

As Introduced

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A BILL

To amend sections 124.93, 125.111, 153.59, 153.591, 1
175.05, 175.06, 176.06, 717.01, 1317.06, 1317.061, 2
1923.02, 2927.03, 3313.64, 3915.05, 3917.06, 3
4112.01, 4112.02, 4112.021, 4112.04, 4112.05, 4
4112.08, 4117.19, 4735.16, 4735.55, 4933.12, and 5
4933.121 and to enact sections 173.09, 1349.02, 6
1349.03, 1713.60, 3332.20, and 3345.53 of the 7
Revised Code to prohibit a retail seller in a 8
retail installment contract from charging or 9
collecting more than a six per cent annual 10
percentage rate on contracts with retail buyers 11
who are deployed on active duty; to permit a child 12
whose parent is deployed on active duty to 13
continue to attend school in the district in which 14
the child's parent lived before being called to 15
active military duty; to prohibit the eviction of 16
a tenant who is deployed on active duty or a 17
member of his or her immediate family from 18
residential premises; to ensure that life 19

insurance policies continue in force despite 20
nonpayment of premiums during the insured's period 21
of active duty; to prohibit discrimination under 22
the Ohio Civil Rights Commission Law and certain 23
other laws on the basis of military status; to 24
prohibit a gas or electric company from 25
disconnecting service to the residential premises 26
of any consumer who is deployed on active duty; to 27
require public and private institutions of higher 28
education to grant a military leave of absence to 29
students who are deployed on active duty, to 30
reinstate those students to the same educational 31
status as before active duty, and to either 32
partially refund paid tuition or credit paid 33
tuition to a future academic term; to permit a 34
person deployed on active duty to terminate a 35
motor vehicle lease or cellular phone contract 36
under specified conditions; and to establish a 37
voluntary, state-sponsored "patriot discount card" 38
program to provide reduced price discounts for 39
merchandise and services for military personnel. 40

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 124.93, 125.111, 153.59, 153.591, 41
175.05, 175.06, 176.06, 717.01, 1317.06, 1317.061, 1923.02, 42
2927.03, 3313.64, 3915.05, 3917.06, 4112.01, 4112.02, 4112.021, 43
4112.04, 4112.05, 4112.08, 4117.19, 4735.16, 4735.55, 4933.12, and 44
4933.121 be amended and sections 173.09, 1349.02, 1349.03, 45
1713.60, 3332.20, and 3345.53 of the Revised Code be enacted to 46
read as follows: 47

Sec. 124.93. (A) As used in this section, "physician" means 48

any person who holds a valid certificate to practice medicine and 49
surgery or osteopathic medicine and surgery issued under Chapter 50
4731. of the Revised Code. 51

(B) No health insuring corporation that, on or after July 1, 52
1993, enters into or renews a contract with the department of 53
administrative services under section 124.82 of the Revised Code, 54
because of a physician's race, color, religion, sex, national 55
origin, disability or military status as defined in section 56
4112.01 of the Revised Code, age, or ancestry, shall refuse to 57
contract with that physician for the provision of health care 58
services under section 124.82 of the Revised Code. 59

Any health insuring corporation that violates this division 60
is deemed to have engaged in an unlawful discriminatory practice 61
as defined in section 4112.02 of the Revised Code and is subject 62
to Chapter 4112. of the Revised Code. 63

(C) Each health insuring corporation that, on or after July 64
1, 1993, enters into or renews a contract with the department of 65
administrative services under section 124.82 of the Revised Code 66
and that refuses to contract with a physician for the provision of 67
health care services under that section shall provide that 68
physician with a written notice that clearly explains the reason 69
or reasons for the refusal. The notice shall be sent to the 70
physician by regular mail within thirty days after the refusal. 71

Any health insuring corporation that fails to provide notice 72
in compliance with this division is deemed to have engaged in an 73
unfair and deceptive act or practice in the business of insurance 74
as defined in section 3901.21 of the Revised Code and is subject 75
to sections 3901.19 to 3901.26 of the Revised Code. 76

Sec. 125.111. (A) Every contract for or on behalf of the 77
state or any of its political subdivisions for any purchase shall 78

contain provisions similar to those required by section 153.59 of 79
the Revised Code in the case of construction contracts by which 80
the contractor agrees to both of the following: 81

(1) That, in the hiring of employees for the performance of 82
work under the contract or any subcontract, no contractor or 83
subcontractor, by reason of race, color, religion, sex, age, 84
disability or military status as defined in section 4112.01 of the 85
Revised Code, national origin, or ancestry, shall discriminate 86
against any citizen of this state in the employment of a person 87
qualified and available to perform the work to which the contract 88
relates; 89

(2) That no contractor, subcontractor, or person acting on 90
behalf of any contractor or subcontractor, in any manner, shall 91
discriminate against, intimidate, or retaliate against any 92
employee hired for the performance of work under the contract on 93
account of race, color, religion, sex, age, disability or military 94
status as defined in section 4112.01 of the Revised Code, national 95
origin, or ancestry. 96

(B) All contractors from whom the state or any of its 97
political subdivisions make purchases shall have a written 98
affirmative action program for the employment and effective 99
utilization of economically disadvantaged persons, as referred to 100
in division (E)(1) of section 122.71 of the Revised Code. 101
Annually, each such contractor shall file a description of the 102
affirmative action program and a progress report on its 103
implementation with the equal employment opportunity office of the 104
department of administrative services. 105

Sec. 153.59. Every contract for or on behalf of the state, or 106
any township, county, or municipal corporation of the state, for 107
the construction, alteration, or repair of any public building or 108

public work in the state shall contain provisions by which the 109
contractor agrees to both of the following: 110

(A) That, in the hiring of employees for the performance of 111
work under the contract or any subcontract, no contractor, 112
subcontractor, or any person acting on a contractor's or 113
subcontractor's behalf, by reason of race, creed, sex, disability 114
or military status as defined in section 4112.01 of the Revised 115
Code, or color, shall discriminate against any citizen of the 116
state in the employment of labor or workers who is qualified and 117
available to perform the work to which the employment relates; 118

(B) That no contractor, subcontractor, or any person on a 119
contractor's or subcontractor's behalf, in any manner, shall 120
discriminate against or intimidate any employee hired for the 121
performance of work under the contract on account of race, creed, 122
sex, disability or military status as defined in section 4112.01 123
of the Revised Code, or color. 124

The department of administrative services shall ensure that 125
no capital moneys appropriated by the general assembly for any 126
purpose shall be expended unless the project for which those 127
moneys are appropriated provides for an affirmative action program 128
for the employment and effective utilization of disadvantaged 129
persons whose disadvantage may arise from cultural, racial, or 130
ethnic background, or other similar cause, including, but not 131
limited to, race, religion, sex, disability or military status as 132
defined in section 4112.01 of the Revised Code, national origin, 133
or ancestry. 134

In awarding contracts for capital improvement projects, the 135
department shall ensure that equal consideration be given to 136
contractors, subcontractors, or joint venturers who qualify as a 137
minority business enterprise. As used in this section, "minority 138
business enterprise" means a business enterprise that is owned or 139

controlled by one or more socially or economically disadvantaged 140
persons who are residents of this state. "Socially or economically 141
disadvantaged persons" means persons, regardless of marital 142
status, who are members of groups whose disadvantage may arise 143
from discrimination on the basis of race, religion, sex, 144
disability or military status as defined in section 4112.01 of the 145
Revised Code, national origin, ancestry, or other similar cause. 146

Sec. 153.591. Any provision of a hiring hall contract or 147
agreement which obligates a contractor to hire, if available, only 148
employees referred to the contractor by a labor organization shall 149
be void as against public policy and unenforceable with respect to 150
employment under any public works contract unless at the date of 151
execution of the hiring hall contract or agreement, or within 152
thirty days thereafter, the labor organization has in effect 153
procedures for referring qualified employees for hire without 154
regard to race, color, religion, national origin, military status 155
as defined in section 4112.01 of the Revised Code, or ancestry and 156
unless the labor organization includes in its apprentice and 157
journey person's membership, or otherwise has available for job 158
referral without discrimination, qualified employees, both whites 159
and non-whites (including ~~African Americans~~ African Americans). 160

Sec. 173.09. (A) As used in this section, "service in the 161
uniformed services" and "uniformed services" have the same 162
meanings as in section 5903.01 of the Revised Code. 163

(B) The director of aging shall establish a patriot discount 164
card program and provide a patriot discount card to any resident 165
of this state who applies to the director for a card and is in 166
service in the uniformed services. The director shall devise 167
programs to provide benefits of any kind to card holders and 168
encourage support and participation in them by all persons, 169
including governmental organizations. Card holders shall be 170

entitled to any benefits granted to them by private persons or organizations, the laws of this state, or ordinances or resolutions of political subdivisions. This section does not require any person or organization to provide benefits to any card holder. The department of aging shall bear all costs of the program.

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(C) Before issuing a patriot discount card to any person, the director of aging shall establish the identity of the person applying for the card and shall ascertain that the person is eligible to be issued the card. The director shall adopt rules under Chapter 119. of the Revised Code to prevent the issuance of cards to persons not qualified to have them and to provide for proper use of a card by members of the immediate family of a card holder while the card holder's military duties require the card holder to be outside of this state. Cards shall contain the signature of the card holder and any other information the director considers necessary to carry out the purposes of the patriot discount card program under this section. Any card that the director issues shall be held in perpetuity by the original card holder and shall not be transferable to any other person, but may be used by a member of the card holder's immediate family in accordance with the rules adopted under this section. A person who loses the person's card may obtain another card from the director upon providing the same information to the director as was required for the issuance of the original card.

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(D) No person shall use a patriot discount card except to obtain for the holder of the card or a member of the holder's immediate family a benefit to which the holder or a member of the holder's immediate family is entitled under the conditions of the offer.

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Sec. 175.05. (A) The Ohio housing finance agency may

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purchase, and contract to purchase, mortgage loans or other 202
evidence of debt from lending institutions upon the terms and 203
conditions that the agency shall determine, and all lending 204
institutions are authorized to sell to, or otherwise obtain 205
mortgage loans as agent for, the agency in accordance with this 206
chapter. 207

(B) The agency may provide in agreements with lending 208
institutions and in loan documents requirements applicable to the 209
purchase of mortgage loans to carry out the purposes of this 210
chapter, including, but not limited to, the following: 211

(1) Qualifications of lending institutions from which 212
mortgage loans may be acquired; 213

(2) The time periods within which lending institutions must 214
make commitments for, originate, and close mortgage loans, and 215
deliver them for purchase; 216

(3) The location and other characteristics of single-family 217
residential housing to be financed by mortgage loans; 218

(4) The terms and conditions of mortgage loans to be 219
purchased; 220

(5) The amounts and types of insurance coverage required on 221
single-family residential housing and mortgage loans; 222

(6) The representations and warranties to be required of 223
lending institutions, private insurers, and other parties; 224

(7) Restrictions as to interest rates and other terms of 225
mortgage loans and the net effective interest rate on the mortgage 226
loans; 227

(8) The type and amount of collateral security to be provided 228
to assure repayment of any mortgage loan. 229

(C) The agency shall include in agreements with lending 230

institutions requirements applicable to the purchase of mortgage 231
loans or other evidence of debt as the agency considers necessary 232
or desirable in order to ensure that the single-family residential 233
housing financed by the mortgage loans is safe and sanitary. 234

(D)(1) In connection with the issuance of any issue of bonds 235
to provide funds to purchase mortgage loans or other evidence of 236
debt, the agency shall provide for the reasonable availability of 237
the funds on an equitable, statewide basis, and without 238
discrimination by reason of race, color, ancestry, national 239
origin, religion, sex, familial status as defined in section 240
4112.01 of the Revised Code, military status as defined in that 241
section, or disability as defined in that section. Except as 242
otherwise provided in division (D)(2) of this section, the agency 243
shall provide for making not less than twenty per cent of the 244
moneys for mortgage loans from each issue of bonds available for 245
not less than one year for mortgage loans in targeted areas as 246
described in section 143(j) of the Internal Revenue Code, 247
including areas of chronic economic distress as designated and 248
confirmed under division (F) of this section. The agency shall 249
solicit commitments from all qualified lending institutions and 250
shall accord priorities to commitments proffered for mortgage 251
loans up to amounts for each county which bear the same ratio to 252
the moneys from the bond issue available for mortgage loans as the 253
population of that county bears to the population of the state, 254
using the most recent available statewide census data as 255
determined by the agency. The priorities shall be accorded for 256
periods determined by the agency and subject to availabilities to 257
be accorded to targeted areas and areas of chronic economic 258
distress, and, within the priorities, the agency may establish 259
priorities for stated purposes including, but not limited to, for 260
new construction, rehabilitation, or home improvements, as the 261
agency may determine upon consideration of any preferences that 262
may be indicated from the local community. Any amounts given the 263

priorities that are not claimed by commitments, origination of 264
loans, or loan closings within the time prescribed by the agency 265
may be reallocated in a manner that places the maximum amount of 266
the funds on an equitable basis and that achieves the broadest 267
distribution to the extent practical, as the agency may determine 268
or authorize to be determined. If two or more qualified lending 269
institutions commit for aggregate amounts in excess of 270
allocations, the agency shall accept commitments in amounts 271
adjusted on an equitable basis, as it determines, subject to 272
minimums prescribed by the agency and consideration of the 273
efficiency of placement of the moneys in mortgage loans. All 274
allocations made by or pursuant to authorization by the agency 275
shall be conclusive. 276

(2) The requirement of division (D)(1) of this section that 277
funds be allocated on a county-by-county basis according to 278
population does not apply to the allocation of funds for new 279
construction if the agency determines that there is an imbalance 280
of statewide demand for funds for new construction. The agency 281
shall take reasonable measures to invite statewide demand for such 282
funds before making the determination, and such invitation shall 283
remain open for a period of not less than thirty days before the 284
determination is made. If the agency determines that the 285
requirement does not apply, it shall allocate the funds for new 286
construction on an equitable basis among all of the counties in 287
which a demand is expressed. 288

(E) The agency is the sole entity in the state authorized to 289
issue bonds for the purpose of financing purchase, other than 290
lease-purchase, of single-family residential housing, and the 291
agency is hereby authorized to issue the bonds up to the full 292
amount permitted to be issued in the state by law. 293

(F) The director of development may designate areas within 294
the state as areas of chronic economic distress within the meaning 295

of section 143(j) of the Internal Revenue Code, the designation to 296
be confirmed by the agency or, if not so confirmed, revised and 297
resubmitted by the director to the agency for confirmation. 298

(G) Lending institutions are authorized to comply with 299
requirements pursuant to this section notwithstanding other 300
restrictions in law or rules. 301

(H)(1) If any applicant for a mortgage loan under this 302
section has reason to believe that the applicant's application was 303
denied unlawfully, the applicant may appeal the action to the 304
agency within thirty days after the applicant's application is 305
denied. The applicant shall take an appeal by filing a notice of 306
appeal with the agency. The notice of appeal shall set forth the 307
name and address of the applicant, the name and address of the 308
lending institution, the grounds upon which the applicant believes 309
that the application was unlawfully denied, and any other 310
information that the agency requires by rule. A copy of the 311
application shall be attached to the notice of appeal. 312

(2) Upon an appeal, the agency shall issue an order, pursuant 313
to an adjudication conducted in accordance with Chapter 119. of 314
the Revised Code, affirming the denial of the application or 315
ordering the lending institution to grant the application. Any 316
party who is adversely affected by the issuance of an adjudication 317
order under this division may appeal to the court of common pleas 318
of the county in which the application was made in accordance with 319
section 119.12 of the Revised Code. 320

Sec. 175.06. (A) The Ohio housing finance agency may make, 321
and contract to make, loans to, or through, lending institutions 322
to finance the acquisition, construction, improvement, and 323
rehabilitation of multifamily residential housing on terms and 324
conditions that the agency shall determine. All lending 325
institutions are authorized to borrow from the agency in 326

accordance with this section, provided that a separate issue of 327
bonds may be authorized for loans to, or through, lending 328
institutions with respect to multifamily residential housing that 329
shares a common site, ownership, and security interest, and 330
constitutes a single multifamily residential housing project. 331

(B) The agency may purchase, and contract to purchase, from 332
lending institutions loans or other evidence of debt to finance 333
the acquisition, construction, improvement, and rehabilitation of 334
multifamily residential housing on terms and conditions that the 335
agency shall determine, and all lending institutions are 336
authorized to sell the loans to the agency in accordance with this 337
section. 338

(C) The agency shall require, as a condition of each loan 339
made to, or through, a lending institution pursuant to this 340
section, that the lending institution use the loan proceeds to 341
make new loans in an aggregate principal amount at least equal to 342
the amount of the loan to finance the acquisition, construction, 343
improvement, and rehabilitation of multifamily residential 344
housing. 345

(D) The agency also shall require that the owners of 346
multifamily residential housing, the acquisition, construction, 347
improvements, or rehabilitation of which is financed by loans 348
purchased by the agency, or with the proceeds of loans made by the 349
agency pursuant to this section, demonstrate to the satisfaction 350
of the agency that the multifamily residential housing is safe and 351
sanitary, and the occupants of the multifamily residential housing 352
will benefit from the savings in the cost of money to the lending 353
institutions and the owners resulting from the loans or proceeds 354
from them. Determinations by the agency with respect to those 355
matters shall be deemed conclusive. 356

(E) The interest rate or rates and other terms of loans made 357

or purchased by the agency pursuant to this section with the 358
proceeds of any issue of bonds, together with any other moneys 359
available for the payment of the bonds and the interest on them, 360
including reserve funds, shall be at least sufficient to assure 361
the payment of the bonds and the interest on them as they become 362
due. 363

(F) The agency may require that each lending institution 364
receiving a loan pursuant to this section shall issue and deliver 365
to the agency an evidence of its indebtedness to the agency which 366
shall bear the date or dates, shall mature at the time or times, 367
shall be subject to prepayment, and shall contain any other 368
provisions consistent with this chapter that the agency shall 369
determine. 370

(G) The agency may require that loans made pursuant to this 371
section shall be secured as to payment of both principal and 372
interest by a pledge of any collateral security that the agency 373
shall determine to be necessary to assure the payment of the loans 374
and the interest on them as they become due. 375

(H) The agency may require that any collateral for loans made 376
pursuant to this section be deposited with a bank, trust company, 377
or other financial institution acceptable to the agency located in 378
the state and designated by the agency as custodian for the 379
collateral. In the absence of that requirement, each lending 380
institution shall enter into an agreement with the agency 381
containing any provisions that the agency considers necessary to 382
do all of the following: 383

(1) Adequately identify and maintain the collateral; 384

(2) Service the collateral; 385

(3) Require the lending institution to hold the collateral as 386
an agent for the agency and be accountable to the agency as the 387
trustee of an express trust for the application and disposition of 388

it and the income from it. 389

The agency also may establish any additional requirements 390
that it considers necessary with respect to the pledging, 391
assigning, setting aside, or holding of collateral, the making of 392
substitutions for it or additions to it, and the disposition of 393
income and receipts from it. 394

(I) The agency may require as a condition of each loan made 395
to a lending institution pursuant to this section that the lending 396
institution, within the period after receipt of the loan proceeds 397
that the agency may prescribe, shall have entered into written 398
commitments to make, and, within the period thereafter that the 399
agency may prescribe, shall have disbursed the loan proceeds in 400
new loans. The new loans shall have any terms and conditions that 401
the agency may prescribe. 402

(J) The agency may require as a condition of any loans made 403
to, made through, or purchased from lending institutions pursuant 404
to this section any representations and warranties that it shall 405
determine to be necessary to secure the loans and carry out the 406
purpose of this chapter. 407

(K) The agency may provide in agreements with lending 408
institutions and in loan documents requirements applicable to the 409
purchase of loans pursuant to this section, including, but not 410
limited to, the following: 411

(1) Qualifications of lending institutions from which loans 412
may be purchased; 413

(2) The time period within which lending institutions must 414
make commitments for and originate loans and deliver them for 415
purchase; 416

(3) The location and characteristics of multifamily 417
residential housing to be financed by loans; 418

(4) The terms and conditions of loans to be purchased;	419
(5) The amounts and types of insurance coverage required on multifamily residential housing, loans, and bonds;	420 421
(6) The type and amount of collateral security to be provided to assure repayment of any loan or bonds.	422 423
(L) The agency shall require provision to be made for making available to eligible families of low and moderate income not less than that percentage of units in a multifamily residential housing project financed under this section as provided for in section 142(d) of the Internal Revenue Code, and that all of those units be made available without discrimination by reason of race, color, ancestry, national origin, religion, sex, familial status as defined in section 4112.01 of the Revised Code, <u>military status as defined in that section</u> , or disability as defined in that section.	424 425 426 427 428 429 430 431 432
(M) Lending institutions and owners and developers are authorized to comply with requirements pursuant to this section and section 176.05 of the Revised Code notwithstanding any other restrictions in law or rules.	433 434 435 436
Sec. 176.06. Each municipal corporation, county, and township shall compile and make available, in accordance with this section, to the public for inspection and copying for a period of five years the number and total dollar amount of mortgage loans that were originated, for which completed applications were received and applicants were rejected, and that were purchased by that municipal corporation, county, or township during each fiscal year. Information regarding each of the mortgage loan categories listed above shall be itemized to clearly and conspicuously disclose the following:	437 438 439 440 441 442 443 444 445 446
(A) The number and dollar amount of mortgage loans insured under Title II of the "National Housing Act," 48 Stat. 1246	447 448

(1934), 12 U.S.C.A. 1707 et seq., or under Title V of the "Housing Act of 1949," 63 Stat. 413, 432, 42 U.S.C.A. 1471 et seq., or guaranteed under the "Veterans' Loan Act," 58 Stat. 284 (1944), 38 U.S.C.A. 1801 et seq.;

(B) The number and dollar amount of mortgage loans made to mortgagors who did not, at the time of execution of the mortgage, intend to reside in the property securing the mortgage loan;

(C) The number and dollar amount of home improvement loans;

(D) The number and dollar amount of mortgage loans involving mortgagors or mortgage applicants grouped according to census tract, income level, race, color, religion, sex, ancestry, disability as defined in section 4112.01 of the Revised Code, military status as defined in that section, and national origin.

The information described in this section shall be made available to the public in raw data form and updated quarterly. Within four months after the end of each fiscal year, each municipal corporation, county, and township shall submit to the president of the senate and the speaker of the house of representatives a report containing the information described in this section for the immediately preceding fiscal year.

As used in this section, "mortgage loan" has the same meaning as in section 175.01 of the Revised Code.

Sec. 717.01. Each municipal corporation may do any of the following:

(A) Acquire by purchase or condemnation real estate with or without buildings on it, and easements or interests in real estate;

(B) Extend, enlarge, reconstruct, repair, equip, furnish, or improve a building or improvement that it is authorized to acquire or construct;

(C) Erect a crematory or provide other means for disposing of	479
garbage or refuse, and erect public comfort stations;	480
(D) Purchase turnpike roads and make them free;	481
(E) Construct wharves and landings on navigable waters;	482
(F) Construct infirmaries, workhouses, prisons, police	483
stations, houses of refuge and correction, market houses, public	484
halls, public offices, municipal garages, repair shops, storage	485
houses, and warehouses;	486
(G) Construct or acquire waterworks for supplying water to	487
the municipal corporation and its inhabitants and extend the	488
waterworks system outside of the municipal corporation limits;	489
(H) Construct or purchase gas works or works for the	490
generation and transmission of electricity, for the supplying of	491
gas or electricity to the municipal corporation and its	492
inhabitants;	493
(I) Provide grounds for cemeteries or crematories, enclose	494
and embellish them, and construct vaults or crematories;	495
(J) Construct sewers, sewage disposal works, flushing	496
tunnels, drains, and ditches;	497
(K) Construct free public libraries and reading rooms, and	498
free recreation centers;	499
(L) Establish free public baths and municipal lodging houses;	500
(M) Construct monuments or memorial buildings to commemorate	501
the services of soldiers, sailors, and marines of the state and	502
nation;	503
(N) Provide land for and improve parks, boulevards, and	504
public playgrounds;	505
(O) Construct hospitals and pesthouses;	506
(P) Open, construct, widen, extend, improve, resurface, or	507

change the line of any street or public highway;	508
(Q) Construct and improve levees, dams, waterways,	509
waterfronts, and embankments and improve any watercourse passing	510
through the municipal corporation;	511
(R) Construct or improve viaducts, bridges, and culverts;	512
(S)(1) Construct any building necessary for the police or	513
fire department;	514
(2) Purchase fire engines or fire boats;	515
(3) Construct water towers or fire cisterns;	516
(4) Place underground the wires or signal apparatus of any	517
police or fire department.	518
(T) Construct any municipal ice plant for the purpose of	519
manufacturing ice for the citizens of a municipal corporation;	520
(U) Construct subways under any street or boulevard or	521
elsewhere;	522
(V) Acquire by purchase, gift, devise, bequest, lease,	523
condemnation proceedings, or otherwise, real or personal property,	524
and thereon and thereof to establish, construct, enlarge, improve,	525
equip, maintain, and operate airports, landing fields, or other	526
air navigation facilities, either within or outside the limits of	527
a municipal corporation, and acquire by purchase, gift, devise,	528
lease, or condemnation proceedings rights-of-way for connections	529
with highways, waterways, and electric, steam, and interurban	530
railroads, and improve and equip such facilities with structures	531
necessary or appropriate for such purposes. No municipal	532
corporation may take or disturb property or facilities belonging	533
to any public utility or to a common carrier engaged in interstate	534
commerce, which property or facilities are required for the proper	535
and convenient operation of the utility or carrier, unless	536
provision is made for the restoration, relocation, or duplication	537

of the property or facilities elsewhere at the sole cost of the 538
municipal corporation. 539

(W) Provide by agreement with any regional airport authority, 540
created under section 308.03 of the Revised Code, for the making 541
of necessary surveys, appraisals, and examinations preliminary to 542
the acquisition or construction of any airport or airport facility 543
and pay the portion of the expense of the surveys, appraisals, and 544
examinations as set forth in the agreement; 545

(X) Provide by agreement with any regional airport authority, 546
created under section 308.03 of the Revised Code, for the 547
acquisition, construction, maintenance, or operation of any 548
airport or airport facility owned or to be owned and operated by 549
the regional airport authority or owned or to be owned and 550
operated by the municipal corporation and pay the portion of the 551
expense of it as set forth in the agreement; 552

(Y) Acquire by gift, purchase, lease, or condemnation, land, 553
forest, and water rights necessary for conservation of forest 554
reserves, water parks, or reservoirs, either within or without the 555
limits of the municipal corporation, and improve and equip the 556
forest and water parks with structures, equipment, and 557
reforestation necessary or appropriate for any purpose for the 558
utilization of any of the forest and water benefits that may 559
properly accrue therefrom to the municipal corporation; 560

(Z) Acquire real property by purchase, gift, or devise and 561
construct and maintain on it public swimming pools, either within 562
or outside the limits of the municipal corporation; 563

(AA) Construct or rehabilitate, equip, maintain, operate, and 564
lease facilities for housing of elderly persons and for persons of 565
low and moderate income, and appurtenant facilities. No municipal 566
corporation shall deny housing accommodations to or withhold 567
housing accommodations from elderly persons or persons of low and 568

moderate income because of race, color, religion, sex, familial 569
status as defined in section 4112.01 of the Revised Code, military 570
status as defined in that section, disability as defined in that 571
section, ancestry, or national origin. Any elderly person or 572
person of low or moderate income who is denied housing 573
accommodations or has them withheld by a municipal corporation 574
because of race, color, religion, sex, familial status as defined 575
in section 4112.01 of the Revised Code, military status as defined 576
in that section, disability as defined in that section, ancestry, 577
or national origin may file a charge with the Ohio civil rights 578
commission as provided in Chapter 4112. of the Revised Code. 579

(BB) Acquire, rehabilitate, and develop rail property or rail 580
service, and enter into agreements with the Ohio rail development 581
commission, boards of county commissioners, boards of township 582
trustees, legislative authorities of other municipal corporations, 583
with other governmental agencies or organizations, and with 584
private agencies or organizations in order to achieve those 585
purposes; 586

(CC) Appropriate and contribute money to a soil and water 587
conservation district for use under Chapter 1515. of the Revised 588
Code; 589

(DD) Authorize the board of county commissioners, pursuant to 590
a contract authorizing the action, to contract on the municipal 591
corporation's behalf for the administration and enforcement within 592
its jurisdiction of the state building code by another county or 593
another municipal corporation located within or outside the 594
county. The contract for administration and enforcement shall 595
provide for obtaining certification pursuant to division (E) of 596
section 3781.10 of the Revised Code for the exercise of 597
administration and enforcement authority within the municipal 598
corporation seeking those services and shall specify which 599
political subdivision is responsible for securing that 600

certification. 601

(EE) Expend money for providing and maintaining services and 602
facilities for senior citizens. 603

"Airport," "landing field," and "air navigation facility," as 604
defined in section 4561.01 of the Revised Code, apply to division 605
(V) of this section. 606

As used in divisions (W) and (X) of this section, "airport" 607
and "airport facility" have the same meanings as in section 308.01 608
of the Revised Code. 609

As used in division (BB) of this section, "rail property" and 610
"rail service" have the same meanings as in section 4981.01 of the 611
Revised Code. 612

Sec. 1317.06. (A) A Subject to division (D) of this section, 613
a retail seller at the time of making any retail installment sale 614
may charge and contract for the payment of a finance charge by the 615
retail buyer and collect and receive the same, which shall not 616
exceed the greater of the following: 617

(1) A base finance charge at the rate of eight dollars per 618
one hundred dollars per year on the principal balance of the 619
retail installment contract. On retail installment contracts 620
providing for principal balances less than, nor not in multiples 621
of one hundred dollars, or for installment payments extending for 622
a period less than or greater than one year, ~~said~~ that finance 623
charge shall be computed proportionately. In addition to the base 624
finance charge, the retail seller may charge and contract for a 625
service charge of fifty cents per month for the first fifty dollar 626
unit or fraction thereof, of the principal balance for each month 627
of the term of the installment contract; and an additional service 628
charge of twenty-five cents per month for each of the next five 629
fifty dollar units or fraction thereof, of the principal balance 630

for each month of the term of the installment contract. This 631
paragraph applies only to retail installment contracts with a 632
principal balance of seven hundred dollars or less. 633

(2) A pre-computed base finance charge not in excess of the 634
amount obtained by applying the rate of one and one-half per cent 635
per month to the unpaid portion of the unpaid principal balance 636
determined to be outstanding from time to time according to the 637
terms and schedule of payments of the retail installment contract 638
executed in connection with such retail installment sale. 639

Such base finance charge and service charges may be computed 640
on a basis of a full month for any fractional period in excess of 641
ten days. For a fractional period of a month not in excess of ten 642
days, there shall be no base finance charge or service charge. 643

Sections 1317.01 to 1317.11 of the Revised Code do not apply 644
to any sale in which the base finance and service charge does not 645
exceed the sum of fifteen dollars. 646

(B) Every retail seller may, at the time of making any retail 647
installment sale, contract for the payment by the retail buyer of 648
lawful delinquent charges as follows: 649

(1) No charges shall be made for delinquent payments less 650
than ten days late. 651

(2) Five cents for each dollar for a delinquent payment that 652
is more than ten days late may be charged, but in no event shall a 653
delinquent charge for any one installment exceed three dollars. 654

A provision for the payment of interest on any installment 655
not paid in full on or before its scheduled due date at a rate not 656
to exceed one and one-half per cent interest per month is not a 657
delinquent charge and is expressly authorized. 658

(C) No retail installment contract arising out of a consumer 659
transaction and requiring the payment of the charges authorized by 660

this section shall be executed unless the combined total of the 661
cash price and all finance charges and service charges is required 662
to be paid according to a schedule of substantially equal 663
consecutive installments, except where the contract contains a 664
provision allowing the buyer to refinance the contract under terms 665
no less favorable than those of the original contract after making 666
the refund credit required by section 1317.09 of the Revised Code. 667
No seller shall, pursuant to any provision in a retail installment 668
contract arising out of a consumer transaction, accelerate any 669
payments on account of a default in the making of an installment 670
payment that has not continued for at least thirty days. ~~Division~~ 671
~~(C) of this section~~ This division does not apply to the extent 672
that the payment schedule is adjusted to the seasonal or irregular 673
income of the buyer. 674

(D) A retail seller in connection with a retail installment 675
contract entered into on and after the effective date of this 676
amendment shall not charge or collect from a retail buyer who is 677
deployed on active duty interest or finance charges exceeding an 678
annual percentage rate of six per cent. 679

(E) As used in this section, "active duty" means active duty 680
pursuant to an executive order of the president of the United 681
States, an act of the congress of the United States, or section 682
5919.29 or 5923.21 of the Revised Code. 683

Sec. 1317.061. ~~As~~ (A) Subject to division (B) of this 684
section, as an alternative to the finance charges permitted in 685
division (A) of section 1317.06 of the Revised Code or the 686
interest permitted in division (B) of that section, and to the 687
finance charges permitted in division (B) of section 1317.11 of 688
the Revised Code, a retail seller or holder may contract for and 689
receive finance charges or interest at any rate or rates agreed 690
upon or consented to by the parties to the retail installment 691

contract or revolving budget agreement, but not exceeding an 692
annual percentage rate of twenty-five per cent. 693

(B) A retail seller in connection with a retail installment 694
contract entered into on and after the effective date of this 695
amendment shall not charge or collect from a retail buyer who is 696
deployed on active duty interest or finance charges exceeding an 697
annual percentage rate of six per cent. 698

(C) As used in this section, "active duty" means active duty 699
pursuant to an executive order of the president of the United 700
States, an act of the congress of the United States, or section 701
5919.29 or 5923.21 of the Revised Code. 702

Sec. 1349.02. (A) As used in this section: 703

(1) "Active duty" means active duty pursuant to an executive 704
order of the president of the United States, an act of the 705
congress of the United States, or section 5919.29 or 5923.21 of 706
the Revised Code. 707

(2) "Lending institution" has the same meaning as in section 708
175.01 of the Revised Code. 709

(3) "Motor vehicle" has the same meaning as in section 710
4501.01 of the Revised Code. 711

(B) Any person, or spouse of a person, who is deployed on 712
active duty may terminate any motor vehicle lease that meets both 713
of the following requirements: 714

(1) It is entered into on or after the effective date of this 715
section. 716

(2) It is executed by or on behalf of the person who is 717
deployed on active duty. 718

(C) Termination of the motor vehicle lease shall not be 719
effective until: 720

(1) Thirty days after the person who is deployed on active duty or the person's spouse gives notice by certified mail, return receipt requested, of the intention to terminate the lease; and 721
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(2) The motor vehicle subject to the lease is returned to the custody or control of the lessor. 724
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(D) If the requirements of divisions (C)(1) and (2) of this section are met, both of the following restrictions shall apply: 726
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(1) No collection agency or lending institution may report to a consumer reporting agency, for inclusion in the credit file or credit report of the person who is deployed on active duty, any information about the nonpayment of the terminated motor vehicle lease. 728
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(2) No consumer reporting agency shall include in the credit file or credit report of the person who is deployed on active duty any information about the nonpayment of the terminated motor vehicle lease. 733
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Sec. 1349.03. (A) As used in this section, "active duty" means active duty pursuant to an executive order of the president of the United States, an act of the congress of the United States, or section 5919.29 or 5923.21 of the Revised Code. 737
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(B) Any person, or spouse of a person, who is deployed on active duty may terminate a cellular phone contract that meets both of the following requirements: 741
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(1) It is entered into on or after the effective date of this section. 744
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(2) It is executed by or on behalf of the person who is deployed on active duty. 746
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(C) Termination of the cellular phone contract shall not be effective until: 748
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(1) Thirty days after the person who is deployed on active duty or the person's spouse gives notice by certified mail, return receipt requested, of the intention to terminate the cellular phone contract; and 750
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(2) Unless the person who is deployed on active duty owns the cellular phone, the cellular telephone is returned to the custody or control of the cellular telephone company. 754
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(D) If the requirements of divisions (B)(1) and (2) are met, both of the following restrictions shall apply: 757
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(1) No collection agency or cellular telephone company may report to a consumer reporting agency, for inclusion in the credit file or credit report of the person who is deployed on active duty, any information about the nonpayment of the terminated cellular telephone contract. 759
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(2) No consumer reporting agency shall include in the credit file or credit report of the person who is deployed on active duty any information about the nonpayment of the terminated cellular telephone contract. 764
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Sec. 1713.60. As used in this section, "active duty" means full-time duty in the active military service of the United States, including full-time training duty, annual training duty, and active state duty for members of the national guard. 768
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(A) Each institution of higher education that holds a certificate of authorization issued under this chapter shall grant a student a military leave of absence from the institution while the student is serving on active duty, and for one year after the conclusion of that service, if the student is a member of the United States national guard or other reserve component of the armed forces of the United States, or a member of those armed forces in a retired status, and is called to active duty. The 772
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student shall not suffer an academic penalty as a result of the
leave of absence.

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(B) If requested by a student granted a military leave of
absence pursuant to division (A) of this section not later than
one year after the student's release from active duty, the
institution in which the student is enrolled shall do either of
the following, as elected by the student:

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(1) Credit tuition and fee charges toward a subsequent
academic term in an amount that is one hundred per cent of what
the student paid the institution for the academic term in which
the student withdraws;

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(2) Refund tuition and fees paid for the academic term,
provided the student withdraws before the withdraw date
established by the institution. The refund shall equal one hundred
per cent of the tuition and fee charges the student paid the
institution for the academic term. If the student withdraws after
the withdraw date established by the institution, the student is
ineligible for a refund of tuition and fee charges. For the
purposes of this section, the "withdraw date" shall be the same as
the date set by the institution for its general student population
to withdraw from the institution or a course or class without
academic penalty.

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(C) If requested by a student granted a military leave of
absence pursuant to division (A) of this section not later than
one year after the student's release from active duty, the
institution shall restore the student to the educational status
the student had attained prior to being called to active duty
without loss of academic credits earned, scholarships or grants
awarded, or tuition and other fees paid prior to the commencement
of active duty, except as provided in division (B) of this
section.

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(D) If an institution fails to comply with this section, the student may bring an action against the institution to enforce its provisions in the court of common pleas of the county in which the student resides. If the student resides outside of this state, the action shall be brought in the court of common pleas of the county in which the campus of the institution previously attended by the student is located. The court may award reasonable attorney's fees and expenses if the student prevails in the action.

Sec. 1923.02. (A) Proceedings under this chapter may be had as follows:

(1) Against tenants or manufactured home park residents holding over their terms;

(2) Against tenants or manufactured home park residents in possession under an oral tenancy, who are in default in the payment of rent as provided in division (B) of this section;

(3) In sales of real estate, on executions, orders, or other judicial process, when the judgment debtor was in possession at the time of the rendition of the judgment or decree, by virtue of which the sale was made;

(4) In sales by executors, administrators, or guardians, and on partition, when any of the parties to the complaint were in possession at the commencement of the action, after the sales, so made on execution or otherwise, have been examined by the proper court and adjudged legal;

(5) When the defendant is an occupier of lands or tenements, without color of title, and the complainant has the right of possession to them;

(6) In any other case of the unlawful and forcible detention of lands or tenements. For purposes of this division, in addition to any other type of unlawful and forcible detention of lands or

tenements, such a detention may be determined to exist when both 841
of the following apply: 842

(a) A tenant fails to vacate residential premises within 843
three days after both of the following occur: 844

(i) The tenant's landlord has actual knowledge of or has 845
reasonable cause to believe that the tenant, any person in the 846
tenant's household, or any person on the premises with the consent 847
of the tenant previously has or presently is engaged in a 848
violation of Chapter 2925. or 3719. of the Revised Code, or of a 849
municipal ordinance that is substantially similar to any section 850
in either of those chapters, which involves a controlled substance 851
and which occurred in, is occurring in, or otherwise was or is 852
connected with the premises, whether or not the tenant or other 853
person has been charged with, has pleaded guilty to or been 854
convicted of, or has been determined to be a delinquent child for 855
an act that, if committed by an adult, would be a violation as 856
described in this division. For purposes of this division, a 857
landlord has "actual knowledge of or has reasonable cause to 858
believe" that a tenant, any person in the tenant's household, or 859
any person on the premises with the consent of the tenant 860
previously has or presently is engaged in a violation as described 861
in this division if a search warrant was issued pursuant to 862
Criminal Rule 41 or Chapter 2933. of the Revised Code; the 863
affidavit presented to obtain the warrant named or described the 864
tenant or person as the individual to be searched and particularly 865
described the tenant's premises as the place to be searched, named 866
or described one or more controlled substances to be searched for 867
and seized, stated substantially the offense under Chapter 2925. 868
or 3719. of the Revised Code or the substantially similar 869
municipal ordinance that occurred in, is occurring in, or 870
otherwise was or is connected with the tenant's premises, and 871
states the factual basis for the affiant's belief that the 872

controlled substances are located on the tenant's premises; the 873
warrant was properly executed by a law enforcement officer and any 874
controlled substance described in the affidavit was found by that 875
officer during the search and seizure; and, subsequent to the 876
search and seizure, the landlord was informed by that or another 877
law enforcement officer of the fact that the tenant or person has 878
or presently is engaged in a violation as described in this 879
division and it occurred in, is occurring in, or otherwise was or 880
is connected with the tenant's premises. 881

(ii) The landlord gives the tenant the notice required by 882
division (C) of section 5321.17 of the Revised Code. 883

(b) The court determines, by a preponderance of the evidence, 884
that the tenant, any person in the tenant's household, or any 885
person on the premises with the consent of the tenant previously 886
has or presently is engaged in a violation as described in 887
division (A)(6)(a)(i) of this section. 888

(7) In cases arising out of Chapter 5313. of the Revised 889
Code. In those cases, the court has the authority to declare a 890
forfeiture of the vendee's rights under a land installment 891
contract and to grant any other claims arising out of the 892
contract. 893

(8) Against tenants who have breached an obligation that is 894
imposed by section 5321.05 of the Revised Code, other than the 895
obligation specified in division (A)(9) of that section, and that 896
materially affects health and safety. Prior to the commencement of 897
an action under this division, notice shall be given to the tenant 898
and compliance secured with section 5321.11 of the Revised Code. 899

(9) Against tenants who have breached an obligation imposed 900
upon them by a written rental agreement; 901

(10) Against manufactured home park residents who have 902
defaulted in the payment of rent or breached the terms of a rental 903

agreement with a manufactured home park operator. Nothing in this 904
division precludes the commencement of an action under division 905
(A)(12) of this section when the additional circumstances 906
described in that division apply. 907

(11) Against manufactured home park residents who have 908
committed two material violations of the rules of the manufactured 909
home park, of the public health council, or of applicable state 910
and local health and safety codes and who have been notified of 911
the violations in compliance with section 3733.13 of the Revised 912
Code; 913

(12) Against a manufactured home park resident, or the estate 914
of a manufactured home park resident, who has been absent from the 915
manufactured home park for a period of thirty consecutive days 916
prior to the commencement of an action under this division and 917
whose manufactured home or mobile home, or recreational vehicle 918
that is parked in the manufactured home park, has been left 919
unoccupied for that thirty-day period, without notice to the park 920
operator and without payment of rent due under the rental 921
agreement with the park operator; 922

(13) Against occupants of self-service storage facilities, as 923
defined in division (A) of section 5322.01 of the Revised Code, 924
who have breached the terms of a rental agreement or violated 925
section 5322.04 of the Revised Code; 926

(14) Against any resident or occupant who, pursuant to a 927
rental agreement, resides in or occupies residential premises 928
located within one thousand feet of any school premises and to 929
whom both of the following apply: 930

(a) The resident's or occupant's name appears on the state 931
registry of sex offenders and child-victim offenders maintained 932
under section 2950.13 of the Revised Code. 933

(b) The state registry of sex offenders and child-victim 934

offenders indicates that the resident or occupant was convicted of 935
or pleaded guilty to either a sexually oriented offense that is 936
not a registration-exempt sexually oriented offense or a 937
child-victim oriented offense in a criminal prosecution and was 938
not sentenced to a serious youthful offender dispositional 939
sentence for that offense. 940

(15) Against any tenant who permits any person to occupy 941
residential premises located within one thousand feet of any 942
school premises if both of the following apply to the person: 943

(a) The person's name appears on the state registry of sex 944
offenders and child-victim offenders maintained under section 945
2950.13 of the Revised Code. 946

(b) The state registry of sex offenders and child-victim 947
offenders indicates that the person was convicted of or pleaded 948
guilty to either a sexually oriented offense that is not a 949
registration-exempt sexually oriented offense or a child-victim 950
oriented offense in a criminal prosecution and was not sentenced 951
to a serious youthful offender dispositional sentence for that 952
offense. 953

(B) If a tenant or manufactured home park resident holding 954
under an oral tenancy is in default in the payment of rent, the 955
tenant or resident forfeits the right of occupancy, and the 956
landlord may, at the landlord's option, terminate the tenancy by 957
notifying the tenant or resident, as provided in section 1923.04 958
of the Revised Code, to leave the premises, for the restitution of 959
which an action may then be brought under this chapter. 960

(C)(1) If a tenant or any other person with the tenant's 961
permission resides in or occupies residential premises that are 962
located within one thousand feet of any school premises and is a 963
resident or occupant of the type described in division (A)(14) of 964
this section or a person of the type described in division (A)(15) 965

of this section, the landlord for those residential premises, upon 966
discovery that the tenant or other person is a resident, occupant, 967
or person of that nature, may terminate the rental agreement or 968
tenancy for those residential premises by notifying the tenant and 969
all other occupants, as provided in section 1923.04 of the Revised 970
Code, to leave the premises. 971

(2) If a landlord is authorized to terminate a rental 972
agreement or tenancy pursuant to division (C)(1) of this section 973
but does not so terminate the rental agreement or tenancy, the 974
landlord is not liable in a tort or other civil action in damages 975
for any injury, death, or loss to person or property that 976
allegedly result from that decision. 977

(D) This chapter does not apply to a student tenant as 978
defined by division (H) of section 5321.01 of the Revised Code 979
when the college or university proceeds to terminate a rental 980
agreement pursuant to section 5321.031 of the Revised Code. 981

(E) This chapter does not apply to the residential premises 982
of a tenant who is deployed on active duty or of any member of 983
that tenant's immediate family, if the tenant entered into the 984
rental agreement on or after the effective date of this amendment. 985

(F) As used in this section, "active duty" means active duty 986
pursuant to an executive order of the president of the United 987
States, an act of the congress of the United States, or section 988
5919.29 or 5923.21 of the Revised Code. 989

Sec. 2927.03. (A) No person, whether or not acting under 990
color of law, shall by force or threat of force willfully injure, 991
intimidate, or interfere with, or attempt to injure, intimidate, 992
or interfere with, any of the following: 993

(1) Any person because of race, color, religion, sex, 994
familial status as defined in section 4112.01 of the Revised Code, 995

national origin, military status as defined in that section, 996
disability as defined in that section, or ancestry and because 997
that person is or has been selling, purchasing, renting, 998
financing, occupying, contracting, or negotiating for the sale, 999
purchase, rental, financing, or occupation of any housing 1000
accommodations, or applying for or participating in any service, 1001
organization, or facility relating to the business of selling or 1002
renting housing accommodations; 1003

(2) Any person because that person is or has been doing, or 1004
in order to intimidate that person or any other person or any 1005
class of persons from doing, either of the following: 1006

(a) Participating, without discrimination on account of race, 1007
color, religion, sex, familial status as defined in section 1008
4112.01 of the Revised Code, national origin, military status as 1009
defined in that section, disability as defined in that section, or 1010
ancestry, in any of the activities, services, organizations, or 1011
facilities described in division (A)(1) of this section; 1012

(b) Affording another person or class of persons opportunity 1013
or protection so to participate. 1014

(3) Any person because that person is or has been, or in 1015
order to discourage that person or any other person from, lawfully 1016
aiding or encouraging other persons to participate, without 1017
discrimination on account of race, color, religion, sex, familial 1018
status as defined in section 4112.01 of the Revised Code, national 1019
origin, military status as defined in that section, disability as 1020
defined in that section, or ancestry, in any of the activities, 1021
services, organizations, or facilities described in division 1022
(A)(1) of this section, or participating lawfully in speech or 1023
peaceful assembly opposing any denial of the opportunity to so 1024
participate. 1025

(B) Whoever violates division (A) of this section is guilty 1026

of a misdemeanor of the first degree. 1027

Sec. 3313.64. (A) As used in this section and in section 1028
3313.65 of the Revised Code: 1029

(1) "Parent" means either parent, unless the parents are 1030
separated or divorced or their marriage has been dissolved or 1031
annulled, in which case "parent" means the parent who is the 1032
residential parent and legal custodian of the child. When a child 1033
is in the legal custody of a government agency or a person other 1034
than the child's natural or adoptive parent, "parent" means the 1035
parent with residual parental rights, privileges, and 1036
responsibilities. When a child is in the permanent custody of a 1037
government agency or a person other than the child's natural or 1038
adoptive parent, "parent" means the parent who was divested of 1039
parental rights and responsibilities for the care of the child and 1040
the right to have the child live with the parent and be the legal 1041
custodian of the child and all residual parental rights, 1042
privileges, and responsibilities. 1043

(2) "Legal custody," "permanent custody," and "residual 1044
parental rights, privileges, and responsibilities" have the same 1045
meanings as in section 2151.011 of the Revised Code. 1046

(3) "School district" or "district" means a city, local, or 1047
exempted village school district and excludes any school operated 1048
in an institution maintained by the department of youth services. 1049

(4) Except as used in division (C)(2) of this section, "home" 1050
means a home, institution, foster home, group home, or other 1051
residential facility in this state that receives and cares for 1052
children, to which any of the following applies: 1053

(a) The home is licensed, certified, or approved for such 1054
purpose by the state or is maintained by the department of youth 1055
services. 1056

(b) The home is operated by a person who is licensed, 1057
certified, or approved by the state to operate the home for such 1058
purpose. 1059

(c) The home accepted the child through a placement by a 1060
person licensed, certified, or approved to place a child in such a 1061
home by the state. 1062

(d) The home is a children's home created under section 1063
5153.21 or 5153.36 of the Revised Code. 1064

(5) "Agency" means all of the following: 1065

(a) A public children services agency; 1066

(b) An organization that holds a certificate issued by the 1067
Ohio department of job and family services in accordance with the 1068
requirements of section 5103.03 of the Revised Code and assumes 1069
temporary or permanent custody of children through commitment, 1070
agreement, or surrender, and places children in family homes for 1071
the purpose of adoption; 1072

(c) Comparable agencies of other states or countries that 1073
have complied with applicable requirements of section 2151.39, or 1074
sections 5103.20 to 5103.28 of the Revised Code. 1075

(6) A child is placed for adoption if either of the following 1076
occurs: 1077

(a) An agency to which the child has been permanently 1078
committed or surrendered enters into an agreement with a person 1079
pursuant to section 5103.16 of the Revised Code for the care and 1080
adoption of the child. 1081

(b) The child's natural parent places the child pursuant to 1082
section 5103.16 of the Revised Code with a person who will care 1083
for and adopt the child. 1084

(7) "Handicapped preschool child" means a handicapped child, 1085
as defined by division (A) of section 3323.01 of the Revised Code, 1086

who is at least three years of age but is not of compulsory school age, as defined in section 3321.01 of the Revised Code, and who is not currently enrolled in kindergarten.

(8) "Child," unless otherwise indicated, includes handicapped preschool children.

(B) Except as otherwise provided in section 3321.01 of the Revised Code for admittance to kindergarten and first grade, a child who is at least five but under twenty-two years of age and any handicapped preschool child shall be admitted to school as provided in this division.

(1) A child shall be admitted to the schools of the school district in which the child's parent resides.

(2) A child who does not reside in the district where the child's parent resides shall be admitted to the schools of the district in which the child resides if any of the following applies:

(a) The child is in the legal or permanent custody of a government agency or a person other than the child's natural or adoptive parent.

(b) The child resides in a home.

(c) The child requires special education.

(3) A child who is not entitled under division (B)(2) of this section to be admitted to the schools of the district where the child resides and who is residing with a resident of this state with whom the child has been placed for adoption shall be admitted to the schools of the district where the child resides unless either of the following applies:

(a) The placement for adoption has been terminated.

(b) Another school district is required to admit the child under division (B)(1) of this section.

Division (B) of this section does not prohibit the board of 1117
education of a school district from placing a handicapped child 1118
who resides in the district in a special education program outside 1119
of the district or its schools in compliance with Chapter 3323. of 1120
the Revised Code. 1121

(C) A district shall not charge tuition for children admitted 1122
under division (B)(1) or (3) of this section. If the district 1123
admits a child under division (B)(2) of this section, tuition 1124
shall be paid to the district that admits the child as follows: 1125

(1) If the child receives special education in accordance 1126
with Chapter 3323. of the Revised Code, tuition shall be paid in 1127
accordance with section 3323.091, 3323.13, 3323.14, or 3323.141 of 1128
the Revised Code regardless of who has custody of the child or 1129
whether the child resides in a home. 1130

(2) Except as otherwise provided in division (C)(2)(d) of 1131
this section, if the child is in the permanent or legal custody of 1132
a government agency or person other than the child's parent, 1133
tuition shall be paid by: 1134

(a) The district in which the child's parent resided at the 1135
time the court removed the child from home or at the time the 1136
court vested legal or permanent custody of the child in the person 1137
or government agency, whichever occurred first; 1138

(b) If the parent's residence at the time the court removed 1139
the child from home or placed the child in the legal or permanent 1140
custody of the person or government agency is unknown, tuition 1141
shall be paid by the district in which the child resided at the 1142
time the child was removed from home or placed in legal or 1143
permanent custody, whichever occurred first; 1144

(c) If a school district cannot be established under division 1145
(C)(2)(a) or (b) of this section, tuition shall be paid by the 1146
district determined as required by section 2151.357 of the Revised 1147

Code by the court at the time it vests custody of the child in the person or government agency;

(d) If at the time the court removed the child from home or vested legal or permanent custody of the child in the person or government agency, whichever occurred first, one parent was in a residential or correctional facility or a juvenile residential placement and the other parent, if living and not in such a facility or placement, was not known to reside in this state, tuition shall be paid by the district determined under division (D) of section 3313.65 of the Revised Code as the district required to pay any tuition while the parent was in such facility or placement.

(3) If the child is not in the permanent or legal custody of a government agency or person other than the child's parent and the child resides in a home, tuition shall be paid by one of the following:

(a) The school district in which the child's parent resides;

(b) If the child's parent is not a resident of this state, the home in which the child resides.

(D) Tuition required to be paid under divisions (C)(2) and (3)(a) of this section shall be computed in accordance with section 3317.08 of the Revised Code. Tuition required to be paid under division (C)(3)(b) of this section shall be computed in accordance with section 3317.081 of the Revised Code. If a home fails to pay the tuition required by division (C)(3)(b) of this section, the board of education providing the education may recover in a civil action the tuition and the expenses incurred in prosecuting the action, including court costs and reasonable attorney's fees. If the prosecuting attorney or city director of law represents the board in such action, costs and reasonable attorney's fees awarded by the court, based upon the prosecuting

attorney's, director's, or one of their designee's time spent 1179
preparing and presenting the case, shall be deposited in the 1180
county or city general fund. 1181

(E) A board of education may enroll a child free of any 1182
tuition obligation for a period not to exceed sixty days, on the 1183
sworn statement of an adult resident of the district that the 1184
resident has initiated legal proceedings for custody of the child. 1185

(F) In the case of any individual entitled to attend school 1186
under this division, no tuition shall be charged by the school 1187
district of attendance and no other school district shall be 1188
required to pay tuition for the individual's attendance. 1189
Notwithstanding division (B), (C), or (E) of this section: 1190

(1) All persons at least eighteen but under twenty-two years 1191
of age who live apart from their parents, support themselves by 1192
their own labor, and have not successfully completed the high 1193
school curriculum or the individualized education program 1194
developed for the person by the high school pursuant to section 1195
3323.08 of the Revised Code, are entitled to attend school in the 1196
district in which they reside. 1197

(2) Any child under eighteen years of age who is married is 1198
entitled to attend school in the child's district of residence. 1199

(3) A child is entitled to attend school in the district in 1200
which either of the child's parents is employed if the child has a 1201
medical condition that may require emergency medical attention. 1202
The parent of a child entitled to attend school under division 1203
(F)(3) of this section shall submit to the board of education of 1204
the district in which the parent is employed a statement from the 1205
child's physician certifying that the child's medical condition 1206
may require emergency medical attention. The statement shall be 1207
supported by such other evidence as the board may require. 1208

(4) Any child residing with a person other than the child's 1209

parent is entitled, for a period not to exceed twelve months, to attend school in the district in which that person resides if the child's parent files an affidavit with the superintendent of the district in which the person with whom the child is living resides stating all of the following:

(a) That the parent is serving outside of the state in the armed services of the United States;

(b) That the parent intends to reside in the district upon returning to this state;

(c) The name and address of the person with whom the child is living while the parent is outside the state.

(5) Any child under the age of twenty-two years who, after the death of a parent, resides in a school district other than the district in which the child attended school at the time of the parent's death is entitled to continue to attend school in the district in which the child attended school at the time of the parent's death for the remainder of the school year, subject to approval of that district board.

(6) A child under the age of twenty-two years who resides with a parent who is having a new house built in a school district outside the district where the parent is residing is entitled to attend school for a period of time in the district where the new house is being built. In order to be entitled to such attendance, the parent shall provide the district superintendent with the following:

(a) A sworn statement explaining the situation, revealing the location of the house being built, and stating the parent's intention to reside there upon its completion;

(b) A statement from the builder confirming that a new house is being built for the parent and that the house is at the location indicated in the parent's statement.

(7) A child under the age of twenty-two years residing with a parent who has a contract to purchase a house in a school district outside the district where the parent is residing and who is waiting upon the date of closing of the mortgage loan for the purchase of such house is entitled to attend school for a period of time in the district where the house is being purchased. In order to be entitled to such attendance, the parent shall provide the district superintendent with the following:

(a) A sworn statement explaining the situation, revealing the location of the house being purchased, and stating the parent's intent to reside there;

(b) A statement from a real estate broker or bank officer confirming that the parent has a contract to purchase the house, that the parent is waiting upon the date of closing of the mortgage loan, and that the house is at the location indicated in the parent's statement.

The district superintendent shall establish a period of time not to exceed ninety days during which the child entitled to attend school under division (F)(6) or (7) of this section may attend without tuition obligation. A student attending a school under division (F)(6) or (7) of this section shall be eligible to participate in interscholastic athletics under the auspices of that school, provided the board of education of the school district where the student's parent resides, by a formal action, releases the student to participate in interscholastic athletics at the school where the student is attending, and provided the student receives any authorization required by a public agency or private organization of which the school district is a member exercising authority over interscholastic sports.

(8) A child whose parent is a full-time employee of a city, local, or exempted village school district, or of an educational

service center, may be admitted to the schools of the district 1272
where the child's parent is employed, or in the case of a child 1273
whose parent is employed by an educational service center, in the 1274
district that serves the location where the parent's job is 1275
primarily located, provided the district board of education 1276
establishes such an admission policy by resolution adopted by a 1277
majority of its members. Any such policy shall take effect on the 1278
first day of the school year and the effective date of any 1279
amendment or repeal may not be prior to the first day of the 1280
subsequent school year. The policy shall be uniformly applied to 1281
all such children and shall provide for the admission of any such 1282
child upon request of the parent. No child may be admitted under 1283
this policy after the first day of classes of any school year. 1284

(9) A child who is with the child's parent under the care of 1285
a shelter for victims of domestic violence, as defined in section 1286
3113.33 of the Revised Code, is entitled to attend school free in 1287
the district in which the child is with the child's parent, and no 1288
other school district shall be required to pay tuition for the 1289
child's attendance in that school district. 1290

The enrollment of a child in a school district under this 1291
division shall not be denied due to a delay in the school 1292
district's receipt of any records required under section 3313.672 1293
of the Revised Code or any other records required for enrollment. 1294
Any days of attendance and any credits earned by a child while 1295
enrolled in a school district under this division shall be 1296
transferred to and accepted by any school district in which the 1297
child subsequently enrolls. The state board of education shall 1298
adopt rules to ensure compliance with this division. 1299

(10) Any child under the age of twenty-two years whose parent 1300
has moved out of the school district after the commencement of 1301
classes in the child's senior year of high school is entitled, 1302
subject to the approval of that district board, to attend school 1303

in the district in which the child attended school at the time of 1304
the parental move for the remainder of the school year and for one 1305
additional semester or equivalent term. A district board may also 1306
adopt a policy specifying extenuating circumstances under which a 1307
student may continue to attend school under division (F)(10) of 1308
this section for an additional period of time in order to 1309
successfully complete the high school curriculum for the 1310
individualized education program developed for the student by the 1311
high school pursuant to section 3323.08 of the Revised Code. 1312

(11) As used in this division, "grandparent" means a parent 1313
of a parent of a child. A child under the age of twenty-two years 1314
who is in the custody of the child's parent, resides with a 1315
grandparent, and does not require special education is entitled to 1316
attend the schools of the district in which the child's 1317
grandparent resides, provided that, prior to such attendance in 1318
any school year, the board of education of the school district in 1319
which the child's grandparent resides and the board of education 1320
of the school district in which the child's parent resides enter 1321
into a written agreement specifying that good cause exists for 1322
such attendance, describing the nature of this good cause, and 1323
consenting to such attendance. 1324

In lieu of a consent form signed by a parent, a board of 1325
education may request the grandparent of a child attending school 1326
in the district in which the grandparent resides pursuant to 1327
division (F)(11) of this section to complete any consent form 1328
required by the district, including any authorization required by 1329
sections 3313.712, 3313.713, and 3313.716 of the Revised Code. 1330
Upon request, the grandparent shall complete any consent form 1331
required by the district. A school district shall not incur any 1332
liability solely because of its receipt of a consent form from a 1333
grandparent in lieu of a parent. 1334

Division (F)(11) of this section does not create, and shall 1335

not be construed as creating, a new cause of action or substantive 1336
legal right against a school district, a member of a board of 1337
education, or an employee of a school district. This section does 1338
not affect, and shall not be construed as affecting, any 1339
immunities from defenses to tort liability created or recognized 1340
by Chapter 2744. of the Revised Code for a school district, 1341
member, or employee. 1342

(12) A child under the age of twenty-two years is entitled to 1343
attend school in a school district other than the district in 1344
which the child is entitled to attend school under division (B), 1345
(C), or (E) of this section provided that, prior to such 1346
attendance in any school year, both of the following occur: 1347

(a) The superintendent of the district in which the child is 1348
entitled to attend school under division (B), (C), or (E) of this 1349
section contacts the superintendent of another district for 1350
purposes of this division; 1351

(b) The superintendents of both districts enter into a 1352
written agreement that consents to the attendance and specifies 1353
that the purpose of such attendance is to protect the student's 1354
physical or mental well-being or to deal with other extenuating 1355
circumstances deemed appropriate by the superintendents. 1356

While an agreement is in effect under this division for a 1357
student who is not receiving special education under Chapter 3323. 1358
of the Revised Code and notwithstanding Chapter 3327. of the 1359
Revised Code, the board of education of neither school district 1360
involved in the agreement is required to provide transportation 1361
for the student to and from the school where the student attends. 1362

A student attending a school of a district pursuant to this 1363
division shall be allowed to participate in all student 1364
activities, including interscholastic athletics, at the school 1365
where the student is attending on the same basis as any student 1366

who has always attended the schools of that district while of 1367
compulsory school age. 1368

(13) All school districts shall comply with the 1369
"McKinney-Vento Homeless Assistance Act," 42 U.S.C.A. 11431 et 1370
seq., for the education of homeless children. Each city, local, 1371
and exempted village school district shall comply with the 1372
requirements of that act governing the provision of a free, 1373
appropriate public education, including public preschool, to each 1374
homeless child. 1375

When a child loses permanent housing and becomes a homeless 1376
person, as defined in 42 U.S.C.A. 11481(5), or when a child who is 1377
such a homeless person changes temporary living arrangements, the 1378
child's parent or guardian shall have the option of enrolling the 1379
child in either of the following: 1380

(a) The child's school of origin, as defined in 42 U.S.C.A. 1381
11432(g)(3)(C); 1382

(b) The school that is operated by the school district in 1383
which the shelter where the child currently resides is located and 1384
that serves the geographic area in which the shelter is located. 1385

(G) A board of education, after approving admission, may 1386
waive tuition for students who will temporarily reside in the 1387
district and who are either of the following: 1388

(1) Residents or domiciliaries of a foreign nation who 1389
request admission as foreign exchange students; 1390

(2) Residents or domiciliaries of the United States but not 1391
of Ohio who request admission as participants in an exchange 1392
program operated by a student exchange organization. 1393

(H) Pursuant to sections 3311.211, 3313.90, 3319.01, 3323.04, 1394
3327.04, and 3327.06 of the Revised Code, a child may attend 1395
school or participate in a special education program in a school 1396

district other than in the district where the child is entitled to attend school under division (B) of this section.

(I)(1) Notwithstanding anything to the contrary in this section or section 3313.65 of the Revised Code, a child under twenty-two years of age may attend school in the school district in which the child, at the end of the first full week of October of the school year, was entitled to attend school as otherwise provided under this section or section 3313.65 of the Revised Code, if at that time the child was enrolled in the schools of the district but since that time the child or the child's parent has relocated to a new address located outside of that school district and within the same county as the child's or parent's address immediately prior to the relocation. The child may continue to attend school in the district, and at the school to which the child was assigned at the end of the first full week of October of the current school year, for the balance of the school year. Division (I)(1) of this section applies only if both of the following conditions are satisfied:

(a) The board of education of the school district in which the child was entitled to attend school at the end of the first full week in October and of the district to which the child or child's parent has relocated each has adopted a policy to enroll children described in division (I)(1) of this section.

(b) The child's parent provides written notification of the relocation outside of the school district to the superintendent of each of the two school districts.

(2) At the beginning of the school year following the school year in which the child or the child's parent relocated outside of the school district as described in division (I)(1) of this section, the child is not entitled to attend school in the school district under that division.

(3) Any person or entity owing tuition to the school district 1428
on behalf of the child at the end of the first full week in 1429
October, as provided in division (C) of this section, shall 1430
continue to owe such tuition to the district for the child's 1431
attendance under division (I)(1) of this section for the lesser of 1432
the balance of the school year or the balance of the time that the 1433
child attends school in the district under division (I)(1) of this 1434
section. 1435

(4) A pupil who may attend school in the district under 1436
division (I)(1) of this section shall be entitled to 1437
transportation services pursuant to an agreement between the 1438
district and the district in which the child or child's parent has 1439
relocated unless the districts have not entered into such 1440
agreement, in which case the child shall be entitled to 1441
transportation services in the same manner as a pupil attending 1442
school in the district under interdistrict open enrollment as 1443
described in division (H) of section 3313.981 of the Revised Code, 1444
regardless of whether the district has adopted an open enrollment 1445
policy as described in division (B)(1)(b) or (c) of section 1446
3313.98 of the Revised Code. 1447

(J) This division does not apply to a child receiving special 1448
education. 1449

A school district required to pay tuition pursuant to 1450
division (C)(2) or (3) of this section or section 3313.65 of the 1451
Revised Code shall have an amount deducted under division (F) of 1452
section 3317.023 of the Revised Code equal to its own tuition rate 1453
for the same period of attendance. A school district entitled to 1454
receive tuition pursuant to division (C)(2) or (3) of this section 1455
or section 3313.65 of the Revised Code shall have an amount 1456
credited under division (F) of section 3317.023 of the Revised 1457
Code equal to its own tuition rate for the same period of 1458
attendance. If the tuition rate credited to the district of 1459

attendance exceeds the rate deducted from the district required to 1460
pay tuition, the department of education shall pay the district of 1461
attendance the difference from amounts deducted from all 1462
districts' payments under division (F) of section 3317.023 of the 1463
Revised Code but not credited to other school districts under such 1464
division and from appropriations made for such purpose. The 1465
treasurer of each school district shall, by the fifteenth day of 1466
January and July, furnish the superintendent of public instruction 1467
a report of the names of each child who attended the district's 1468
schools under divisions (C)(2) and (3) of this section or section 1469
3313.65 of the Revised Code during the preceding six calendar 1470
months, the duration of the attendance of those children, the 1471
school district responsible for tuition on behalf of the child, 1472
and any other information that the superintendent requires. 1473

Upon receipt of the report the superintendent, pursuant to 1474
division (F) of section 3317.023 of the Revised Code, shall deduct 1475
each district's tuition obligations under divisions (C)(2) and (3) 1476
of this section or section 3313.65 of the Revised Code and pay to 1477
the district of attendance that amount plus any amount required to 1478
be paid by the state. 1479

(K) In the event of a disagreement, the superintendent of 1480
public instruction shall determine the school district in which 1481
the parent resides. 1482

(L) Nothing in this section requires or authorizes, or shall 1483
be construed to require or authorize, the admission to a public 1484
school in this state of a pupil who has been permanently excluded 1485
from public school attendance by the superintendent of public 1486
instruction pursuant to sections 3301.121 and 3313.662 of the 1487
Revised Code. 1488

(M) In accordance with division (B)(1) of this section, a 1489
child whose parent is a member of the national guard or a reserve 1490
unit of the armed forces of the United States and is called into 1491

active duty, or a child whose parent is a member of the armed 1492
forces of the United States and is ordered to a temporary duty 1493
assignment outside of the district, may continue to attend school 1494
in the district in which the child's parent lived before being 1495
called into active duty or ordered to a temporary duty assignment 1496
outside of the district, as long as the child's parent continues 1497
to be a resident of that district, and regardless of where the 1498
child lives as a result of the parent's active duty status or 1499
temporary duty assignment. However, the district is not 1500
responsible for providing transportation for the child if the 1501
child lives outside of the district as a result of the parent's 1502
active duty status or temporary duty assignment. As used in this 1503
division, "active duty" means active duty pursuant to an executive 1504
order of the president of the United States, an act of the 1505
congress of the United States, or section 5919.29 or 5923.21 of 1506
the Revised Code. 1507

Sec. 3332.20. As used in this section, "active duty" means 1508
full-time duty in the active military service of the United 1509
States, including full-time training duty, annual training duty, 1510
and active state duty for members of the national guard. 1511

(A) Each institution that holds a certificate of registration 1512
from the state board of career colleges and schools under this 1513
chapter shall grant a student a military leave of absence from the 1514
institution while the student is serving on active duty, and for 1515
one year after the conclusion of that service, if the student is a 1516
member of the United States national guard or other reserve 1517
component of the armed forces of the United States, or a member of 1518
those armed forces in a retired status, and is called to active 1519
duty. The student shall not suffer an academic penalty as a result 1520
of the leave of absence. 1521

(B) If requested by a student granted a military leave of 1522

absence pursuant to division (A) of this section not later than 1523
one year after the student's release from active duty, the 1524
institution in which the student is enrolled shall do either of 1525
the following, as elected by the student: 1526

(1) Credit tuition and fee charges toward a subsequent 1527
academic term in an amount that is one hundred per cent of what 1528
the student paid the institution for the academic term in which 1529
the student withdraws; 1530

(2) Refund tuition and fees paid for the academic term, 1531
provided the student withdraws before the withdraw date 1532
established by the institution. The refund shall equal one hundred 1533
per cent of the tuition and fee charges the student paid the 1534
institution for the academic term. If the student withdraws after 1535
the withdraw date established by the institution, the student is 1536
ineligible for a refund of tuition and fee charges. For the 1537
purposes of this section, the "withdraw date" shall be the same as 1538
the date set by the institution for its general student population 1539
to withdraw from the institution or a course or class without 1540
academic penalty. 1541

(C) If requested by a student granted a military leave of 1542
absence pursuant to division (A) of this section not later than 1543
one year after the student's release from active duty, the 1544
institution shall restore the student to the educational status 1545
the student had attained prior to being called to active duty 1546
without loss of academic credits earned, scholarships or grants 1547
awarded, or tuition and other fees paid prior to the commencement 1548
of active duty, except as provided in division (B) of this 1549
section. 1550

(D) If an institution fails to comply with this section, the 1551
student may bring an action against the institution to enforce its 1552
provisions in the court of common pleas of the county in which the 1553

student resides. If the student resides outside of this state, the 1554
action shall be brought in the court of common pleas of the county 1555
in which the campus of the institution previously attended by the 1556
student is located. The court may award reasonable attorney's fees 1557
and expenses if the student prevails in the action. 1558

Sec. 3345.53. As used in this section, "active duty" means 1559
full-time duty in the active military service of the United 1560
States, including full-time training duty, annual training duty, 1561
and active state duty for members of the national guard. 1562

(A) Each state institution of higher education, as defined in 1563
section 3345.011 of the Revised Code, shall grant a student a 1564
military leave of absence from the institution while the student 1565
is serving on active duty, and for one year after the conclusion 1566
of that service, if the student is a member of the United States 1567
national guard or other reserve component of the armed forces of 1568
the United States, or a member of those armed forces in a retired 1569
status, and is called to active duty. The student shall not suffer 1570
an academic penalty as a result of the leave of absence. 1571

(B) If requested by a student granted a military leave of 1572
absence pursuant to division (A) of this section not later than 1573
one year after the student's release from active duty, the state 1574
institution of higher education in which the student is enrolled 1575
shall do either of the following, as elected by the student: 1576

(1) Credit tuition and fee charges toward a subsequent 1577
academic term in an amount that is one hundred per cent of what 1578
the student paid the institution for the academic term in which 1579
the student withdraws; 1580

(2) Refund tuition and fees paid for the academic term, 1581
provided the student withdraws before the withdraw date 1582
established by the institution. The refund shall equal one hundred 1583

per cent of the tuition and fee charges the student paid the 1584
institution for the academic term. If the student withdraws after 1585
the withdraw date established by the institution, the student is 1586
ineligible for a refund of tuition and fee charges. For the 1587
purposes of this section, the "withdraw date" shall be the same as 1588
the date set by the institution for its general student population 1589
to withdraw from the institution or a course or class without 1590
academic penalty. 1591

(C) If requested by a student granted a military leave of 1592
absence pursuant to division (A) of this section not later than 1593
one year after the student's release from active duty, the state 1594
institution of higher education shall restore the student to the 1595
educational status the student had attained prior to being called 1596
to active duty without loss of academic credits earned, 1597
scholarships or grants awarded, or tuition and other fees paid 1598
prior to the commencement of active duty, except as provided in 1599
division (B) of this section. 1600

(D) If a state institution of higher education fails to 1601
comply with this section, the student may bring an action against 1602
the institution to enforce its provisions in the court of claims. 1603
The court may award reasonable attorney's fees and expenses if the 1604
student prevails in the action. 1605

Sec. 3915.05. No policy of life insurance shall be issued or 1606
delivered in this state or be issued by a life insurance company 1607
organized under the laws of this state unless such policy 1608
contains: 1609

(A) A provision that all premiums shall be payable in 1610
advance, either at the home office of the company or to an agent 1611
of the company, upon delivery of a receipt signed by one or more 1612
of the officers named in the policy; 1613

(B) A provision for a grace of one month for the payment of 1614
every premium after the first, which extension period may be 1615
subject to an interest charge and during which month the insurance 1616
shall continue in force, which provision may contain a stipulation 1617
that if the insured dies during the month of grace the overdue 1618
premium will be deducted in any settlement under the policy; 1619

(C) A provision that the policy and the application therefor, 1620
a copy of which application must be indorsed on the policy, shall 1621
constitute the entire contract between the parties and shall be 1622
incontestable after it has been in force during the lifetime of 1623
the insured for a period of not more than two years from its date, 1624
except for nonpayment of premiums, except for violations of the 1625
conditions relating to naval or military service in time of war or 1626
to aeronautics, and except at the option of the company, with 1627
respect to provisions relative to benefits in the event of total 1628
and permanent disability and provisions which grant additional 1629
insurance specifically against death by accident or by accidental 1630
means; 1631

(D) A provision that all statements made by the insured in 1632
the application shall, in the absence of fraud, be deemed 1633
representations and not warranties; 1634

(E) A provision that if the age of the insured has been 1635
understated the amount payable under the policy shall be such as 1636
the premium would have purchased at the correct age; 1637

(F) A provision that the policy shall participate in the 1638
surplus of the company and that, beginning not later than the end 1639
of the third policy year, the company will annually determine and 1640
account for the portion of the divisible surplus accruing on the 1641
policy, and that the owner of the policy has the right each year 1642
to have the current dividend arising from such participation paid 1643
in cash or applied to the purchase of paid-up additions, and if 1644

the policy provides other dividend options, it shall further 1645
provide that if the owner of the policy does not elect any such 1646
other option the dividend shall be applied to the purchase of 1647
paid-up additions. 1648

In lieu of such provision, the policy may contain a provision 1649
that: 1650

(1) The policy shall participate in the surplus of the 1651
company; 1652

(2) Beginning not later than the end of the fifth policy 1653
year, the company will determine and account for the portion of 1654
the divisible surplus accruing on the policy; 1655

(3) The owner of the policy has the right to have the current 1656
dividend arising from such participation paid in cash; 1657

(4) Such accounting and payment shall be had at periods of 1658
not more than five years, at the option of the policyholder. 1659

Renewable term policies of ten years or less may provide that 1660
the surplus accruing to such policies shall be determined and 1661
apportioned each year after the second policy year and accumulated 1662
during each renewal period, and that at the end of any renewal 1663
period, on renewal of the policy by the insured, the company shall 1664
apply the accumulated surplus as an annuity for the next 1665
succeeding renewal term in the reduction of premiums. 1666

The provisions described in this division are not required in 1667
nonparticipating policies. 1668

(G) A provision that after three full years' premiums have 1669
been paid, the company, at any time while the policy is in force, 1670
will advance, on proper assignment of the policy and on the sole 1671
security thereof, at a rate of interest calculated pursuant to 1672
section 3915.051 of the Revised Code, a sum equal to, or at the 1673
option of the owner of the policy, less than, the amount required 1674

by section 3915.08 of the Revised Code under the conditions 1675
specified in ~~said~~ that section, and that the company will deduct 1676
from such loan value any indebtedness not already deducted in 1677
determining such value and any unpaid balance of the premium for 1678
the current policy year, and may collect interest in advance on 1679
the loan to the end of the current policy year. It shall be 1680
further stipulated in the policy that failure to repay any such 1681
advance or to pay interest does not ~~avoid~~ void the policy unless 1682
the total indebtedness thereon to the company equals or exceeds 1683
such loan value at the time of such failure nor until one month 1684
after notice has been mailed by the company to the last known 1685
address of insured and of the assignee. 1686

No conditions, other than as provided in this division or in 1687
section 3915.08 of the Revised Code, shall be exacted as a 1688
prerequisite to any such advance. 1689

This provision is not required in term insurance nor does it 1690
apply to any form of insurance granted as a nonforfeiture benefit. 1691

(H) A provision for nonforfeiture benefits and cash surrender 1692
values in accordance with the requirements of section 3915.06, 1693
3915.07, or 3915.071 of the Revised Code; 1694

(I) Except for policies which guarantee unscheduled changes 1695
in benefits upon the happening of specified events or upon the 1696
exercise of an option without change to a new policy, a table 1697
showing in figures the loan values and the options available under 1698
the policies each year upon default in premium payments, during at 1699
least the first twenty years of the policy; 1700

(J) A provision that if, in the event of default in premium 1701
payments, the value of the policy is applied to the purchase of 1702
other insurance, and if such insurance is in force and the 1703
original policy has not been surrendered to the company and 1704
canceled, the policy may be reinstated within three years from 1705

such default, upon evidence of insurability satisfactory to the 1706
company and payment of arrears of premiums with interest; 1707

(K) A provision that when a policy becomes a claim by the 1708
death of the insured, settlement shall be made upon receipt of due 1709
proof of death, or not later than two months after receipt of such 1710
proof; 1711

(L) A table showing the amounts of installments in which the 1712
policy provides its proceeds may be payable; 1713

(M) A title on its face and back, correctly describing such 1714
policy; 1715

(N) Notwithstanding division (C) of this section, a provision 1716
that the policy shall not lapse or be voided for nonpayment of 1717
premiums while the insured, a reservist as defined in section 1718
3923.381 of the Revised Code, is on active duty as a result of 1719
being called or ordered to active duty pursuant to an executive 1720
order of the president of the United States, an act of the 1721
congress of the United States, or section 5919.29 or 5923.21 of 1722
the Revised Code. The policy remains in force during the insured's 1723
period of active duty, and shall continue in force thereafter, if 1724
all premiums due on the policy at the end of the insured's period 1725
of active duty are paid within forty-five days after the end of 1726
the insured's active duty. The company may enforce policy 1727
provisions relating to naval or military service in time of war. 1728

Any of the provisions described in this section or portions 1729
thereof, relating to premiums not applicable to single premium 1730
policies, shall to that extent not be incorporated in such 1731
policies. 1732

Sec. 3917.06. No policy of group life insurance shall be 1733
issued or delivered in this state until a copy of its form has 1734
been filed with the superintendent of insurance and formally 1735

approved by the superintendent; nor shall such policy be so issued 1736
or delivered unless it contains in substance the following 1737
provisions: 1738

(A) A provision that the policyholder is entitled to a grace 1739
period of thirty-one days for the payment of any premiums due 1740
except the first during which grace period the death benefit 1741
coverage shall continue in force, unless the policyholder has 1742
given the insurer written notice of discontinuance in advance of 1743
the date of discontinuance and in accordance with the terms of the 1744
policy; the policy may provide that the policyholder is liable to 1745
the insurer for the payment of a pro rata premium for the time the 1746
policy was in force during such grace period; 1747

(B) A provision that the policy is incontestable after two 1748
years from its date of issue, except for nonpayment of premiums 1749
and except for violation of the conditions of the policy relating 1750
to military or naval service in time of war; 1751

(C) A provision that the policy and the application submitted 1752
in connection therewith constitute the entire contract between the 1753
parties, and that all statements contained in such application are 1754
deemed, in the absence of fraud, representations and not 1755
warranties, and that no such statement shall be used in defense to 1756
a claim under the policy, unless it is contained in a written 1757
application; 1758

(D) A provision for the equitable adjustment of the premium 1759
or the amount of insurance payable in the event of a misstatement 1760
of the age of an employee or other person whose life is insured 1761
under a group life policy; 1762

(E) Except in the case of a policy described in division 1763
(B)(4) of section 3917.01 of the Revised Code, a provision that 1764
the company will issue to the policyholder for delivery to each 1765
person whose life is insured under such policy, an individual 1766

certificate setting forth a statement as to the insurance 1767
protection to which the person is entitled, to whom payable, 1768
together with provision to the effect that in case of the 1769
termination of the employment for any reason or of membership in 1770
the classes eligible for insurance under the policy, such person 1771
is entitled to have issued to the person by the company, without 1772
evidence of insurability, and upon application made to the company 1773
within thirty-one days after such termination, and upon the 1774
payment of the premium applicable to the class of risk to which 1775
the person belongs and to the form and amount of the policy at the 1776
person's then attained age, either a policy of life insurance in 1777
any one of the forms customarily issued by the company, except 1778
term insurance, in any amount not in excess of the amount of the 1779
person's protection under the group insurance policy at the time 1780
of the termination, as the person elects or, if applicable, the 1781
coverage described in division (B)(12) of section 3917.01 of the 1782
Revised Code; 1783

(F) A provision that if the group policy terminates or is 1784
amended so as to terminate the insurance of any class of insured 1785
persons, every person insured thereunder at the date of such 1786
termination whose insurance terminates and who has been so insured 1787
for at least five years prior to such termination date is entitled 1788
to have issued to the person by the insurer an individual policy 1789
of life insurance, subject to the same conditions as are provided 1790
by division (E) of this section, except that the group policy may 1791
provide that the amount of such individual policy shall not exceed 1792
the smaller of (1) the amount of the person's life insurance 1793
protection ceasing because of the termination or amendment of the 1794
group policy, less the amount of any life insurance for which the 1795
person is or becomes eligible under any group policy issued or 1796
reinstated by the same or another insurer within thirty-one days 1797
after such termination, and (2) two thousand dollars; 1798

(G) A provision that if a person insured under the group policy dies during the period within which the person would have been entitled to have an individual policy issued to the person in accordance with division (E) or (F) of this section, and before such an individual policy has become effective, the amount of life insurance which the person would have been entitled to have issued to the person under such individual policy shall be payable as a claim under the group policy, whether or not application for the individual policy or the payment of the first premium therefor has been made;

(H) A provision that to the group or class of persons originally insured there shall be added from time to time all new employees of the employer or other persons eligible to insurance in such group or class;

(I) In the case of a policy issued to a labor union covering all members of the union, a notice that the annual renewable term premium depends upon the attained ages of the members in the group and increases with advancing ages;

(J) Notwithstanding division (B) of this section, a provision that the policy shall not lapse or be voided for nonpayment of premiums while the insured, a reservist as defined in section 3923.381 of the Revised Code, is on active duty as a result of being called or ordered to active duty pursuant to an executive order of the president of the United States, an act of the congress of the United States, or section 5919.29 or 5923.21 of the Revised Code. The policy remains in force during the insured's period of active duty, and shall continue in force thereafter, if all premiums due on the policy at the end of the insured's period of active duty are paid within forty-five days after the end of the insured's active duty. The company may enforce policy provisions relating to naval or military service in time of war.

Policies of group life insurance, when issued in this state 1830
by any company not organized under the laws of this state, may 1831
contain, when issued, any provision required by the law of the 1832
state, territory, or district of the United States under which the 1833
company is organized; and policies issued in other states or 1834
countries by companies organized in this state, may contain any 1835
provision required or permitted by the laws of the state, 1836
territory, district, or country in which the same are issued. Any 1837
such policy may be issued or delivered in this state which in the 1838
opinion of the superintendent contains provisions on any one or 1839
more of the requirements of this section more favorable to the 1840
policyholder or to the person whose life is insured under such 1841
policy than such requirements. 1842

The group life insurance policy together with any application 1843
in connection therewith shall be available for inspection during 1844
regular business hours at the office of the policyholder where 1845
such policy is on file, by any beneficiary thereunder or by an 1846
authorized representative of such beneficiary. 1847

Except as provided in sections 3917.01 to 3917.06 of the 1848
Revised Code, no contract of life insurance shall be made covering 1849
a group in this state. 1850

Sec. 4112.01. (A) As used in this chapter: 1851

(1) "Person" includes one or more individuals, partnerships, 1852
associations, organizations, corporations, legal representatives, 1853
trustees, trustees in bankruptcy, receivers, and other organized 1854
groups of persons. "Person" also includes, but is not limited to, 1855
any owner, lessor, assignor, builder, manager, broker, 1856
salesperson, appraiser, agent, employee, lending institution, and 1857
the state and all political subdivisions, authorities, agencies, 1858
boards, and commissions of the state. 1859

(2) "Employer" includes the state, any political subdivision 1860
of the state, any person employing four or more persons within the 1861
state, and any person acting directly or indirectly in the 1862
interest of an employer. 1863

(3) "Employee" means an individual employed by any employer 1864
but does not include any individual employed in the domestic 1865
service of any person. 1866

(4) "Labor organization" includes any organization that 1867
exists, in whole or in part, for the purpose of collective 1868
bargaining or of dealing with employers concerning grievances, 1869
terms or conditions of employment, or other mutual aid or 1870
protection in relation to employment. 1871

(5) "Employment agency" includes any person regularly 1872
undertaking, with or without compensation, to procure 1873
opportunities to work or to procure, recruit, refer, or place 1874
employees. 1875

(6) "Commission" means the Ohio civil rights commission 1876
created by section 4112.03 of the Revised Code. 1877

(7) "Discriminate" includes segregate or separate. 1878

(8) "Unlawful discriminatory practice" means any act 1879
prohibited by section 4112.02, 4112.021, or 4112.022 of the 1880
Revised Code. 1881

(9) "Place of public accommodation" means any inn, 1882
restaurant, eating house, barbershop, public conveyance by air, 1883
land, or water, theater, store, other place for the sale of 1884
merchandise, or any other place of public accommodation or 1885
amusement of which the accommodations, advantages, facilities, or 1886
privileges are available to the public. 1887

(10) "Housing accommodations" includes any building or 1888
structure, or portion of a building or structure, that is used or 1889

occupied or is intended, arranged, or designed to be used or 1890
occupied as the home residence, dwelling, dwelling unit, or 1891
sleeping place of one or more individuals, groups, or families 1892
whether or not living independently of each other; and any vacant 1893
land offered for sale or lease. "Housing accommodations" also 1894
includes any housing accommodations held or offered for sale or 1895
rent by a real estate broker, salesperson, or agent, by any other 1896
person pursuant to authorization of the owner, by the owner, or by 1897
the owner's legal representative. 1898

(11) "Restrictive covenant" means any specification limiting 1899
the transfer, rental, lease, or other use of any housing 1900
accommodations because of race, color, religion, sex, military 1901
status, familial status, national origin, disability, or ancestry, 1902
or any limitation based upon affiliation with or approval by any 1903
person, directly or indirectly, employing race, color, religion, 1904
sex, military status, familial status, national origin, 1905
disability, or ancestry as a condition of affiliation or approval. 1906

(12) "Burial lot" means any lot for the burial of deceased 1907
persons within any public burial ground or cemetery, including, 1908
but not limited to, cemeteries owned and operated by municipal 1909
corporations, townships, or companies or associations incorporated 1910
for cemetery purposes. 1911

(13) "Disability" means a physical or mental impairment that 1912
substantially limits one or more major life activities, including 1913
the functions of caring for one's self, performing manual tasks, 1914
walking, seeing, hearing, speaking, breathing, learning, and 1915
working; a record of a physical or mental impairment; or being 1916
regarded as having a physical or mental impairment. 1917

(14) Except as otherwise provided in section 4112.021 of the 1918
Revised Code, "age" means at least forty years old. 1919

(15) "Familial status" means either of the following: 1920

(a) One or more individuals who are under eighteen years of age and who are domiciled with a parent or guardian having legal custody of the individual or domiciled, with the written permission of the parent or guardian having legal custody, with a designee of the parent or guardian;

(b) Any person who is pregnant or in the process of securing legal custody of any individual who is under eighteen years of age.

(16)(a) Except as provided in division (A)(16)(b) of this section, "physical or mental impairment" includes any of the following:

(i) Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; and endocrine;

(ii) Any mental or psychological disorder, including, but not limited to, mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities;

(iii) Diseases and conditions, including, but not limited to, orthopedic, visual, speech, and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, human immunodeficiency virus infection, mental retardation, emotional illness, drug addiction, and alcoholism.

(b) "Physical or mental impairment" does not include any of the following:

(i) Homosexuality and bisexuality;

(ii) Transvestism, transsexualism, pedophilia, exhibitionism,

voyeurism, gender identity disorders not resulting from physical impairments, or other sexual behavior disorders;	1951 1952
(iii) Compulsive gambling, kleptomania, or pyromania;	1953
(iv) Psychoactive substance use disorders resulting from current illegal use of a controlled substance.	1954 1955
(17) "Dwelling unit" means a single unit of residence for a family of one or more persons.	1956 1957
(18) "Common use areas" means rooms, spaces, or elements inside or outside a building that are made available for the use of residents of the building or their guests, and includes, but is not limited to, hallways, lounges, lobbies, laundry rooms, refuse rooms, mail rooms, recreational areas, and passageways among and between buildings.	1958 1959 1960 1961 1962 1963
(19) "Public use areas" means interior or exterior rooms or spaces of a privately or publicly owned building that are made available to the general public.	1964 1965 1966
(20) "Controlled substance" has the same meaning as in section 3719.01 of the Revised Code.	1967 1968
(21) "Disabled tenant" means a tenant or prospective tenant who is a person with a disability.	1969 1970
<u>(22) "Military status" means a person's status in "service in the uniformed services" as defined in section 5903.01 of the Revised Code.</u>	1971 1972 1973
(B) For the purposes of divisions (A) to (F) of section 4112.02 of the Revised Code, the terms "because of sex" and "on the basis of sex" include, but are not limited to, because of or on the basis of pregnancy, any illness arising out of and occurring during the course of a pregnancy, childbirth, or related medical conditions. Women affected by pregnancy, childbirth, or related medical conditions shall be treated the same for all	1974 1975 1976 1977 1978 1979 1980

employment-related purposes, including receipt of benefits under 1981
fringe benefit programs, as other persons not so affected but 1982
similar in their ability or inability to work, and nothing in 1983
division (B) of section 4111.17 of the Revised Code shall be 1984
interpreted to permit otherwise. This division shall not be 1985
construed to require an employer to pay for health insurance 1986
benefits for abortion, except where the life of the mother would 1987
be endangered if the fetus were carried to term or except where 1988
medical complications have arisen from the abortion, provided that 1989
nothing in this division precludes an employer from providing 1990
abortion benefits or otherwise affects bargaining agreements in 1991
regard to abortion. 1992

Sec. 4112.02. It shall be an unlawful discriminatory 1993
practice: 1994

(A) For any employer, because of the race, color, religion, 1995
sex, military status, national origin, disability, age, or 1996
ancestry of any person, to discharge without just cause, to refuse 1997
to hire, or otherwise to discriminate against that person with 1998
respect to hire, tenure, terms, conditions, or privileges of 1999
employment, or any matter directly or indirectly related to 2000
employment. 2001

(B) For an employment agency or personnel placement service, 2002
because of race, color, religion, sex, military status, national 2003
origin, disability, age, or ancestry, to do any of the following: 2004

(1) Refuse or fail to accept, register, classify properly, or 2005
refer for employment, or otherwise discriminate against any 2006
person; 2007

(2) Comply with a request from an employer for referral of 2008
applicants for employment if the request directly or indirectly 2009
indicates that the employer fails to comply with the provisions of 2010
sections 4112.01 to 4112.07 of the Revised Code. 2011

(C) For any labor organization to do any of the following:	2012
(1) Limit or classify its membership on the basis of race,	2013
color, religion, sex, <u>military status</u> , national origin,	2014
disability, age, or ancestry;	2015
(2) Discriminate against, limit the employment opportunities	2016
of, or otherwise adversely affect the employment status, wages,	2017
hours, or employment conditions of any person as an employee	2018
because of race, color, religion, sex, <u>military status</u> , national	2019
origin, disability, age, or ancestry.	2020
(D) For any employer, labor organization, or joint	2021
labor-management committee controlling apprentice training	2022
programs to discriminate against any person because of race,	2023
color, religion, sex, <u>military status</u> , national origin,	2024
disability, or ancestry in admission to, or employment in, any	2025
program established to provide apprentice training.	2026
(E) Except where based on a bona fide occupational	2027
qualification certified in advance by the commission, for any	2028
employer, employment agency, personnel placement service, or labor	2029
organization, prior to employment or admission to membership, to	2030
do any of the following:	2031
(1) Elicit or attempt to elicit any information concerning	2032
the race, color, religion, sex, <u>military status</u> , national origin,	2033
disability, age, or ancestry of an applicant for employment or	2034
membership;	2035
(2) Make or keep a record of the race, color, religion, sex,	2036
<u>military status</u> , national origin, disability, age, or ancestry of	2037
any applicant for employment or membership;	2038
(3) Use any form of application for employment, or personnel	2039
or membership blank, seeking to elicit information regarding race,	2040
color, religion, sex, <u>military status</u> , national origin,	2041

disability, age, or ancestry; but an employer holding a contract 2042
containing a nondiscrimination clause with the government of the 2043
United States, or any department or agency of that government, may 2044
require an employee or applicant for employment to furnish 2045
documentary proof of United States citizenship and may retain that 2046
proof in the employer's personnel records and may use photographic 2047
or fingerprint identification for security purposes; 2048

(4) Print or publish or cause to be printed or published any 2049
notice or advertisement relating to employment or membership 2050
indicating any preference, limitation, specification, or 2051
discrimination, based upon race, color, religion, sex, military 2052
status, national origin, disability, age, or ancestry; 2053

(5) Announce or follow a policy of denying or limiting, 2054
through a quota system or otherwise, employment or membership 2055
opportunities of any group because of the race, color, religion, 2056
sex, military status, national origin, disability, age, or 2057
ancestry of that group; 2058

(6) Utilize in the recruitment or hiring of persons any 2059
employment agency, personnel placement service, training school or 2060
center, labor organization, or any other employee-referring source 2061
known to discriminate against persons because of their race, 2062
color, religion, sex, military status, national origin, 2063
disability, age, or ancestry. 2064

(F) For any person seeking employment to publish or cause to 2065
be published any advertisement that specifies or in any manner 2066
indicates that person's race, color, religion, sex, military 2067
status, national origin, disability, age, or ancestry, or 2068
expresses a limitation or preference as to the race, color, 2069
religion, sex, military status, national origin, disability, age, 2070
or ancestry of any prospective employer. 2071

(G) For any proprietor or any employee, keeper, or manager of 2072

a place of public accommodation to deny to any person, except for 2073
reasons applicable alike to all persons regardless of race, color, 2074
religion, sex, military status, national origin, disability, age, 2075
or ancestry, the full enjoyment of the accommodations, advantages, 2076
facilities, or privileges of the place of public accommodation. 2077

(H) For any person to do any of the following: 2078

(1) Refuse to sell, transfer, assign, rent, lease, sublease, 2079
or finance housing accommodations, refuse to negotiate for the 2080
sale or rental of housing accommodations, or otherwise deny or 2081
make unavailable housing accommodations because of race, color, 2082
religion, sex, military status, familial status, ancestry, 2083
disability, or national origin; 2084

(2) Represent to any person that housing accommodations are 2085
not available for inspection, sale, or rental, when in fact they 2086
are available, because of race, color, religion, sex, military 2087
status, familial status, ancestry, disability, or national origin; 2088

(3) Discriminate against any person in the making or 2089
purchasing of loans or the provision of other financial assistance 2090
for the acquisition, construction, rehabilitation, repair, or 2091
maintenance of housing accommodations, or any person in the making 2092
or purchasing of loans or the provision of other financial 2093
assistance that is secured by residential real estate, because of 2094
race, color, religion, sex, military status, familial status, 2095
ancestry, disability, or national origin or because of the racial 2096
composition of the neighborhood in which the housing 2097
accommodations are located, provided that the person, whether an 2098
individual, corporation, or association of any type, lends money 2099
as one of the principal aspects or incident to the person's 2100
principal business and not only as a part of the purchase price of 2101
an owner-occupied residence the person is selling nor merely 2102
casually or occasionally to a relative or friend; 2103

(4) Discriminate against any person in the terms or 2104
conditions of selling, transferring, assigning, renting, leasing, 2105
or subleasing any housing accommodations or in furnishing 2106
facilities, services, or privileges in connection with the 2107
ownership, occupancy, or use of any housing accommodations, 2108
including the sale of fire, extended coverage, or homeowners 2109
insurance, because of race, color, religion, sex, military status, 2110
familial status, ancestry, disability, or national origin or 2111
because of the racial composition of the neighborhood in which the 2112
housing accommodations are located; 2113

(5) Discriminate against any person in the terms or 2114
conditions of any loan of money, whether or not secured by 2115
mortgage or otherwise, for the acquisition, construction, 2116
rehabilitation, repair, or maintenance of housing accommodations 2117
because of race, color, religion, sex, military status, familial 2118
status, ancestry, disability, or national origin or because of the 2119
racial composition of the neighborhood in which the housing 2120
accommodations are located; 2121

(6) Refuse to consider without prejudice the combined income 2122
of both husband and wife for the purpose of extending mortgage 2123
credit to a married couple or either member of a married couple; 2124

(7) Print, publish, or circulate any statement or 2125
advertisement, or make or cause to be made any statement or 2126
advertisement, relating to the sale, transfer, assignment, rental, 2127
lease, sublease, or acquisition of any housing accommodations, or 2128
relating to the loan of money, whether or not secured by mortgage 2129
or otherwise, for the acquisition, construction, rehabilitation, 2130
repair, or maintenance of housing accommodations, that indicates 2131
any preference, limitation, specification, or discrimination based 2132
upon race, color, religion, sex, military status, familial status, 2133
ancestry, disability, or national origin, or an intention to make 2134
any such preference, limitation, specification, or discrimination; 2135

(8) Except as otherwise provided in division (H)(8) or (17) 2136
of this section, make any inquiry, elicit any information, make or 2137
keep any record, or use any form of application containing 2138
questions or entries concerning race, color, religion, sex, 2139
military status, familial status, ancestry, disability, or 2140
national origin in connection with the sale or lease of any 2141
housing accommodations or the loan of any money, whether or not 2142
secured by mortgage or otherwise, for the acquisition, 2143
construction, rehabilitation, repair, or maintenance of housing 2144
accommodations. Any person may make inquiries, and make and keep 2145
records, concerning race, color, religion, sex, military status, 2146
familial status, ancestry, disability, or national origin for the 2147
purpose of monitoring compliance with this chapter. 2148

(9) Include in any transfer, rental, or lease of housing 2149
accommodations any restrictive covenant, or honor or exercise, or 2150
attempt to honor or exercise, any restrictive covenant; 2151

(10) Induce or solicit, or attempt to induce or solicit, a 2152
housing accommodations listing, sale, or transaction by 2153
representing that a change has occurred or may occur with respect 2154
to the racial, religious, sexual, military status, familial 2155
status, or ethnic composition of the block, neighborhood, or other 2156
area in which the housing accommodations are located, or induce or 2157
solicit, or attempt to induce or solicit, a housing accommodations 2158
listing, sale, or transaction by representing that the presence or 2159
anticipated presence of persons of any race, color, religion, sex, 2160
military status, familial status, ancestry, disability, or 2161
national origin, in the block, neighborhood, or other area will or 2162
may have results including, but not limited to, the following: 2163

(a) The lowering of property values; 2164

(b) A change in the racial, religious, sexual, military 2165
status, familial status, or ethnic composition of the block, 2166

neighborhood, or other area;	2167
(c) An increase in criminal or antisocial behavior in the block, neighborhood, or other area;	2168 2169
(d) A decline in the quality of the schools serving the block, neighborhood, or other area.	2170 2171
(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 that access, membership, or participation, on account of race, color, religion, sex, <u>military status</u> , familial status, national origin, disability, or ancestry;	2172 2173 2174 2175 2176 2177 2178 2179
(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 division (H) of this section;	2180 2181 2182 2183 2184
(13) Discourage or attempt to discourage the purchase by a prospective purchaser of housing accommodations, by representing that any block, neighborhood, or other area has undergone or might undergo a change with respect to its religious, racial, sexual, <u>military status</u> , familial status, or ethnic composition;	2185 2186 2187 2188 2189
(14) Refuse to sell, transfer, assign, rent, lease, sublease, or finance, or otherwise deny or withhold, a burial lot from any person because of the race, color, sex, <u>military status</u> , familial status, age, ancestry, disability, or national origin of any prospective owner or user of the lot;	2190 2191 2192 2193 2194
(15) Discriminate in the sale or rental of, or otherwise make unavailable or deny, housing accommodations to any buyer or renter because of a disability of any of the following:	2195 2196 2197

(a) The buyer or renter;	2198
(b) A person residing in or intending to reside in the housing accommodations after they are sold, rented, or made available;	2199 2200 2201
(c) Any individual associated with the person described in division (H)(15)(b) of this section.	2202 2203
(16) Discriminate in the terms, conditions, or privileges of the sale or rental of housing accommodations to any person or in the provision of services or facilities to any person in connection with the housing accommodations because of a disability of any of the following:	2204 2205 2206 2207 2208
(a) That person;	2209
(b) A person residing in or intending to reside in the housing accommodations after they are sold, rented, or made available;	2210 2211 2212
(c) Any individual associated with the person described in division (H)(16)(b) of this section.	2213 2214
(17) Except as otherwise provided in division (H)(17) of this section, make an inquiry to determine whether an applicant for the sale or rental of housing accommodations, a person residing in or intending to reside in the housing accommodations after they are sold, rented, or made available, or any individual associated with that person has a disability, or make an inquiry to determine the nature or severity of a disability of the applicant or such a person or individual. The following inquiries may be made of all applicants for the sale or rental of housing accommodations, regardless of whether they have disabilities:	2215 2216 2217 2218 2219 2220 2221 2222 2223 2224
(a) An inquiry into an applicant's ability to meet the requirements of ownership or tenancy;	2225 2226
(b) An inquiry to determine whether an applicant is qualified	2227

for housing accommodations available only to persons with	2228
disabilities or persons with a particular type of disability;	2229
(c) An inquiry to determine whether an applicant is qualified	2230
for a priority available to persons with disabilities or persons	2231
with a particular type of disability;	2232
(d) An inquiry to determine whether an applicant currently	2233
uses a controlled substance in violation of section 2925.11 of the	2234
Revised Code or a substantively comparable municipal ordinance;	2235
(e) An inquiry to determine whether an applicant at any time	2236
has been convicted of or pleaded guilty to any offense, an element	2237
of which is the illegal sale, offer to sell, cultivation,	2238
manufacture, other production, shipment, transportation, delivery,	2239
or other distribution of a controlled substance.	2240
(18)(a) Refuse to permit, at the expense of a person with a	2241
disability, reasonable modifications of existing housing	2242
accommodations that are occupied or to be occupied by the person	2243
with a disability, if the modifications may be necessary to afford	2244
the person with a disability full enjoyment of the housing	2245
accommodations. This division does not preclude a landlord of	2246
housing accommodations that are rented or to be rented to a	2247
disabled tenant from conditioning permission for a proposed	2248
modification upon the disabled tenant's doing one or more of the	2249
following:	2250
(i) Providing a reasonable description of the proposed	2251
modification and reasonable assurances that the proposed	2252
modification will be made in a workerlike manner and that any	2253
required building permits will be obtained prior to the	2254
commencement of the proposed modification;	2255
(ii) Agreeing to restore at the end of the tenancy the	2256
interior of the housing accommodations to the condition they were	2257
in prior to the proposed modification, but subject to reasonable	2258

wear and tear during the period of occupancy, if it is reasonable 2259
for the landlord to condition permission for the proposed 2260
modification upon the agreement; 2261

(iii) Paying into an interest-bearing escrow account that is 2262
in the landlord's name, over a reasonable period of time, a 2263
reasonable amount of money not to exceed the projected costs at 2264
the end of the tenancy of the restoration of the interior of the 2265
housing accommodations to the condition they were in prior to the 2266
proposed modification, but subject to reasonable wear and tear 2267
during the period of occupancy, if the landlord finds the account 2268
reasonably necessary to ensure the availability of funds for the 2269
restoration work. The interest earned in connection with an escrow 2270
account described in this division shall accrue to the benefit of 2271
the disabled tenant who makes payments into the account. 2272

(b) A landlord shall not condition permission for a proposed 2273
modification upon a disabled tenant's payment of a security 2274
deposit that exceeds the customarily required security deposit of 2275
all tenants of the particular housing accommodations. 2276

(19) Refuse to make reasonable accommodations in rules, 2277
policies, practices, or services when necessary to afford a person 2278
with a disability equal opportunity to use and enjoy a dwelling 2279
unit, including associated public and common use areas; 2280

(20) Fail to comply with the standards and rules adopted 2281
under division (A) of section 3781.111 of the Revised Code; 2282

(21) Discriminate against any person in the selling, 2283
brokering, or appraising of real property because of race, color, 2284
religion, sex, military status, familial status, ancestry, 2285
disability, or national origin; 2286

(22) Fail to design and construct covered multifamily 2287
dwellings for first occupancy on or after June 30, 1992, in 2288
accordance with the following conditions: 2289

(a) The dwellings shall have at least one building entrance 2290
on an accessible route, unless it is impractical to do so because 2291
of the terrain or unusual characteristics of the site. 2292

(b) With respect to dwellings that have a building entrance 2293
on an accessible route, all of the following apply: 2294

(i) The public use areas and common use areas of the 2295
dwellings shall be readily accessible to and usable by persons 2296
with a disability. 2297

(ii) All the doors designed to allow passage into and within 2298
all premises shall be sufficiently wide to allow passage by 2299
persons with a disability who are in wheelchairs. 2300

(iii) All premises within covered multifamily dwelling units 2301
shall contain an accessible route into and through the dwelling; 2302
all light switches, electrical outlets, thermostats, and other 2303
environmental controls within such units shall be in accessible 2304
locations; the bathroom walls within such units shall contain 2305
reinforcements to allow later installation of grab bars; and the 2306
kitchens and bathrooms within such units shall be designed and 2307
constructed in a manner that enables an individual in a wheelchair 2308
to maneuver about such rooms. 2309

For purposes of division (H)(22) of this section, "covered 2310
multifamily dwellings" means buildings consisting of four or more 2311
units if such buildings have one or more elevators and ground 2312
floor units in other buildings consisting of four or more units. 2313

(I) For any person to discriminate in any manner against any 2314
other person because that person has opposed any unlawful 2315
discriminatory practice defined in this section or because that 2316
person has made a charge, testified, assisted, or participated in 2317
any manner in any investigation, proceeding, or hearing under 2318
sections 4112.01 to 4112.07 of the Revised Code. 2319

(J) For any person to aid, abet, incite, compel, or coerce 2320
the doing of any act declared by this section to be an unlawful 2321
discriminatory practice, to obstruct or prevent any person from 2322
complying with this chapter or any order issued under it, or to 2323
attempt directly or indirectly to commit any act declared by this 2324
section to be an unlawful discriminatory practice. 2325

(K)(1) Nothing in division (H) of this section shall bar any 2326
religious or denominational institution or organization, or any 2327
nonprofit charitable or educational organization that is operated, 2328
supervised, or controlled by or in connection with a religious 2329
organization, from limiting the sale, rental, or occupancy of 2330
housing accommodations that it owns or operates for other than a 2331
commercial purpose to persons of the same religion, or from giving 2332
preference in the sale, rental, or occupancy of such housing 2333
accommodations to persons of the same religion, unless membership 2334
in the religion is restricted on account of race, color, or 2335
national origin. 2336

(2) Nothing in division (H) of this section shall bar any 2337
bona fide private or fraternal organization that, incidental to 2338
its primary purpose, owns or operates lodgings for other than a 2339
commercial purpose, from limiting the rental or occupancy of the 2340
lodgings to its members or from giving preference to its members. 2341

(3) Nothing in division (H) of this section limits the 2342
applicability of any reasonable local, state, or federal 2343
restrictions regarding the maximum number of occupants permitted 2344
to occupy housing accommodations. Nothing in that division 2345
prohibits the owners or managers of housing accommodations from 2346
implementing reasonable occupancy standards based on the number 2347
and size of sleeping areas or bedrooms and the overall size of a 2348
dwelling unit, provided that the standards are not implemented to 2349
circumvent the purposes of this chapter and are formulated, 2350
implemented, and interpreted in a manner consistent with this 2351

chapter and any applicable local, state, or federal restrictions 2352
regarding the maximum number of occupants permitted to occupy 2353
housing accommodations. 2354

(4) Nothing in division (H) of this section requires that 2355
housing accommodations be made available to an individual whose 2356
tenancy would constitute a direct threat to the health or safety 2357
of other individuals or whose tenancy would result in substantial 2358
physical damage to the property of others. 2359

(5) Nothing in division (H) of this section pertaining to 2360
discrimination on the basis of familial status shall be construed 2361
to apply to any of the following: 2362

(a) Housing accommodations provided under any state or 2363
federal program that have been determined under the "Fair Housing 2364
Amendments Act of 1988," 102 Stat. 1623, 42 U.S.C.A. 3607, as 2365
amended, to be specifically designed and operated to assist 2366
elderly persons; 2367

(b) Housing accommodations intended for and solely occupied 2368
by persons who are sixty-two years of age or older; 2369

(c) Housing accommodations intended and operated for 2370
occupancy by at least one person who is fifty-five years of age or 2371
older per unit, as determined under the "Fair Housing Amendments 2372
Act of 1988," 102 Stat. 1623, 42 U.S.C.A. 3607, as amended. 2373

(L) Nothing in divisions (A) to (E) of this section shall be 2374
construed to require a person with a disability to be employed or 2375
trained under circumstances that would significantly increase the 2376
occupational hazards affecting either the person with a 2377
disability, other employees, the general public, or the facilities 2378
in which the work is to be performed, or to require the employment 2379
or training of a person with a disability in a job that requires 2380
the person with a disability routinely to undertake any task, the 2381
performance of which is substantially and inherently impaired by 2382

the person's disability. 2383

(M) Nothing in divisions (H)(1) to (18) of this section shall 2384
be construed to require any person selling or renting property to 2385
modify the property in any way or to exercise a higher degree of 2386
care for a person with a disability, to relieve any person with a 2387
disability of any obligation generally imposed on all persons 2388
regardless of disability in a written lease, rental agreement, or 2389
contract of purchase or sale, or to forbid distinctions based on 2390
the inability to fulfill the terms and conditions, including 2391
financial obligations, of the lease, agreement, or contract. 2392

(N) An aggrieved individual may enforce the individual's 2393
rights relative to discrimination on the basis of age as provided 2394
for in this section by instituting a civil action, within one 2395
hundred eighty days after the alleged unlawful discriminatory 2396
practice occurred, in any court with jurisdiction for any legal or 2397
equitable relief that will effectuate the individual's rights. 2398

A person who files a civil action under this division is 2399
barred, with respect to the practices complained of, from 2400
instituting a civil action under section 4112.14 of the Revised 2401
Code and from filing a charge with the commission under section 2402
4112.05 of the Revised Code. 2403

(O) With regard to age, it shall not be an unlawful 2404
discriminatory practice and it shall not constitute a violation of 2405
division (A) of section 4112.14 of the Revised Code for any 2406
employer, employment agency, joint labor-management committee 2407
controlling apprenticeship training programs, or labor 2408
organization to do any of the following: 2409

(1) Establish bona fide employment qualifications reasonably 2410
related to the particular business or occupation that may include 2411
standards for skill, aptitude, physical capability, intelligence, 2412
education, maturation, and experience; 2413

(2) Observe the terms of a bona fide seniority system or any
bona fide employee benefit plan, including, but not limited to, a
retirement, pension, or insurance plan, that is not a subterfuge
to evade the purposes of this section. However, no such employee
benefit plan shall excuse the failure to hire any individual, and
no such seniority system or employee benefit plan shall require or
permit the involuntary retirement of any individual, because of
the individual's age except as provided for in the "Age
Discrimination in Employment Act Amendment of 1978," 92 Stat. 189,
29 U.S.C.A. 623, as amended by the "Age Discrimination in
Employment Act Amendments of 1986," 100 Stat. 3342, 29 U.S.C.A.
623, as amended.

(3) Retire an employee who has attained sixty-five years of
age who, for the two-year period immediately before retirement, is
employed in a bona fide executive or a high policymaking position,
if the employee is entitled to an immediate nonforfeitable annual
retirement benefit from a pension, profit-sharing, savings, or
deferred compensation plan, or any combination of those plans, of
the employer of the employee, which equals, in the aggregate, at
least forty-four thousand dollars, in accordance with the
conditions of the "Age Discrimination in Employment Act Amendment
of 1978," 92 Stat. 189, 29 U.S.C.A. 631, as amended by the "Age
Discrimination in Employment Act Amendments of 1986," 100 Stat.
3342, 29 U.S.C.A. 631, as amended;

(4) Observe the terms of any bona fide apprenticeship program
if the program is registered with the Ohio apprenticeship council
pursuant to sections 4139.01 to 4139.06 of the Revised Code and is
approved by the federal committee on apprenticeship of the United
States department of labor.

(P) Nothing in this chapter prohibiting age discrimination
and nothing in division (A) of section 4112.14 of the Revised Code
shall be construed to prohibit the following:

(1) The designation of uniform age the attainment of which is necessary for public employees to receive pension or other retirement benefits pursuant to Chapter 145., 742., 3307., 3309., or 5505. of the Revised Code;

(2) The mandatory retirement of uniformed patrol officers of the state highway patrol as provided in section 5505.16 of the Revised Code;

(3) The maximum age requirements for appointment as a patrol officer in the state highway patrol established by section 5503.01 of the Revised Code;

(4) The maximum age requirements established for original appointment to a police department or fire department in sections 124.41 and 124.42 of the Revised Code;

(5) Any maximum age not in conflict with federal law that may be established by a municipal charter, municipal ordinance, or resolution of a board of township trustees for original appointment as a police officer or firefighter;

(6) Any mandatory retirement provision not in conflict with federal law of a municipal charter, municipal ordinance, or resolution of a board of township trustees pertaining to police officers and firefighters;

(7) Until January 1, 1994, the mandatory retirement of any employee who has attained seventy years of age and who is serving under a contract of unlimited tenure, or similar arrangement providing for unlimited tenure, at an institution of higher education as defined in the "Education Amendments of 1980," 94 Stat. 1503, 20 U.S.C.A. 1141(a).

(Q)(1)(a) Except as provided in division (Q)(1)(b) of this section, for purposes of divisions (A) to (E) of this section, a disability does not include any physiological disorder or

condition, mental or psychological disorder, or disease or 2476
condition caused by an illegal use of any controlled substance by 2477
an employee, applicant, or other person, if an employer, 2478
employment agency, personnel placement service, labor 2479
organization, or joint labor-management committee acts on the 2480
basis of that illegal use. 2481

(b) Division (Q)(1)(a) of this section does not apply to an 2482
employee, applicant, or other person who satisfies any of the 2483
following: 2484

(i) The employee, applicant, or other person has successfully 2485
completed a supervised drug rehabilitation program and no longer 2486
is engaging in the illegal use of any controlled substance, or the 2487
employee, applicant, or other person otherwise successfully has 2488
been rehabilitated and no longer is engaging in that illegal use. 2489

(ii) The employee, applicant, or other person is 2490
participating in a supervised drug rehabilitation program and no 2491
longer is engaging in the illegal use of any controlled substance. 2492

(iii) The employee, applicant, or other person is erroneously 2493
regarded as engaging in the illegal use of any controlled 2494
substance, but the employee, applicant, or other person is not 2495
engaging in that illegal use. 2496

(2) Divisions (A) to (E) of this section do not prohibit an 2497
employer, employment agency, personnel placement service, labor 2498
organization, or joint labor-management committee from doing any 2499
of the following: 2500

(a) Adopting or administering reasonable policies or 2501
procedures, including, but not limited to, testing for the illegal 2502
use of any controlled substance, that are designed to ensure that 2503
an individual described in division (Q)(1)(b)(i) or (ii) of this 2504
section no longer is engaging in the illegal use of any controlled 2505
substance; 2506

(b) Prohibiting the illegal use of controlled substances and the use of alcohol at the workplace by all employees;	2507 2508
(c) Requiring that employees not be under the influence of alcohol or not be engaged in the illegal use of any controlled substance at the workplace;	2509 2510 2511
(d) Requiring that employees behave in conformance with the requirements established under "The Drug-Free Workplace Act of 1988," 102 Stat. 4304, 41 U.S.C.A. 701, as amended;	2512 2513 2514
(e) Holding an employee who engages in the illegal use of any controlled substance or who is an alcoholic to the same qualification standards for employment or job performance, and the same behavior, to which the employer, employment agency, personnel placement service, labor organization, or joint labor-management committee holds other employees, even if any unsatisfactory performance or behavior is related to an employee's illegal use of a controlled substance or alcoholism;	2515 2516 2517 2518 2519 2520 2521 2522
(f) Exercising other authority recognized in the "Americans with Disabilities Act of 1990," 104 Stat. 327, 42 U.S.C.A. 12101, as amended, including, but not limited to, requiring employees to comply with any applicable federal standards.	2523 2524 2525 2526
(3) For purposes of this chapter, a test to determine the illegal use of any controlled substance does not include a medical examination.	2527 2528 2529
(4) Division (Q) of this section does not encourage, prohibit, or authorize, and shall not be construed as encouraging, prohibiting, or authorizing, the conduct of testing for the illegal use of any controlled substance by employees, applicants, or other persons, or the making of employment decisions based on the results of that type of testing.	2530 2531 2532 2533 2534 2535
Sec. 4112.021. (A) As used in this section:	2536

(1) "Credit" means the right granted by a creditor to a person to defer payment of a debt, to incur debt and defer its payment, or to purchase property or services and defer payment for the property or services.

(2) "Creditor" means any person who regularly extends, renews, or continues credit, any person who regularly arranges for the extension, renewal, or continuation of credit, or any assignee of an original creditor who participates in the decision to extend, renew, or continue credit, whether or not any interest or finance charge is required.

(3) "Credit reporting agency" means any person who, for monetary fees or dues or on a cooperative nonprofit basis, regularly assembles or evaluates credit information for the purpose of furnishing credit reports to creditors.

(4) "Age" means any age of eighteen years or older.

(B) It shall be an unlawful discriminatory practice:

(1) For any creditor to do any of the following:

(a) Discriminate against any applicant for credit in the granting, withholding, extending, or renewing of credit, or in the fixing of the rates, terms, or conditions of any form of credit, on the basis of race, color, religion, age, sex, military status, marital status, national origin, disability, or ancestry, except that this division shall not apply with respect to age in any real estate transaction between a financial institution, a dealer in intangibles, or an insurance company as defined in section 5725.01 of the Revised Code and its customers;

(b) Use or make any inquiry as to race, color, religion, age, sex, military status, marital status, national origin, disability, or ancestry for the purpose of limiting or specifying those persons to whom credit will be granted, except that an inquiry of

marital status does not constitute discrimination for the purposes 2567
of this section if the inquiry is made for the purpose of 2568
ascertaining the creditor's rights and remedies applicable to the 2569
particular extension of credit, and except that creditors are 2570
excepted from this division with respect to any inquiry, 2571
elicitation of information, record, or form of application 2572
required of a particular creditor by any instrumentality or agency 2573
of the United States, or required of a particular creditor by any 2574
agency or instrumentality to enforce the "Civil Rights Act of 2575
1968," 82 Stat. 84, 85, 42 U.S.C.A. 3608(c); 2576

(c) Refuse to consider the sources of income of an applicant 2577
for credit, or disregard or ignore the income of an applicant, in 2578
whole or in part, on the basis of race, color, religion, age, sex, 2579
military status, marital status, disability, national origin, or 2580
ancestry; 2581

(d) Refuse to grant credit to an individual in any name that 2582
individual customarily uses, if it has been determined in the 2583
normal course of business that the creditor will grant credit to 2584
the individual; 2585

(e) Impose any special requirements or conditions, including, 2586
but not limited to, a requirement for co-obligors or 2587
reapplication, upon any applicant or class of applicants on the 2588
basis of race, color, religion, age, sex, military status, marital 2589
status, national origin, disability, or ancestry in circumstances 2590
where similar requirements or conditions are not imposed on other 2591
applicants similarly situated, unless the special requirements or 2592
conditions that are imposed with respect to age are the result of 2593
a real estate transaction exempted under division (B)(1)(a) of 2594
this section or are the result of programs that grant preferences 2595
to certain age groups administered by instrumentalities or 2596
agencies of the United States, a state, or a political subdivision 2597
of a state; 2598

(f) Fail or refuse to provide an applicant for credit a 2599
written statement of the specific reasons for rejection of the 2600
application if requested in writing by the applicant within sixty 2601
days of the rejection. The creditor shall provide the written 2602
statement of the specific reason for rejection within thirty days 2603
after receipt of a request of that nature. For purposes of this 2604
section, a statement that the applicant was rejected solely on the 2605
basis of information received from a credit reporting agency or 2606
because the applicant failed to meet the standards required by the 2607
creditor's credit scoring system, uniformly applied, shall 2608
constitute a specific reason for rejection. 2609

(g) Fail or refuse to print on or firmly attach to each 2610
application for credit, in a type size no smaller than that used 2611
throughout most of the application form, the following notice: 2612
"The Ohio laws against discrimination require that all creditors 2613
make credit equally available to all credit worthy customers, and 2614
that credit reporting agencies maintain separate credit histories 2615
on each individual upon request. The Ohio civil rights commission 2616
administers compliance with this law." This notice is not required 2617
to be included in applications that have a multi-state 2618
distribution if the notice is mailed to the applicant with the 2619
notice of acceptance or rejection of the application. 2620

(h) Fail or refuse on the basis of race, color, religion, 2621
age, sex, military status, marital status, national origin, 2622
disability, or ancestry to maintain, upon the request of the 2623
individual, a separate account for each individual to whom credit 2624
is extended; 2625

(i) Fail or refuse on the basis of race, color, religion, 2626
age, sex, military status, marital status, national origin, 2627
disability, or ancestry to maintain records on any account 2628
established after November 1, 1976, to furnish information on the 2629
accounts to credit reporting agencies in a manner that clearly 2630

designates the contractual liability for repayment as indicated on 2631
the application for the account, and, if more than one individual 2632
is contractually liable for repayment, to maintain records and 2633
furnish information in the name of each individual. This division 2634
does not apply to individuals who are contractually liable only if 2635
the primary party defaults on the account. 2636

(2) For any credit reporting agency to do any of the 2637
following: 2638

(a) Fail or refuse on the basis of race, color, religion, 2639
age, sex, military status, marital status, national origin, 2640
disability, or ancestry to maintain, upon the request of the 2641
individual, a separate file on each individual about whom 2642
information is assembled or evaluated; 2643

(b) Fail or refuse on the basis of race, color, religion, 2644
age, sex, military status, marital status, national origin, 2645
disability, or ancestry to clearly note, maintain, and report any 2646
information furnished it under division (B)(1)(i) of this section. 2647

(C) This section does not prohibit a creditor from requesting 2648
the signature of both spouses to create a valid lien, pass clear 2649
title, or waive inchoate rights to property. 2650

(D) The rights granted by this section may be enforced by 2651
aggrieved individuals by filing a civil action in a court of 2652
common pleas within one hundred eighty days after the alleged 2653
unlawful discriminatory practice occurred. Upon application by the 2654
plaintiff and in circumstances that the court considers just, the 2655
court in which a civil action under this section is brought may 2656
appoint an attorney for the plaintiff and may authorize the 2657
commencement of a civil action upon proper showing without the 2658
payment of costs. If the court finds that an unlawful 2659
discriminatory practice prohibited by this section occurred or is 2660
about to occur, the court may grant relief that it considers 2661

appropriate, including a permanent or temporary injunction, 2662
temporary restraining order, or other order, and may award to the 2663
plaintiff compensatory and punitive damages of not less than one 2664
hundred dollars, together with attorney's fees and court costs. 2665

(E) Nothing contained in this section shall bar a creditor 2666
from reviewing an application for credit on the basis of 2667
established criteria used in the normal course of business for the 2668
determination of the credit worthiness of the individual applicant 2669
for credit, including the credit history of the applicant. 2670

Sec. 4112.04. (A) The commission shall do all of the 2671
following: 2672

(1) Establish and maintain a principal office in the city of 2673
Columbus and any other offices within the state that it considers 2674
necessary; 2675

(2) Appoint an executive director who shall serve at the 2676
pleasure of the commission and be its principal administrative 2677
officer. The executive director shall be paid a salary fixed 2678
pursuant to Chapter 124. of the Revised Code. 2679

(3) Appoint hearing examiners and other employees and agents 2680
who it considers necessary and prescribe their duties subject to 2681
Chapter 124. of the Revised Code; 2682

(4) Adopt, promulgate, amend, and rescind rules to effectuate 2683
the provisions of this chapter and the policies and practice of 2684
the commission in connection with this chapter; 2685

(5) Formulate policies to effectuate the purposes of this 2686
chapter and make recommendations to agencies and officers of the 2687
state or political subdivisions to effectuate the policies; 2688

(6) Receive, investigate, and pass upon written charges made 2689
under oath of unlawful discriminatory practices; 2690

(7) Make periodic surveys of the existence and effect of 2691

discrimination because of race, color, religion, sex, military 2692
status, familial status, national origin, disability, age, or 2693
ancestry on the enjoyment of civil rights by persons within the 2694
state; 2695

(8) Report, from time to time, but not less than once a year, 2696
to the general assembly and the governor, describing in detail the 2697
investigations, proceedings, and hearings it has conducted and 2698
their outcome, the decisions it has rendered, and the other work 2699
performed by it, which report shall include a copy of any surveys 2700
prepared pursuant to division (A)(7) of this section and shall 2701
include the recommendations of the commission as to legislative or 2702
other remedial action; 2703

(9) Prepare a comprehensive educational program, in 2704
cooperation with the department of education, for the students of 2705
the public schools of this state and for all other residents of 2706
this state that is designed to eliminate prejudice on the basis of 2707
race, color, religion, sex, military status, familial status, 2708
national origin, disability, age, or ancestry in this state, to 2709
further good will among those groups, and to emphasize the origin 2710
of prejudice against those groups, its harmful effects, and its 2711
incompatibility with American principles of equality and fair 2712
play; 2713

(10) Receive progress reports from agencies, 2714
instrumentalities, institutions, boards, commissions, and other 2715
entities of this state or any of its political subdivisions and 2716
their agencies, instrumentalities, institutions, boards, 2717
commissions, and other entities regarding affirmative action 2718
programs for the employment of persons against whom discrimination 2719
is prohibited by this chapter, or regarding any affirmative 2720
housing accommodations programs developed to eliminate or reduce 2721
an imbalance of race, color, religion, sex, military status, 2722
familial status, national origin, disability, or ancestry. All 2723

agencies, instrumentalities, institutions, boards, commissions, 2724
and other entities of this state or its political subdivisions, 2725
and all political subdivisions, that have undertaken affirmative 2726
action programs pursuant to a conciliation agreement with the 2727
commission, an executive order of the governor, any federal 2728
statute or rule, or an executive order of the president of the 2729
United States shall file progress reports with the commission 2730
annually on or before the first day of November. The commission 2731
shall analyze and evaluate the progress reports and report its 2732
findings annually to the general assembly on or before the 2733
thirtieth day of January of the year immediately following the 2734
receipt of the reports. 2735

(B) The commission may do any of the following: 2736

(1) Meet and function at any place within the state; 2737

(2) Initiate and undertake on its own motion investigations 2738
of problems of employment or housing accommodations 2739
discrimination; 2740

(3) Hold hearings, subpoena witnesses, compel their 2741
attendance, administer oaths, take the testimony of any person 2742
under oath, require the production for examination of any books 2743
and papers relating to any matter under investigation or in 2744
question before the commission, and make rules as to the issuance 2745
of subpoenas by individual commissioners. 2746

(a) In conducting a hearing or investigation, the commission 2747
shall have access at all reasonable times to premises, records, 2748
documents, individuals, and other evidence or possible sources of 2749
evidence and may examine, record, and copy the premises, records, 2750
documents, and other evidence or possible sources of evidence and 2751
take and record the testimony or statements of the individuals as 2752
reasonably necessary for the furtherance of the hearing or 2753
investigation. In investigations, the commission shall comply with 2754

the fourth amendment to the United States Constitution relating to 2755
unreasonable searches and seizures. The commission or a member of 2756
the commission may issue subpoenas to compel access to or the 2757
production of premises, records, documents, and other evidence or 2758
possible sources of evidence or the appearance of individuals, and 2759
may issue interrogatories to a respondent, to the same extent and 2760
subject to the same limitations as would apply if the subpoenas or 2761
interrogatories were issued or served in aid of a civil action in 2762
a court of common pleas. 2763

(b) Upon written application by a respondent, the commission 2764
shall issue subpoenas in its name to the same extent and subject 2765
to the same limitations as subpoenas issued by the commission. 2766
Subpoenas issued at the request of a respondent shall show on 2767
their face the name and address of the respondent and shall state 2768
that they were issued at the respondent's request. 2769

(c) Witnesses summoned by subpoena of the commission are 2770
entitled to the same witness and mileage fees as are witnesses in 2771
proceedings in a court of common pleas. 2772

(d) Within five days after service of a subpoena upon any 2773
person, the person may petition the commission to revoke or modify 2774
the subpoena. The commission shall grant the petition if it finds 2775
that the subpoena requires an appearance or attendance at an 2776
unreasonable time or place, that it requires production of 2777
evidence that does not relate to any matter before the commission, 2778
that it does not describe with sufficient particularity the 2779
evidence to be produced, that compliance would be unduly onerous, 2780
or for other good reason. 2781

(e) In case of contumacy or refusal to obey a subpoena, the 2782
commission or person at whose request it was issued may petition 2783
for its enforcement in the court of common pleas in the county in 2784
which the person to whom the subpoena was addressed resides, was 2785
served, or transacts business. 2786

(4) Create local or statewide advisory agencies and 2787
conciliation councils to aid in effectuating the purposes of this 2788
chapter. The commission may itself, or it may empower these 2789
agencies and councils to, do either or both of the following: 2790

(a) Study the problems of discrimination in all or specific 2791
fields of human relationships when based on race, color, religion, 2792
sex, military status, familial status, national origin, 2793
disability, age, or ancestry; 2794

(b) Foster through community effort, or otherwise, good will 2795
among the groups and elements of the population of the state. 2796

The agencies and councils may make recommendations to the 2797
commission for the development of policies and procedures in 2798
general. They shall be composed of representative citizens who 2799
shall serve without pay, except that reimbursement for actual and 2800
necessary traveling expenses shall be made to citizens who serve 2801
on a statewide agency or council. 2802

(5) Issue any publications and the results of investigations 2803
and research that in its judgment will tend to promote good will 2804
and minimize or eliminate discrimination because of race, color, 2805
religion, sex, military status, familial status, national origin, 2806
disability, age, or ancestry. 2807

Sec. 4112.05. (A) The commission, as provided in this 2808
section, shall prevent any person from engaging in unlawful 2809
discriminatory practices, provided that, before instituting the 2810
formal hearing authorized by division (B) of this section, it 2811
shall attempt, by informal methods of conference, conciliation, 2812
and persuasion, to induce compliance with this chapter. 2813

(B)(1) Any person may file a charge with the commission 2814
alleging that another person has engaged or is engaging in an 2815
unlawful discriminatory practice. In the case of a charge alleging 2816

an unlawful discriminatory practice described in division (A), 2817
(B), (C), (D), (E), (F), (G), (I), or (J) of section 4112.02 or in 2818
section 4112.021 or 4112.022 of the Revised Code, the charge shall 2819
be in writing and under oath and shall be filed with the 2820
commission within six months after the alleged unlawful 2821
discriminatory practice was committed. In the case of a charge 2822
alleging an unlawful discriminatory practice described in division 2823
(H) of section 4112.02 of the Revised Code, the charge shall be in 2824
writing and under oath and shall be filed with the commission 2825
within one year after the alleged unlawful discriminatory practice 2826
was committed. 2827

(2) Upon receiving a charge, the commission may initiate a 2828
preliminary investigation to determine whether it is probable that 2829
an unlawful discriminatory practice has been or is being engaged 2830
in. The commission also may conduct, upon its own initiative and 2831
independent of the filing of any charges, a preliminary 2832
investigation relating to any of the unlawful discriminatory 2833
practices described in division (A), (B), (C), (D), (E), (F), (I), 2834
or (J) of section 4112.02 or in section 4112.021 or 4112.022 of 2835
the Revised Code. Prior to a notification of a complainant under 2836
division (B)(4) of this section or prior to the commencement of 2837
informal methods of conference, conciliation, and persuasion under 2838
that division, the members of the commission and the officers and 2839
employees of the commission shall not make public in any manner 2840
and shall retain as confidential all information that was obtained 2841
as a result of or that otherwise pertains to a preliminary 2842
investigation other than one described in division (B)(3) of this 2843
section. 2844

(3)(a) Unless it is impracticable to do so and subject to its 2845
authority under division (B)(3)(d) of this section, the commission 2846
shall complete a preliminary investigation of a charge filed 2847
pursuant to division (B)(1) of this section that alleges an 2848

unlawful discriminatory practice described in division (H) of 2849
section 4112.02 of the Revised Code, and shall take one of the 2850
following actions, within one hundred days after the filing of the 2851
charge: 2852

(i) Notify the complainant and the respondent that it is not 2853
probable that an unlawful discriminatory practice described in 2854
division (H) of section 4112.02 of the Revised Code has been or is 2855
being engaged in and that the commission will not issue a 2856
complaint in the matter; 2857

(ii) Initiate a complaint and schedule it for informal 2858
methods of conference, conciliation, and persuasion; 2859

(iii) Initiate a complaint and refer it to the attorney 2860
general with a recommendation to seek a temporary or permanent 2861
injunction or a temporary restraining order. If this action is 2862
taken, the attorney general shall apply, as expeditiously as 2863
possible after receipt of the complaint, to the court of common 2864
pleas of the county in which the unlawful discriminatory practice 2865
allegedly occurred for the appropriate injunction or order, and 2866
the court shall hear and determine the application as 2867
expeditiously as possible. 2868

(b) If it is not practicable to comply with the requirements 2869
of division (B)(3)(a) of this section within the one-hundred-day 2870
period described in that division, the commission shall notify the 2871
complainant and the respondent in writing of the reasons for the 2872
noncompliance. 2873

(c) Prior to the issuance of a complaint under division 2874
(B)(3)(a)(ii) or (iii) of this section or prior to a notification 2875
of the complainant and the respondent under division (B)(3)(a)(i) 2876
of this section, the members of the commission and the officers 2877
and employees of the commission shall not make public in any 2878
manner and shall retain as confidential all information that was 2879

obtained as a result of or that otherwise pertains to a 2880
preliminary investigation of a charge filed pursuant to division 2881
(B)(1) of this section that alleges an unlawful discriminatory 2882
practice described in division (H) of section 4112.05 of the 2883
Revised Code. 2884

(d) Notwithstanding the types of action described in 2885
divisions (B)(3)(a)(ii) and (iii) of this section, prior to the 2886
issuance of a complaint or the referral of a complaint to the 2887
attorney general and prior to endeavoring to eliminate an unlawful 2888
discriminatory practice described in division (H) of section 2889
4112.02 of the Revised Code by informal methods of conference, 2890
conciliation, and persuasion, the commission may seek a temporary 2891
or permanent injunction or a temporary restraining order in the 2892
court of common pleas of the county in which the unlawful 2893
discriminatory practice allegedly occurred. 2894

(4) If the commission determines after a preliminary 2895
investigation other than one described in division (B)(3) of this 2896
section that it is not probable that an unlawful discriminatory 2897
practice has been or is being engaged in, it shall notify any 2898
complainant under division (B)(1) of this section that it has so 2899
determined and that it will not issue a complaint in the matter. 2900
If the commission determines after a preliminary investigation 2901
other than the one described in division (B)(3) of this section 2902
that it is probable that an unlawful discriminatory practice has 2903
been or is being engaged in, it shall endeavor to eliminate the 2904
practice by informal methods of conference, conciliation, and 2905
persuasion. 2906

(5) Nothing said or done during informal methods of 2907
conference, conciliation, and persuasion under this section shall 2908
be disclosed by any member of the commission or its staff or be 2909
used as evidence in any subsequent hearing or other proceeding. 2910
If, after a preliminary investigation and the use of informal 2911

methods of conference, conciliation, and persuasion under this 2912
section, the commission is satisfied that any unlawful 2913
discriminatory practice will be eliminated, it may treat the 2914
charge involved as being conciliated and enter that disposition on 2915
the records of the commission. If the commission fails to effect 2916
the elimination of an unlawful discriminatory practice by informal 2917
methods of conference, conciliation, and persuasion under this 2918
section and to obtain voluntary compliance with this chapter, the 2919
commission shall issue and cause to be served upon any person, 2920
including the respondent against whom a complainant has filed a 2921
charge pursuant to division (B)(1) of this section, a complaint 2922
stating the charges involved and containing a notice of an 2923
opportunity for a hearing before the commission, a member of the 2924
commission, or a hearing examiner at a place that is stated in the 2925
notice and that is located within the county in which the alleged 2926
unlawful discriminatory practice has occurred or is occurring or 2927
in which the respondent resides or transacts business. The hearing 2928
shall be held not less than thirty days after the service of the 2929
complaint upon the complainant, the aggrieved persons other than 2930
the complainant on whose behalf the complaint is issued, and the 2931
respondent, unless the complainant, an aggrieved person, or the 2932
respondent elects to proceed under division (A)(2) of section 2933
4112.051 of the Revised Code when that division is applicable. If 2934
a complaint pertains to an alleged unlawful discriminatory 2935
practice described in division (H) of section 4112.02 of the 2936
Revised Code, the complaint shall notify the complainant, an 2937
aggrieved person, and the respondent of the right of the 2938
complainant, an aggrieved person, or the respondent to elect to 2939
proceed with the administrative hearing process under this section 2940
or to proceed under division (A)(2) of section 4112.051 of the 2941
Revised Code. 2942

(6) The attorney general shall represent the commission at 2943
any hearing held pursuant to division (B)(5) of this section and 2944

shall present the evidence in support of the complaint. 2945

(7) Any complaint issued pursuant to division (B)(5) of this 2946
section after the filing of a charge under division (B)(1) of this 2947
section shall be so issued within one year after the complainant 2948
filed the charge with respect to an alleged unlawful 2949
discriminatory practice. 2950

(C) Any complaint issued pursuant to division (B) of this 2951
section may be amended by the commission, a member of the 2952
commission, or the hearing examiner conducting a hearing under 2953
division (B) of this section, at any time prior to or during the 2954
hearing. The respondent has the right to file an answer or an 2955
amended answer to the original and amended complaints and to 2956
appear at the hearing in person, by attorney, or otherwise to 2957
examine and cross-examine witnesses. 2958

(D) The complainant shall be a party to a hearing under 2959
division (B) of this section, and any person who is an 2960
indispensable party to a complete determination or settlement of a 2961
question involved in the hearing shall be joined. Any person who 2962
has or claims an interest in the subject of the hearing and in 2963
obtaining or preventing relief against the unlawful discriminatory 2964
practices complained of may be permitted, in the discretion of the 2965
person or persons conducting the hearing, to appear for the 2966
presentation of oral or written arguments. 2967

(E) In any hearing under division (B) of this section, the 2968
commission, a member of the commission, or the hearing examiner 2969
shall not be bound by the Rules of Evidence but, in ascertaining 2970
the practices followed by the respondent, shall take into account 2971
all reliable, probative, and substantial statistical or other 2972
evidence produced at the hearing that may tend to prove the 2973
existence of a predetermined pattern of employment or membership, 2974
provided that nothing contained in this section shall be construed 2975
to authorize or require any person to observe the proportion that 2976

persons of any race, color, religion, sex, military status, 2977
familial status, national origin, disability, age, or ancestry 2978
bear to the total population or in accordance with any criterion 2979
other than the individual qualifications of the applicant. 2980

(F) The testimony taken at a hearing under division (B) of 2981
this section shall be under oath and shall be reduced to writing 2982
and filed with the commission. Thereafter, in its discretion, the 2983
commission, upon the service of a notice upon the complainant and 2984
the respondent that indicates an opportunity to be present, may 2985
take further testimony or hear argument. 2986

(G)(1) If, upon all reliable, probative, and substantial 2987
evidence presented at a hearing under division (B) of this 2988
section, the commission determines that the respondent has engaged 2989
in, or is engaging in, any unlawful discriminatory practice, 2990
whether against the complainant or others, the commission shall 2991
state its findings of fact and conclusions of law and shall issue 2992
and, subject to the provisions of Chapter 119. of the Revised 2993
Code, cause to be served on the respondent an order requiring the 2994
respondent to cease and desist from the unlawful discriminatory 2995
practice, requiring the respondent to take any further affirmative 2996
or other action that will effectuate the purposes of this chapter, 2997
including, but not limited to, hiring, reinstatement, or upgrading 2998
of employees with or without back pay, or admission or restoration 2999
to union membership, and requiring the respondent to report to the 3000
commission the manner of compliance. If the commission directs 3001
payment of back pay, it shall make allowance for interim earnings. 3002
If it finds a violation of division (H) of section 4112.02 of the 3003
Revised Code, the commission additionally shall require the 3004
respondent to pay actual damages and reasonable attorney's fees, 3005
and may award to the complainant punitive damages as follows: 3006

(a) If division (G)(1)(b) or (c) of this section does not 3007
apply, punitive damages in an amount not to exceed ten thousand 3008

dollars; 3009

(b) If division (G)(1)(c) of this section does not apply and 3010
if the respondent has been determined by a final order of the 3011
commission or by a final judgment of a court to have committed one 3012
violation of division (H) of section 4112.02 of the Revised Code 3013
during the five-year period immediately preceding the date on 3014
which a complaint was issued pursuant to division (B) of this 3015
section, punitive damages in an amount not to exceed twenty-five 3016
thousand dollars; 3017

(c) If the respondent has been determined by a final order of 3018
the commission or by a final judgment of a court to have committed 3019
two or more violations of division (H) of section 4112.02 of the 3020
Revised Code during the seven-year period immediately preceding 3021
the date on which a complaint was issued pursuant to division (B) 3022
of this section, punitive damages in an amount not to exceed fifty 3023
thousand dollars. 3024

(2) Upon the submission of reports of compliance, the 3025
commission may issue a declaratory order stating that the 3026
respondent has ceased to engage in particular unlawful 3027
discriminatory practices. 3028

(H) If the commission finds that no probable cause exists for 3029
crediting charges of unlawful discriminatory practices or if, upon 3030
all the evidence presented at a hearing under division (B) of this 3031
section on a charge, the commission finds that a respondent has 3032
not engaged in any unlawful discriminatory practice against the 3033
complainant or others, it shall state its findings of fact and 3034
shall issue and cause to be served on the complainant an order 3035
dismissing the complaint as to the respondent. A copy of the order 3036
shall be delivered in all cases to the attorney general and any 3037
other public officers whom the commission considers proper. 3038

(I) Until the time period for appeal set forth in division 3039

(H) of section 4112.06 of the Revised Code expires, the 3040
commission, subject to the provisions of Chapter 119. of the 3041
Revised Code, at any time, upon reasonable notice, and in the 3042
manner it considers proper, may modify or set aside, in whole or 3043
in part, any finding or order made by it under this section. 3044

Sec. 4112.08. This chapter shall be construed liberally for 3045
the accomplishment of its purposes, and any law inconsistent with 3046
any provision of this chapter shall not apply. Nothing contained 3047
in this chapter shall be considered to repeal any of the 3048
provisions of any law of this state relating to discrimination 3049
because of race, color, religion, sex, military status, familial 3050
status, disability, national origin, age, or ancestry, except that 3051
any person filing a charge under division (B)(1) of section 3052
4112.05 of the Revised Code, with respect to the unlawful 3053
discriminatory practices complained of, is barred from instituting 3054
a civil action under section 4112.14 or division (N) of section 3055
4112.02 of the Revised Code. 3056

Sec. 4117.19. (A) Every employee organization that is 3057
certified or recognized as a representative of public employees 3058
under ~~Chapter 4117. of the Revised Code~~ this chapter shall file 3059
with the state employment relations board a registration report 3060
that is signed by its president or other appropriate officer. The 3061
report shall be in a form prescribed by the board and accompanied 3062
by two copies of the employee organization's constitution and 3063
bylaws. The board shall accept a filing by a statewide, national, 3064
or international employee organization of its constitution and 3065
bylaws in lieu of a filing of the documents by each subordinate 3066
organization. The exclusive representative or other employee 3067
organization originally filing its constitution and bylaws shall 3068
report, promptly, to the board all changes or amendments to its 3069
constitution and bylaws. 3070

(B) Every employee organization shall file with the board an annual report. The report shall be in a form prescribed by the board and shall contain the following information:

(1) The names and addresses of the organization, any parent organization or organizations with which it is affiliated, and all organizationwide officers;

(2) The name and address of its local agent for service of process;

(3) A general description of the public employees the organization represents or seeks to represent;

(4) The amounts of the initiation fee and monthly dues members must pay;

(5) A pledge, in a form prescribed by the board, that the organization will comply with the laws of the state and that it will accept members without regard to age, race, color, sex, creed, religion, ancestry, national origin, disability as defined in section 4112.01 of the Revised Code, military status as defined in that section, or physical disability as provided by law:

(6) A financial report.

(C) The constitution or bylaws of every employee organization shall do all of the following:

(1) Require that the organization keep accurate accounts of all income and expenses, prepare an annual financial report, keep open for inspection by any member of the organization its accounts, and make loans to officers and agents only on terms and conditions available to all members;

(2) Prohibit business or financial interests of its officers and agents, their spouses, minor children, parents, or otherwise, in conflict with the fiduciary obligation of such persons to the organization;

(3) When specifically requested by the board, require every 3101
official who is designated as a fiscal officer of an employee 3102
organization and who is responsible for funds or other property of 3103
the organization or trust in which an organization is interested, 3104
or a subsidiary organization be bonded with the amount, scope, and 3105
form of the bond determined by the board; 3106

(4) Require periodic elections of officers by secret ballot 3107
subject to recognized safeguards concerning the equal right of all 3108
members to nominate, seek office, and vote in the elections, the 3109
right of individual members to participate in the affairs of the 3110
organization, and fair and equitable procedures in disciplinary 3111
actions. 3112

(D) The board shall prescribe rules necessary to govern the 3113
establishment and reporting of trusteeships over employee 3114
organizations. The establishment of trusteeships is permissible 3115
only if the constitution or bylaws of the organization set forth 3116
reasonable procedures. 3117

(E) The board may withhold certification of an employee 3118
organization that willfully refuses to register or file an annual 3119
report or that willfully refuses to comply with other provisions 3120
of this section. The board may revoke a certification of an 3121
employee organization for willfully failing to comply with this 3122
section. The board may enforce the prohibitions contained in this 3123
section by petitioning the court of common pleas of the county in 3124
which the violation occurs for an injunction. Persons complaining 3125
of a violation of this section shall file the complaint with the 3126
board. 3127

(F) Upon the written request to the board of any member of a 3128
certified employee organization and where the board determines the 3129
necessity for an audit, the board may require the employee 3130
organization to provide a certified audit of its financial 3131

records. 3132

(G) Any employee organization subject to the 3133
"Labor-Management Reporting and Disclosure Act of 1959," 73 Stat. 3134
519, 29 U.S.C.A., 401, as amended, may file copies with the board 3135
of all reports it is required to file under that act in lieu of 3136
compliance with all parts of this section other than division (A) 3137
of this section. The board shall accept a filing by a statewide, 3138
national, or international employee organization of its reports in 3139
lieu of a filing of such reports by each subordinate organization. 3140

Sec. 4735.16. (A) Every real estate broker licensed under 3141
this chapter shall have and maintain a definite place of business 3142
in this state and shall erect or maintain a sign on the premises 3143
plainly stating that the licensee is a real estate broker. If the 3144
real estate broker maintains one or more branch offices, the real 3145
estate broker shall erect or maintain a sign at each branch office 3146
plainly stating that the licensee is a real estate broker. 3147

(B)(1) Any licensed real estate broker or salesperson who 3148
advertises to buy, sell, exchange, or lease real estate, or to 3149
engage in any act regulated by this chapter, including, but not 3150
limited to, any licensed real estate broker or salesperson who 3151
advertises to sell, exchange, or lease real estate that the 3152
licensee owns, shall be identified in the advertisement by name 3153
and by indicating that the licensee is a real estate broker or 3154
real estate salesperson. Except a real estate salesperson who 3155
advertises the sale, exchange, or lease of real estate that the 3156
salesperson owns and that is not listed for sale, exchange, or 3157
lease with a real estate broker, any real estate salesperson who 3158
advertises, as provided in this section, also shall indicate in 3159
the advertisement the name of the broker under whom the 3160
salesperson is licensed and the fact that the salesperson's broker 3161
is a real estate broker. The name of the broker shall be displayed 3162

in equal prominence with the name of the salesperson in the advertisement. 3163
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(2) If any real estate broker or real estate salesperson advertises in a manner other than as provided in this section or the rules adopted under this section, that advertisement is ~~prima facie~~ prima-facie evidence of a violation under division (A)(21) of section 4735.18 of the Revised Code. 3165
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When the superintendent determines that ~~prima-facie~~ prima-facie evidence of a violation of division (A)(21) of section 4735.18 of the Revised Code or any of the rules adopted thereunder exists, the superintendent may do either of the following: 3170
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(a) Initiate disciplinary action under section 4735.051 of the Revised Code for a violation of division (A)(21) of section 4735.18 of the Revised Code, in accordance with Chapter 119. of the Revised Code; 3174
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(b) Personally, or by certified mail, serve a citation upon the licensee. 3178
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(C)(1) Every citation served under this section shall give notice to the licensee of the alleged violation or violations charged and inform the licensee of the opportunity to request a hearing in accordance with Chapter 119. of the Revised Code. The citation also shall contain a statement of a fine of two hundred dollars per violation, not to exceed two thousand five hundred dollars per citation. All fines collected pursuant to this section shall be credited to the real estate recovery fund, created in the state treasury under section 4735.12 of the Revised Code. 3180
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(2) If any licensee is cited three times within twelve consecutive months, the superintendent shall initiate disciplinary action pursuant to section 4735.051 of the Revised Code for any subsequent violation that occurs within the same twelve-month period. 3189
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(3) If a licensee fails to request a hearing within thirty 3194
days of the date of service of the citation, or the licensee and 3195
the superintendent fail to reach an alternative agreement, the 3196
citation shall become final. 3197

(4) Unless otherwise indicated, the licensee named in a final 3198
citation must meet all requirements contained in the final 3199
citation within thirty days of the effective date of that 3200
citation. 3201

(5) The superintendent shall suspend automatically a 3202
licensee's license if the licensee fails to comply with division 3203
(C)(4) of this section. 3204

(D) A real estate broker or salesperson obtaining the 3205
signature of a party to a listing or other agreement involved in a 3206
real estate transaction shall furnish a copy of the listing or 3207
other agreement to the party immediately after obtaining the 3208
party's signature. Every broker's office shall prominently display 3209
in the same immediate area as licenses are displayed a statement 3210
that it is illegal to discriminate against any person because of 3211
race, color, religion, sex, familial status as defined in section 3212
4112.01 of the Revised Code, military status as 3213
defined in that section, disability as defined in that section, or 3214
ancestry in the sale or rental of housing or residential lots, in 3215
advertising the sale or rental of housing, in the financing of 3216
housing, or in the provision of real estate brokerage services and 3217
that blockbusting also is illegal. The statement shall bear the 3218
United States department of housing and urban development equal 3219
housing logo, shall contain the information that the broker and 3220
the broker's salespersons are licensed by the division of real 3221
estate and professional licensing and that the division can assist 3222
with any consumer complaints or inquiries, and shall explain the 3223
provisions of section 4735.12 of the Revised Code. The statement 3224
shall provide the division's address and telephone number. The 3225

Ohio real estate commission shall provide by rule for the wording 3226
and size of the statement. The pamphlet required under section 3227
4735.03 of the Revised Code shall contain the same statement that 3228
is required on the statement displayed as provided in this section 3229
and shall be made available by real estate brokers and 3230
salespersons to their clients. The commission shall provide the 3231
wording and size of the pamphlet. 3232

Sec. 4735.55. (A) Each written agency agreement shall contain 3233
all of the following: 3234

(1) An expiration date; 3235

(2) A statement that it is illegal, pursuant to the Ohio fair 3236
housing law, division (H) of section 4112.02 of the Revised Code, 3237
and the federal fair housing law, 42 U.S.C.A. 3601, to refuse to 3238
sell, transfer, assign, rent, lease, sublease, or finance housing 3239
accommodations, refuse to negotiate for the sale or rental of 3240
housing accommodations, or otherwise deny or make unavailable 3241
housing accommodations because of race, color, religion, sex, 3242
familial status as defined in section 4112.01 of the Revised Code, 3243
ancestry, military status as defined in that section, disability 3244
as defined in that section, or national origin or to so 3245
discriminate in advertising the sale or rental of housing, in the 3246
financing of housing, or in the provision of real estate brokerage 3247
services; 3248

(3) A statement defining the practice known as "blockbusting" 3249
and stating that it is illegal; 3250

(4) A copy of the United States department of housing and 3251
urban development equal housing opportunity logotype, as set forth 3252
in 24 C.F.R. 109.30. 3253

(B) Each written agency agreement shall contain a place for 3254
the licensee and the client to sign and date the agreement. 3255

(C) A licensee shall furnish a copy of any written agency agreement to a client in a timely manner after the licensee and the client have signed and dated it.

Sec. 4933.12. (A) Except as provided in division (C) of this section and division (E) of section 5117.11 of the Revised Code, if any person supplied with gas neglects or refuses to pay the amount due for ~~such~~ the gas or for rent of articles hired by ~~him~~ the person from a natural gas company or a gas company, the company may stop the gas from entering the premises of ~~such~~ the person. In such cases, after twenty-four hours' notice, the officers, servants, or workers of the company may enter the premises of such persons, between eight a.m. and four p.m., take away such property of the company, and disconnect any meter from the mains or pipes of the company.

(B) The company shall not refuse to furnish gas on account of arrearages due it for gas furnished to persons formerly receiving services at the premises as customers of the company, provided the former customers are not continuing to reside at ~~such~~ the premises.

(C) The company shall not, for any reason, unless required by the consumer, for safety reasons, or unless tampering with utility company equipment or theft of gas or utility company equipment has occurred, stop gas from entering the premises of any residential consumer for the period beginning on the fifteenth day of November and ending on the fifteenth day of the following April, unless both of the following apply:

(1) The account of the consumer is in arrears thirty days or more;

(2) ~~Where~~ If the occupant of residential premises is a tenant whose landlord is responsible for payment for the service provided

by the company, the company has, five days previously, notified 3286
the occupant of its intent to discontinue service to ~~him~~ the 3287
occupant. 3288

(D) No company shall stop the gas from entering any 3289
residential premises between the fifteenth day of November and the 3290
fifteenth day of April because of a failure to pay the amount due 3291
for ~~such~~ the gas unless the company, at the time it sends or 3292
delivers to the premises notices of termination, informs the 3293
occupant of the premises where to obtain state and federal aid for 3294
payment of utility bills and for home weatherization and 3295
information on local government aid for payment of utility bills 3296
and for home weatherization. 3297

(E) On or before the first day of November, a county human 3298
services department may request a company to give prior 3299
notification of any residential service terminations to occur 3300
during the period beginning on the fifteenth day of November 3301
immediately following the department's request and ending on the 3302
fifteenth day of the following April. If a department makes such a 3303
written request, at least twenty-four hours before the company 3304
terminates services to a residential customer in the county during 3305
that period for failure to pay the amount due for service, the 3306
company shall provide written notice to the department of the 3307
residential customer whose service the company so intends to 3308
terminate. No company that has received such a request shall 3309
terminate such service during that period unless it has provided 3310
the notice required under this division. 3311

(F) No company shall stop gas from entering the residential 3312
premises of any residential consumer who is deployed on active 3313
duty. As used in this division, "active duty" means active duty 3314
pursuant to an executive order of the president of the United 3315
States, an act of the congress of the United States, or section 3316
5919.29 or 5923.21 of the Revised Code. 3317

Sec. 4933.121. (A) Except as provided in division (E) of 3318
section 5117.11 of the Revised Code, an electric light company 3319
shall not, for any reason, unless requested by the consumer, for 3320
safety reasons, or unless tampering with utility company equipment 3321
or theft of electricity or utility company equipment has occurred, 3322
cease to provide electricity to any residential consumer for the 3323
period beginning on the fifteenth day of November and ending on 3324
the fifteenth day of the following April, unless both of the 3325
following apply: 3326

(1) The account of the consumer is in arrears thirty days or 3327
more; 3328

(2) ~~where~~ If the occupant of residential premises is a tenant 3329
whose landlord is responsible for payment for the service provided 3330
by the company, the company has, five days previously, notified 3331
the occupant of its intent to discontinue service to ~~him~~ the 3332
occupant. 3333

(B) The company shall not refuse to furnish electricity on 3334
account of arrearages due it for electricity furnished to persons 3335
formerly receiving services at the premises as customers of the 3336
company, provided the former customers are not continuing to 3337
reside at ~~such~~ the premises. 3338

(C) No company shall cease to provide electricity to any 3339
residential premises between the fifteenth day of November and the 3340
fifteenth day of April because of a failure to pay the amount due 3341
for ~~such~~ the electricity unless the company, at the time it sends 3342
or delivers to the premises notices of termination, informs the 3343
occupant of the premises where to obtain state and federal aid for 3344
payment of utility bills and for home weatherization and 3345
information on local government aid for payment of utility bills 3346
and for home weatherization. 3347

(D) On or before the first day of November, a county human 3348
services department may request a company to give prior 3349
notification of any residential service terminations to occur 3350
during the period beginning on the fifteenth day of November 3351
immediately following the department's request and ending on the 3352
fifteenth day of the following April. If a department makes such a 3353
written request, at least twenty-four hours before the company 3354
terminates services to a residential customer in the county during 3355
that period for failure to pay the amount due for service, the 3356
company shall provide written notice to the department of the 3357
residential customer whose service the company so intends to 3358
terminate. No company that has received such a request shall 3359
terminate such service during that period unless it has provided 3360
the notice required under this division. 3361

(E) No company shall cease to provide electricity to the 3362
residential premises of any residential consumer who is deployed 3363
on active duty. As used in this division, "active duty" means 3364
active duty pursuant to an executive order of the president of the 3365
United States, an act of the congress of the United States, or 3366
section 5919.29 or 5923.21 of the Revised Code. 3367

Section 2. That existing sections 124.93, 125.111, 153.59, 3368
153.591, 175.05, 175.06, 176.06, 717.01, 1317.06, 1317.061, 3369
1923.02, 2927.03, 3313.64, 3915.05, 3917.06, 4112.01, 4112.02, 3370
4112.021, 4112.04, 4112.05, 4112.08, 4117.19, 4735.16, 4735.55, 3371
4933.12, and 4933.121 of the Revised Code are hereby repealed. 3372

Section 3. Section 125.111 of the Revised Code is presented 3373
in this act as a composite of the section as amended by both Am. 3374
H.B. 264 and Am. Sub. H.B. 283 of the 123rd General Assembly. The 3375
General Assembly, applying the principle stated in division (B) of 3376
section 1.52 of the Revised Code that amendments are to be 3377
harmonized if reasonably capable of simultaneous operation, finds 3378

that the composite is the resulting version of the section in	3379
effect prior to the effective date of the section as presented in	3380
this act.	3381