



Ohio Legislative Service Commission

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Fiscal Note & Local Impact Statement

Bill: [Sub. H.B. 297 of the 130th G.A.](#)
(LSC 130 0426-6)

Date: June 2, 2014

Status: In House Judiciary

Sponsor: Reps. Gonzales and Driehaus

Local Impact Statement Procedure Required: No

Contents: Prohibits certain actions by an employer or landlord against a victim of domestic violence

State Fiscal Highlights

- No direct fiscal effect on the state.

Local Fiscal Highlights

- Any increase in civil caseloads of common pleas, municipal, and county courts due to violations of the bill's employer and landlord prohibitions will be relatively small. The administrative and opportunity costs associated with hearing and adjudicating these additional cases are likely to be absorbed utilizing existing court resources and should not necessitate the hiring of additional staff.

Detailed Fiscal Analysis

The bill prohibits certain actions by an employer and landlord against a victim of domestic violence that is an employee or tenant, respectively, and provides the employee or tenant with a civil remedy for a prohibition violation. The bill requires that an employee seeking a civil remedy file in the common pleas court of the county of that employment. As the bill is silent on where a tenant seeking a civil remedy files, it would be in a court of competent jurisdiction, which depending upon the monetary value of the alleged injury or damages, could be a common pleas, municipal, or county court.¹

Presumably, as employers and landlords become aware of these prohibitions they will adjust their practices to comply, and violations will be relatively infrequent. As a result, any increase in civil caseloads of common pleas, municipal, and county courts will be relatively small. The administrative and opportunity costs associated with hearing and adjudicating these additional cases are likely to be absorbed utilizing existing court resources and should not necessitate the hiring of additional staff.

Current protections

Protections for some victims of domestic violence related to housing and employment may currently exist under state and federal fair housing and employment laws, which prohibit discrimination based on race, color, national origin, religion, sex, familial status (housing), disability, and genetic information (employment). In February 2011, the U.S. Department of Housing and Urban Development issued guidance on discrimination complaints from victims of domestic violence and determined that residents who are denied or evicted from housing as a result of domestic violence may have basis to file a complaint alleging discrimination based on sex. That said, certain individuals who have experienced housing discrimination as a result of domestic violence may already have some recourse under Ohio civil rights laws and the bill would provide an additional avenue for recompense. Similar guidance has since been issued by the U.S. Equal Opportunity Employment Commission.

Metropolitan housing authorities

The bill authorizes a victim of domestic violence or menacing by stalking who resides in housing that is owned or operated by a metropolitan housing authority to request, under certain conditions, a transfer to a different location. Federal law already makes provisions for emergency transfers for tenants of public housing authorities who are victims of domestic violence, dating violence, sexual assault, or stalking to transfer to another available unit. As metropolitan housing authorities receive a majority of their

¹ A court of competent jurisdiction includes courts of common pleas, municipal courts, and county courts. A municipal or county court may hear civil cases in which the monetary value of the alleged injury or damages does not exceed \$15,000. A court of common pleas has jurisdiction in all civil cases in which the monetary value of the alleged injury or damages is more than \$15,000.

funding in the form of grants and subsidies from the U.S. Department of Housing and Urban Development, they are subject to federal laws and as such, are already permitting emergency transfers.

State agencies and political subdivisions as employer

If a state agency or political subdivision terminates the employment of a person who takes unpaid leave pursuant to the bill, the employee is permitted to file a civil action against the employer in the common pleas court. The relief that the court can grant is reinstatement of the employee's employment with back pay plus reasonable attorney's fees. It is likely that a violation of this prohibition by a state agency or political subdivision would be extremely rare, and costs related to the adjudication and settlement of such a civil action would seldom be incurred.

Synopsis of Fiscal Effect Changes

The bill's fiscal effects remain unchanged under the substitute bill.

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