pool.

(d) Definitions.

(1) "Equal Employment Opportunity Efforts" means the active and aggressive recruitment of qualified individuals so that the desire of the City that the percentage of qualified members of protected classes employed in all City departments is in reasonable balance with the percentage of potential qualified members of protected classes in Oberlin can be fulfilled.

(2) "Qualified" means possessing the minimum skills, training, certifications or licenses required to adequately perform a job at each stage of employment. For entry-level positions it is understood that if new employees can learn the job skills or obtain required training, certifications or licenses in a reasonable period of time after being hired, they are to be considered qualified, provided that such skills, training, certifications or licenses are acquired during the probationary period.

(Ord. 08-20AC. Passed 4-21-08.)

(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.

(Ord. 12-35AC CMS. Passed 5-21-12.)

(e) Equal Employment Opportunity Efforts include:

(1) Job Structuring and Upward Mobility.

A. Job specifications shall be reviewed and revised as needed to assure that all the requirements are job related.

B. Educational requirements for all City positions will be evaluated to ensure that educational requirements are necessary and job-related.

C. All City positions shall be so defined and described as to limit the range of responsibilities in each pay level thereby permitting the establishment of multiple levels, providing a career ladder, whenever job families warrant this distinction.

D. Career ladders shall be established to permit the movement of qualified lower level employees to positions of greater responsibility as the employees develop.

(2) Recruiting.

A. The City shall initiate and maintain communications with leaders of organizations associated with or supportive of members of protected classes to develop mutual understanding of needs. During these recruitment contacts, nondiscrimination as a basic element of City personnel administration shall be emphasized. The assistance of leaders from racial minority groups, women's organizations, organizations representing, assisting or advocating for persons with a disability, and organizations representing or advocating for LGBTQ individuals on the basis of their sexual orientation or gender identity or gender expression shall be sought in structuring and maintaining a positive recruitment program.

B. Publications such as recruiting announcements shall be reviewed to insure that language or photographs do not imply inequality between men and women.

C. Referrals shall be requested from the State employment office, the Lorain County Job and Family Services Department, the Lorain County Board of Mental Retardation and Developmental Disabilities, poverty program agencies and community and youth organizations.

D. The City shall furnish recruitment literature to organizations which have frequent contact with members of protected classes and which can provide recruitment assistance.

(3) Selection. All selection procedures and methods utilized by the City shall be reviewed to ensure they are valid and job-related, and that written/oral tests, interviews and applications are designed to prevent discrimination against members of protected classes. They shall be:

A. Based on careful job analysis to determine the knowledge, skills, abilities and other qualification requirements actually needed for the job.

B. Focused on abilities required upon entry to the job.

(4) Appointment and Placement.

A. All department heads shall certify that recommendations for appointments are made on a nondiscriminatory basis. There shall be a periodic review of the quality of these statements.

B. Non-merit factors such as marital status shall not be considered during consideration of applicants.

C. All department heads and supervisors taking part in the interview and appointment process shall be trained to fairly and impartially conduct interviews and selection.

D. All department heads shall provide for follow-up with new employees during the initial months of employment to guarantee proper placement and training.

(f) Authority and Responsibility.

(1) City Council: The Council of the City of Oberlin has the authority to require Equal Employment Opportunity Efforts and directs the City Manager, with the assistance of other Council appointees, to implement such efforts.

A. All employees shall comply with the spirit and obligations of this section.

B. Appointees of the City Council shall have the responsibility to ensure compliance with this ordinance relative to their respective areas of authority.

C. The City Manager will designate an Equal Employment Opportunity Officer who will report directly to the City Manager and assist all Council appointees in implementing EEO efforts.

(2) Equal Employment Opportunity Officer:

A. The Equal Employment Opportunity Officer will write personal letters to all recruitment sources as employment needs develop. The letter will include copies of the employment policy and state an interest in interviewing and hiring previously under-represented groups for all positions. The Equal Employment Opportunity Officer will also contact appropriate media, public and private employment agencies, educational institutions and community organizations. Recruitment sources shall be informed that the City of Oberlin cannot use their services if they do not refer applicants on a nondiscriminatory basis, and that referrals of applicants from all protected classes to all jobs, at all levels are expected. The Equal Employment Opportunity Officer will inform the media that "help wanted" advertisements shall not be placed in segregated columns. The statement that the City of Oberlin is an equal employment opportunity employer shall be included in all advertisements.

B. The Equal Employment Opportunity Officer will maintain contact with referral agencies for members of protected classes.

C. The Equal Employment Opportunity Officer shall periodically review, evaluate and, if necessary, recommend revision to the City's selection procedure, including but not limited to: (1) application forms, (2) physical requirements, (3) oral interviews, (4) job descriptions, (5) job requirements, (6) probationary periods, (7) tests and examinations.

D. The Equal Employment Opportunity Officer shall report to City Council each year on the success of the Equal Employment Opportunity Efforts.

(3) Boards and Commissions: All City Boards and Commissions will cooperate in the spirit and objectives of this section.

(4) Appointees of Council, Department Heads and Supervisors:

A. Appointees of Council, department heads and supervisors shall have the responsibility to: (1) Implement the Equal Employment Opportunity Efforts in their departments. (2) Complete the appropriate forms required by this ordinance. (3) Analyze the specific employment needs and patterns of their departments and supervisors. (4) Cooperate completely with the Equal Employment Opportunity Officer in fulfilling the requirements of the ordinance. (5) Evaluate along with the Equal Employment Opportunity Officer, the efforts and achievements in accordance with this section.

B. Appointees of Council, department heads and supervisors will be expected to implement Equal Employment Opportunity Efforts as a part of their prescribed duties. Their successes in implementation will be considered by the respective appointing authority in the periodic evaluation of their overall performance.

(5) City Employees: All City employees will comply with the spirit and the letter of this ordinance. Any employee of the City of Oberlin who willfully violates the intent of this ordinance, shall be subject to appropriate disciplinary action, including reprimand, suspension and/or dismissal.

(6) Complaint Review:

A. Any employee or individual affected by this ordinance may register a written complaint with the Equal Employment Opportunity Officer within thirty (30) days of the occurrence of the action for which the complaint is made.

B. The Equal Employment Opportunity Officer shall within thirty (30) days after receipt of the written complaint investigate the personnel action or incident in question. The results of the investigation with recommendations for action shall be submitted to the City Manager or respective Council appointee.

C. The recommendations and findings of the Equal Employment Opportunity Officer shall be made known to all parties of the complaint.

D. The City Manager, or respective Council appointee, shall review the recommendations made by the Equal Employment Opportunity Officer and take whatever action the appointee deems necessary. In the event disciplinary action is taken against an employee, said disciplinary action shall conform with the appropriate Oberlin and State of Ohio civil service procedures.

537.24 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, military status, familial status as defined in Ohio R.C. 4112.01, national origin, disability,, ancestry, sexual orientation or gender identity or expression 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, 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, disability as defined in that section, ancestry, sexual orientation, gender identity or expression in any of the activities, services, organizations or facilities described in paragraph (a)(1) hereof;

B. Affording another person or class of people 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, disability , as defined in that section, ancestry, sexual orientation, or gender identity or expression 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) As used in this section, the term “gender identity or expression” shall have the same meaning as is set forth in Section 157.01(g) of these codified ordinances.

(c) As used in this Section, the term “sexual orientation” shall have the same meaning as is set forth in Section 157.01(h) of these codified ordinances.

(d) Whoever violates subsection (a) hereof is guilty of a misdemeanor of the first degree, provided such person does not cause bodily injury or death in connection with such violation. (ORC 2927.03)

541.09 INTIMIDATION BASED UPON SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION.

(a) No person shall knowingly violate Ohio R.C. 2903.21, 2903.22, 2909.06, 2909.07 or 2917.21(A)(3) to (5) or Sections [537.05](#), [537.06](#), [537.10\(a\)\(3\)](#) to (5), 541.03 or 541.04 of the General Offenses Code when the conduct constituting the offense is done with purpose to

intimidate the victim of such offense by reason of the victim's sexual orientation, gender identity or expression.

(b) Whoever violates this section is guilty of intimidation based upon sexual orientation, gender identity or expression. A violation of this section is an offense of the next higher degree than the offense the commission of which is a necessary element of intimidation based upon sexual identity, gender identity or expression provided that in the event the offense of the next higher degree shall be a felony, then the degree of the offense shall be the same as for the offense the commission of which is a necessary element of intimidation based upon sexual orientation, gender identity or expression.

(c) As used in this Section, "Intimidate" means to unlawfully place another person in reasonable fear of physical harm to such person or harm to such person's property or to unlawfully compel another to perform some act or to deter some act.

(d) As used in this section, the term "gender identity or expression" shall have the same meaning as is set forth in Section 157.01(g) of these codified ordinances. The term "sexual orientation" shall have the same meaning as is set forth in Section 157.01(h) of these codified ordinances.

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. 88-70 AC CMS. Passed 10-17-88.)

(g) "Disability" 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 "disability" 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) As used in this Section, the term "gender identity or expression" shall have the same meaning as is set forth in Section 157.01(g) of these codified ordinances.

(j) As used in this Section, the term "sexual orientation" shall have the same meaning as is set forth in Section 157.01(h) of these codified ordinances.

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, military status, sexual orientation, gender identity or expression, ancestry, disability, familial status, national origin, sexual orientation or gender identity or expression 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, military status, sexual orientation, gender identity or expression, ancestry, disability, familial status national origin, sexual orientation, or gender identity or expression 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, military status, sexual orientation, gender identity or expression, ancestry, disability, 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, military status, sexual orientation, gender identity or expression, ancestry, disability, 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, military status, sexual orientation, gender identity or expression, ancestry, disability, 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, military status, sexual orientation, gender identity or expression, ancestry, disability, 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, military status, sexual orientation, gender identity or expression, ancestry, disability, 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, military status, sexual orientation, , gender identity or expression, ancestry, disability, 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, military status, sexual orientation, gender identity or expression, ancestry, disability, 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, military status, sexual orientation, gender identity or expression, ancestry, disability, familial status or national origin, ;

(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, military status, sexual orientation gender identity or expression, age, ancestry, disability, 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 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.