

# COUNCIL CHAMBER

City of Berea, Ohio

ORDINANCE No. 2001-69

By Hugh C. Aray Sponsored By Mayor Joseph W. Biddlecombe

## AN ORDINANCE

AMENDING CHAPTER 951, FAIR HOUSING, BY AMENDING SECTIONS 951.01; 951.03(d) AND (h); 951.04(a) THROUGH (h); 951.05(a) THROUGH (d); 951.06; 951.07(a)(1) AND (2); AND 951.99, TO ENHANCE THE PROTECTION OF SPECIFIED PERSONS IN THE AREA OF HOUSING.

WHEREAS, the current Fair Housing Ordinance needs to be amended to include protection for new classes of people for the better protection of all people in the area of housing; and

WHEREAS, the current Fair Housing Ordinance has not been updated in twelve years; and

WHEREAS, the current Fair Housing Ordinance does not provide enough of a penalty to sufficiently deter discrimination in housing.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Berea, State of Ohio:

SECTION 1. That current Section 951.01, Policy, which currently read as follows:

### "951.01. POLICY.

It is hereby designated to be the continuing policy of the City to do all things necessary and proper to secure for all citizens their rights to equal housing opportunities regardless of their race, color, creed, familial status, sex, physical handicap, religious beliefs or national origin."

Is hereby amended as follows:

### "951.01. POLICY.

It is hereby designated to be the continuing policy of the City to do all things necessary and proper to secure for all citizens their rights to equal housing opportunities regardless of their race, color, national origin, sex, handicap, religious beliefs, ancestry or familial status."

SECTION 2. That current Sections 951.03(d) and (h), Definitions, which currently read as follows:

### "951.03. DEFINITIONS.

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(d) "Discrimination" means to render any difference in treatment to any person in the sale, lease, rental or financing of a dwelling or housing unit because of a person's race, color, creed, familial status, sex, physical handicap, religious belief or national origin.

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(h) "Physical Handicap" means a medically diagnosed abnormal condition resulting from anatomical or physical abnormalities which are demonstrable by medically acceptable clinical and laboratory diagnostic techniques, and which is expected to continue for a considerable length of time, whether correctable or uncorrectable by medical practice, and which, within reasonable medical certainty, substantially limits one or more of the person's major life activities. Physical handicap shall not include conditions of habitual drunkenness or addiction to controlled substances."

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are hereby amended to read as follows:

**"951.05. DISCRIMINATION IN THE FINANCING OF HOUSING.**

It shall be unlawful for any person to:

- (a) 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 race, color, national origin, sex, handicap, religious belief, ancestry or familial status of any present or prospective owner, occupant or user of such housing provided such person, whether an individual, corporation or association of any type, lends money as one of the principal aspects of, or incident to his principal business and not only as part of the purchase price of an owner-occupied residence he is selling nor merely casually or occasionally to a relative or a friend.
- (b) 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 because of the race, color, national origin, sex, handicap, religious belief, ancestry or familial status of any present or prospective owner, occupant or user of such housing.
- (c) 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, rehabilitation, repair or maintenance of housing because of race, color, national origin, sex, handicap, religious belief, ancestry or familial status of any present or prospective owner, occupant or user of such housing.
- (d) Make any inquiry, elicit any information, make or keep any record, or use of any form of application containing questions or entries concerning race, color, national origin, sex, handicap, religious belief, ancestry or familial status 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, unless otherwise required by law or regulation of any governmental agency."

SECTION 5. That current Section 951.06, Discrimination in the Provision of Brokerage Services, which currently reads as follows:

**"951.06. DISCRIMINATION IN THE PROVISION OF BROKERAGE SERVICES.**

No person shall 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 dwellings, or discriminate against a person in the terms or conditions of such access, membership or participation, on account of conditions of such access, membership or participation, on account of race, color, creed, familial status, sex, physical handicap, religious belief or national origin."

**CHAPTER 951  
Fair Housing**

<p><b>951.01 Policy.</b>  <b>951.02 Scope.</b>  <b>951.03 Definitions.</b>  <b>951.04 Discrimination in the sale or rental of housing.</b>  <b>951.05 Discrimination in the financing of housing.</b>  <b>951.06 Discrimination in the provision of brokerage services.</b></p>	<p><b>951.07 Posting of notices.</b>  <b>951.08 Proceedings on complaint and enforcement.</b>  <b>951.09 Other legal actions.</b>  <b>951.10 Effect as to the physically handicapped.</b>  <b>951.11 Rental discounting.</b>  <b>951.99 Penalty.</b></p>
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**CROSS REFERENCES**

Unlawful discriminatory practices - see Ohio R.C. Ch. 4112.02  
 Interfering with civil rights - see GEN. OFF. 925.13  
 Ethnic intimidation - see GEN. OFF. 941.08

**951.01 POLICY.**

It is hereby designated to be the continuing policy of the City to do all things necessary and proper to secure for all citizens their rights to equal housing opportunities regardless of their race, color, national origin, sex, handicap, religious beliefs, ancestry or familial status.  
 (Ord. 2001-69. Passed 9-17-01.)

**951.02 SCOPE.**

The provisions of this chapter shall apply to all housing located within the territorial limits of the City.  
 (Ord. 1978-47. Passed 4-17-78.)

**951.03 DEFINITIONS.**

As used in this chapter:

- (a) "Dwelling" means any building, structure or portion thereof which is occupied as, or designed or intended for occupancy as a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure or portion thereof.
- (b) "Family" includes a single individual.

IF YOU BELIEVE THAT YOU HAVE BEEN DISCRIMINATED AGAINST, CONTACT THE CITY OF BEREA'S DEPARTMENT OF LAW, THE OHIO CIVIL RIGHTS COMMISSION OR THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT"

(Ord. 89-100. Passed 6-5-89.)

#### **951.08 PROCEEDINGS ON COMPLAINT AND ENFORCEMENT.**

(a) A Special Prosecutor shall enforce the provisions designated in this chapter, provided that before instituting criminal proceedings he shall attempt, by informal methods of persuasion and conciliation, to induce compliance with this chapter.

(b) Whenever it is charged in writing and under oath by a person, that any person has engaged or is engaged in unlawful discriminatory practices, the Special Prosecutor shall initiate a preliminary investigation. Such charge shall be filed with the Special Prosecutor within 180 days after the alleged discriminatory practices are committed. If the Special Prosecutor determines after such investigation that it is not probable that unlawful discriminatory practices have been or are being engaged in, he shall notify the complainant that he has so determined and that he will not issue a complaint in the matter.

(c) If the Special Prosecutor determines after such investigation that it is probable that unlawful discriminatory practices have been or are being engaged in, he shall endeavor to eliminate such practices by informal methods of conference, conciliation and persuasion. No statements, action or other evidence discovered during conference, conciliation and persuasion endeavors shall be disclosed or be used as evidence in any subsequent proceeding.

(d) The terms of conciliation agreed to by the parties may be reduced to writing and incorporated into a consent agreement to be signed by the parties, which agreement is for conciliation purposes only and does not constitute an admission by any party that the law has been violated. Consent agreements may be signed on behalf of the City by the Special Prosecutor.

(e) If the Special Prosecutor fails to effect the elimination of such unlawful discriminatory practices and to obtain voluntary compliance with this chapter, the Special Prosecutor shall initiate legal action if in his judgment the evidence is sufficient.

(f) The Special Prosecutor is authorized and empowered to seek the cooperation and assistance of one or more federal, state or local agencies at any time during the handling of a complaint as he determines appropriate.

(Ord. 1978-47. Passed 4-17-78.)

#### **951.09 OTHER LEGAL ACTIONS.**

Nothing contained in this chapter shall prevent any person from exercising any right or seeking any remedy to which he or she might otherwise be entitled or from filing any complaint with any other agency or court of law.

(Ord. 1978-47. Passed 4-17-78.)