

CHAPTER 951

Fair Housing

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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 or disability, religious beliefs, ancestry, familial status or military status. (Ord. 2013-2. Passed 1-7-13.)

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.

(c) "Person" includes one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint stock companies, trusts, unincorporated organizations, trustees in bankruptcy, receivers and fiduciaries. It also includes, but is not limited to any owner, lessor, assignor, builder, manager, broker, salesman, agent, employee, lending institution, and the City of Berea, the State of Ohio and all City and state authorities, agencies, boards and commissions. (Ord. 89-100. Passed 6-5-89.)

(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, national origin, sex, handicap, religious belief, ancestry or familial status. (Ord. 2001-69. Passed 9-17-01.)

(e) "To rent" includes a lease, to sublease, to let and otherwise to grant for a consideration the right to occupy premises not owned by the occupants.

(f) "Discriminatory housing practice" means any act that is unlawful as designated by this chapter.

(g) "Bona fide offer" means an offer which meets a price agreeable to the offeree and is made in good faith without deceit, fraud or collusion, and which the offeror intends and is willing and able to perform. (Ord. 89-100. Passed 6-5-89.)

(h) "Handicap" means a medically diagnosed abnormal condition resulting from anatomical, physical or psychological 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. Handicap shall not include conditions of habitual drunkenness or addiction to controlled substances.

(Ord. 2001-69. Passed 9-17-01.)

(i) "Special Prosecutor" means an attorney at law licensed to practice law in the State who is appointed to assist the Prosecuting Attorney as special counsel pursuant to Chapter [123](#) of the Codified Ordinances in all proceedings pursuant to this chapter.

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

951.04 DISCRIMINATION IN THE SALE OR RENTAL OF HOUSING.

It shall be unlawful for any person to:

(a) Refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, national origin, sex, handicap, religious belief, ancestry or familial status.

(b) Discriminate against any person in the terms, conditions or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, national origin, sex, handicap, religious belief, ancestry or familial status.

(c) Make, print, publish or cause to be made, printed or published any notice, statement, or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation or discrimination based on race, color, national origin, sex, handicap, religious belief, ancestry or familial status.

(d) Represent to any person because of race, color, national origin, sex, handicap, religious belief, ancestry or familial status that any dwelling is not available for inspection, sale or rental when such dwelling is, in fact, so available.

(e) Induce or attempt to induce any person to sell, rent or refrain from purchasing or renting any dwelling by representations regarding the entry or prospective entry into the geographical area or neighborhood in which the dwelling is located of a person or persons of a particular race, color, national origin, sex, handicap, religious belief, ancestry or familial status.

(f) Influence or attempt to influence, by any words, acts or failure to act, any person who purports or represents himself to be a prospective seller, purchaser, occupant, landlord or tenant of real property, so as to limit that person's opportunity of access to ownership or rental of housing on or in any street, block or neighborhood because of race, color, national origin, sex, handicap, religious belief, ancestry or familial status.

(g) Nothing contained in this section shall prohibit any person from truthfully answering questions directed to him concerning the race, color, national origin, sex, handicap, religious belief, ancestry or familial status of people then residing in a particular geographical area or neighborhood.

(Ord. 2001-69. Passed 9-17-01.)

(h) Nothing in this chapter shall prohibit a religious organization, association or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental or occupancy of dwellings which it owns or operated for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color, familial status, sex or national origin.

(i) This section shall apply to rooms or units in single-family dwellings occupied or intended to be occupied by no more than four families if the owner actually maintains and occupies the single-family dwelling as his residence.

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

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.

(Ord. 2001-69. Passed 9-17-01.)

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, national origin, sex, handicap, religious belief, ancestry or familial status.

(Ord. 2001-69. Passed 9-17-01.)

951.07 POSTING OF NOTICES.

(a) Every real estate agent shall post in a conspicuous location in that portion of his place of business normally used by him for negotiating the terms of a sale or lease of housing, and each person who leases or rents residential units excepting those excluded by Section [951.04](#)(i) shall post at all times when prospective tenants are being interviewed, in a conspicuous location in that portion of his housing business normally used by him for negotiating the rental of a housing unit therein, a notice prepared by the Special Prosecutor which contains the following language, printed in black on a light-colored background, in not less than fourteen-print type: "It is a violation of the Fair Housing Law of the City of Berea, State of Ohio, for any real estate agent, or for any person owning or managing residential real estate to,

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

(1) Deny housing to any person because of race, color, national origin, sex, handicap, religious belief, ancestry or familial status.

(2) Discriminate against any person because of race, color, national origin, sex, handicap, religious belief, ancestry or familial status in the terms, conditions or privileges of housing accommodations or in connection therewith.

(Ord. 2001-69. Passed 9-17-01.)

IF YOU BELIEVE THAT YOU HAVE BEEN DISCRIMINATED AGAINST, CONTACT THE CITY OF BEREAS 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 360 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. 2013-2. Passed 1-7-13.)

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.)

951.10 EFFECTS AS TO THE PHYSICALLY DISABLED.

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 physical handicap, nor shall it be construed to relieve any physically handicapped person of any obligation generally imposed on all persons regardless of physical 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. (Ord. 2013-2. Passed 1-7-13.)

951.11 RENTAL DISCOUNTING.

Notwithstanding all of the regulations and requirements set forth in this chapter, nothing herein shall be construed to prohibit the grant by any owner of rental properties of a "senior citizen rental discount", irrespective of the senior citizen tenants family status.

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

951.99 PENALTY.

Whoever violates any provision of Sections [951.01](#) through [951.07](#) is guilty of a misdemeanor of the first degree.

(Ord. 2001-69. Passed 9-17-01.)