

ORDINANCE NO. 1-16

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AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to effect and be in force at the earliest period allowed by law, to amend certain provisions of Chapter 516, Chapter 537, Chapter 142, Chapter 501, and Chapter 1327 of the Codified Ordinances of the City of Lakewood, Ohio, to ensure that all persons within the City have equal access to employment, housing, public accommodations, and education.

WHEREAS, it is the intent of the City Council, in enacting this ordinance, to protect and safeguard the right and opportunity of all persons to be free from all forms of discrimination, including discrimination based on age, race, color, creed, religion, national origin, ancestry, disability, marital status, gender, gender identity or expression, sexual orientation, or physical characteristic. The Council's purpose in enacting this ordinance is to promote the public health and welfare of all persons who live, work, or visit the City of Lakewood. It is important for the City of Lakewood to ensure that all persons within the city have equal access to employment, housing, public accommodations, and education.

WHEREAS, this Council by a vote of at least five of its members determines that this ordinance is an emergency measure, and that this ordinance shall take effect at the earliest date possible as set forth in Article III, Sections 10 and 13 of the Second Amended Charter of the City of Lakewood, and that it is necessary for the immediate preservation of the public peace, property, health and safety; now, therefore

BE IT ORDAINED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. Chapter 516, Fair Housing, of the Lakewood Codified Ordinances, currently reading as follows:

**Chapter 516
FAIR HOUSING**

516.01 POLICY.

It is hereby designated to be the continuing policy of the City to do all things necessary and proper to secure for all citizens their right to equal housing opportunities regardless of their race, color, religion, gender, sexual orientation, ancestry, handicap, familial status, national origin or gender identity or expression.

516.02 SCOPE.

The provisions of this chapter shall apply to all housing located within the territorial limits of the City.

516.03 DEFINITIONS.

As used in this chapter certain terms are defined as follows:

(a) "Director" means the Director of Community Development for the City of Lakewood or other Community Development Officer within the Department of Planning and Development.

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

(c) "Family" includes a single individual.

(d) "Person" includes one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint stock companies, trusts, unincorporated organizations, trustees in bankruptcy, receivers and fiduciaries. It also includes, but is not limited to any owner, leaver, assignor, builder, manager, broker, salesman, agent, employee, lending institution, and the City, the State and all authorities, agencies, boards and commissions thereof.

(e) "Discrimination" means to render any difference in treatment to any person in the sale, lease, rental or financing of a dwelling or housing unit because of a person's race, color, religion, sex, sexual orientation, ancestry, handicap, familial status or national origin.

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

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

(h) "Discrimination complaint service" means that service established by this chapter.

516.04 DISCRIMINATION IN SALE OR RENTAL OF HOUSING.

It shall be unlawful to:

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

(b) Discriminate against any person in the terms, conditions or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, religion, gender, sexual orientation, ancestry, handicap, familial status, national origin, or gender identity or expression.

(c) Make, print, publish or cause to be made, printed or published any notice, statement, or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation or

discrimination based on race, color, religion, gender, sexual orientation, ancestry, handicap, familial status, national origin, or gender identity or expression.

(d) Represent to any person because of race, color, religion, gender, sexual orientation, ancestry, handicap, familial status, national origin, or gender identity or expression, that any dwelling is not available for inspection, sale or rental when such dwelling is in fact so available.

(e) For profit, to induce or attempt to induce any person to sell or rent any dwelling by a representative regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, gender, sexual orientation, ancestry, handicap, familial status, national origin, or gender identity or expression.

516.05 DISCRIMINATION IN FINANCING OF HOUSING.

It shall be unlawful to:

(a) Refuse to lend money, whether or not secured by mortgage or otherwise, for the acquisition, construction, rehabilitation, repair, or maintenance of housing or otherwise withhold financing of housing from any persons because of the race, color, religion, gender, sexual orientation, ancestry, handicap, familial status, national origin, or gender identity or expression of any present or prospective owner, occupant, or user of such housing provided such person whether an individual, corporation or association of any type, lends money as one of the principal aspects or incident to his principal business and not only as part of the purchase price of an owner-occupied residence he is selling nor merely casually or occasionally to a relative or friend.

(b) Discriminate against any person in the terms or conditions of selling, transferring, assigning, renting, leasing or subleasing any housing or in furnishing facilities, services or privileges in connection with the ownership, occupancy, or use of any housing because of the race, color, religion, gender, sexual orientation, ancestry, handicap, familial status, national origin, or gender identity or expression of any present or prospective owner, occupant or user of such housing.

(c) Discriminate against any person in the terms or conditions of any loan of money, whether or not secured by mortgage or otherwise, for the acquisition, construction, rehabilitation, repair or maintenance of housing because of race, color, religion, gender, sexual orientation, ancestry, handicap, familial status, national origin, or gender identity or expression of any present or prospective owner, occupant, or user of such housing.

(d) Make any inquiry, elicit any information, make or keep any record or use any form of application containing questions or entries concerning race, color, religion, gender, sexual orientation, ancestry, handicap, familial status, national origin, or gender identity or expression in connection with the sale or lease of any housing or the loan of any

money, whether or not secured by mortgage or otherwise, for the acquisition, construction, rehabilitation, repair or maintenance of housing.

516.06 DISCRIMINATION IN BROKERAGE SERVICES.

It shall be unlawful to deny any person access to or membership or participation in any multiple-listing service, real estate brokers' organization or other service, organization or facility relating to the business of selling or renting dwellings or to discriminate against a person in the terms or conditions of such access, membership or participation, on account of race, color, religion, gender, sexual orientation, ancestry, handicap, familial status, national origin, or gender identity or expression.

516.07 ADMINISTRATION, DISCRIMINATION COMPLAINT SERVICE AND ENFORCEMENT.

(a) This chapter shall be administered by the Director of Community Development, and the Director shall also be responsible for the establishment and administration of a discrimination complaint service.

(b) The discrimination complaint service shall be available to any person who alleges that his rights have been denied relative to housing and/or financing for housing because of race, color, religion, gender, sexual orientation, ancestry, handicap, familial status, national origin, or gender identity or expression. (Ord. 79-10. Passed 12-20-10.)

(c) Any person who claims to have been subjected to a discriminatory housing practice shall file a complaint in writing within 180 days of the alleged violation with the Director. The complaint shall contain such information and will be in such form as the Director may require.

(d) If the Director determines that there are reasonable grounds to believe a violation has occurred, he shall attempt to conciliate the matter within five working days of the filing of the complaint by utilizing conciliation conferences with all interested parties and such representatives as the parties may choose to assist them. These conferences shall be informal, and nothing shall be made public by the Director regarding the conferences unless all parties agree thereto in writing. During this period the Director shall make such investigation as he deems appropriate.

(e) If the Community Development Director and the Law Director determine that the person complained against has violated this chapter, the Law Director shall prepare and issue a directive requiring that person to cease and desist from such unlawful conduct and within fifteen calendar days take such affirmative action as will effectuate the purpose of this chapter. If after the fifteenth day, the situation has not been rectified, the Director of Community Development shall initiate the proper legal action through the Law Department of the City or through the

complainant's legal counsel, or the U. S. Department of Housing and Urban Development, whatever the Director deems appropriate.

(f) If at the conclusion of the informal hearing, the Director of Community Development and Law Director determine upon the preponderance of the evidence presented that the person complained against has not violated this chapter, the Director shall issue an order dismissing the complaint.

(g) The Director is advised to seek at any time the cooperation and aid of the U. S. Department of Housing and Urban Development and any other person or group regarding any matter before the Director as he deems appropriate.

516.08 OTHER LEGAL ACTIONS.

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

516.99 PENALTY.

Whoever violates any provision of this chapter is guilty of a misdemeanor of the third degree.

shall be and hereby is repealed and new Chapter 516, Discrimination Prohibited, of the Lakewood Codified Ordinances, is enacted to read as follows:

Chapter 516 DISCRIMINATION PROHIBITED

516.01 DEFINITIONS.

(a) "Advertising" means to make, print, publish, advertise or otherwise disseminate any notice, statement or advertisement, with respect to any employment activity, any business activity, or any educational activity.

(b) "Age" means 18 years of age or older except as otherwise provided by law.

(c) "Business establishment" means any entity, however organized, which furnishes goods, services or accommodations to the general public. An otherwise qualifying establishment which has membership requirements is considered to furnish services to the general public if its membership requirements consist only of payment of fees or consist only of requirements under which a substantial portion of the residents of the city could qualify.

(d) "Disability" or "disabled" means, with respect to an individual, a physical or mental impairment, a record of such an impairment, or being perceived or regarded as having such impairment. For purposes of this chapter discrimination on the basis of disability means that no covered entity shall discriminate against a qualified

individual with a disability because of that individual's disability. The term "qualified individual with a disability" shall mean an individual with a disability who, with or without reasonable accommodation, can perform the essential functions of the employment positions that the individual holds or desires.

(e) "Discriminate, discrimination or discriminatory" means any act, policy or practice that, regardless of intent, has the effect of subjecting any person to differential treatment as a result of that person's race, color, creed, religion, national origin, ancestry, disability, marital status, gender, gender identity or expression, sexual orientation, or physical characteristic.

(f) "Educational institution" means any public or private educational institution including an academy, college, elementary or secondary school, extension course, kindergarten, pre-school, nursery school, university, and any business, nursing, professional, secretarial, technical or vocational school.

(g) "Employee" means any individual employed or seeking employment from an employer.

(h) "Employer" means any person who, for compensation, regularly employs four (4) or more individuals, not including the employer's parents, spouse or children. For purposes of this chapter an employer "regularly" employs four (4) individuals when the employer employs ~~five~~ four (4) or more individuals for each working day in any twenty (20) or more calendar weeks in the current or previous calendar year. For purposes of this chapter an "employer" is also any person acting on behalf of an employer, directly or indirectly, or any employment agency.

(i) "Gender" means actual or perceived sex.

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

(k) "Labor organization" means any organization that exists and is constituted for the purpose, in whole or in part, of collective bargaining or of dealing with employers concerning grievances, terms or conditions of employment, or of other mutual aid or protection on behalf of employees.

(l) "Person" means a natural person, firm, corporation, partnership or other organization, association or group of persons however arranged.

(m) "Physical characteristic" means a bodily condition or bodily characteristic of any person that is from birth, accident, or disease, or from any natural physical development, including individual physical mannerisms including but not limited to height and weight. Physical characteristic shall not relate to those situations where a bodily condition or characteristic will present a danger to the health, welfare or safety of

any individual.

(n) "Place of public accommodation" means inns, taverns, hotels, motels, restaurants, wholesale outlets, retail outlets, banks, savings and loan associations, other financial institutions, credit information bureaus, insurance companies, dispensaries, clinics, hospitals, theaters, recreational parks and facilities, trailer camps, garages, public halls, and all other establishments which offers goods, services, accommodations and entertainment to the public within the City. A place of public accommodation does not include any institution, club or other place of accommodation, which by its nature is distinctly private.

(o) "Sexual orientation" means actual or perceived heterosexuality, homosexuality or bisexuality.

(p) "Transaction in real estate" means the exhibiting, listing, advertising, negotiating, agreeing to transfer or transferring, whether by sale, lease, sublease, rent, assignment or other agreement, of any interest in real property or improvements thereon.

516.02 PROHIBITED ACTS OF DISCRIMINATION RELATING TO EMPLOYMENT.

With regard to employment, it shall be unlawful for any employers or labor organizations to engage in any of the following acts, wholly or partially for a discriminatory reason:

- (a) To fail to hire, refuse to hire or discharge an individual;
- (b) To discriminate against any individual, with respect to compensation, terms, conditions, or privileges of employment, including promotion. Nothing in this section shall be construed to require any employer to provide benefits, such as insurance, to individuals not employed by the employer;
- (c) To limit, segregate, or classify employees in any way which would deprive or tend to deprive any employee of employment opportunities, or which would otherwise tend to adversely affect his or her status as an employee;
- (d) To fail or refuse to refer for employment any individual in such a manner that would deprive an individual of employment opportunities, that would limit an individual's employment opportunities or that would otherwise adversely affect an individual's status as a prospective employee or as an applicant for employment;
- (e) To discriminate against an individual in admission to, or employment in, any program established to provide apprenticeship or other job training, including an on-the-job training program;
- (f) To print or publish, or cause to be printed or published, any discriminatory notice or advertisement relating to employment. This subsection shall not be construed so as to expose the person who prints or publishes the notice or advertisement, such as a newspaper, to liability;

- (g) To discriminate in referring an individual for employment whether the referral is by an employment agency, labor organization or any other person.

516.03 PROHIBITED ACTS OF DISCRIMINATION RELATING TO HOUSING AND REAL ESTATE TRANSACTIONS.

With regard to housing and real estate transactions, it shall be unlawful to engage in any of the following acts wholly or partially for a discriminatory reason:

- (a) To discriminate by impeding, delaying, discouraging or otherwise limiting or restricting any transaction in real estate;
- (b) To discriminate by imposing different terms on a real estate transaction;
- (c) To represent falsely that an interest in real estate is not available for transaction;
- (d) To include in the terms or conditions of a real estate transaction any discriminatory clause, condition or restriction;
- (e) To discriminate in performing, or refusing to perform, any act necessary to determine an individual's financial ability to engage in a real estate transaction;
- (f) For a property manager to discriminate by refusing to provide equal treatment of, or services to, occupants of any real estate which he or she manages;
- (g) To make, print or publish, or cause to be made, printed or published any discriminatory notice, statement, or advertisement with respect to a real estate transaction or proposed real estate transaction, or financing relating thereto. This subsection shall not be construed to prohibit advertising directed to physically disabled persons or persons over the age of 55 for the purpose of calling to their attention the existence or absence of housing accommodations or services for the physically disabled or elderly;
- (h) To discriminate in any financial transaction involving real estate, on account of the location of the real estate be it residential or non-residential ("red-lining");
- (i) For a real estate operator, a real estate broker, a real estate salesperson, a financial institution, an employee of any of these, or any other person, for the purposes of inducing a real estate transaction from which such person may benefit financially to represent that a change has occurred or will or may occur in the composition with respect to age, race, color, creed, religion, national origin, ancestry, disability, marital status, gender, gender identity or expression, sexual orientation, or physical characteristic of the owners or occupants in the block, neighborhood or area in which the real property is located or to represent that this change will or may result in the lowering of property values, an increase in criminal or antisocial behavior, or a decline in the quality of schools in the block, neighborhood or area in which the real

property is located (“block-busting”);

(j) Notwithstanding the provisions of subsections (a) through (h), it shall not be an unlawful discriminatory practice for an owner to limit occupancy on the basis of a person’s low-income, age over 55 years or disability status in accordance with federal or state law;

(k) Notwithstanding the provisions of subsections (a) through (h), it shall not be an unlawful discriminatory practice for an owner, lessor or renter to refuse to rent, lease or sublease a portion of a single family dwelling unit to a person as a tenant, roomer or boarder where it is anticipated that the owner, lessor or renter will be occupying any portion of the single-family dwelling or to refuse to rent, lease or sublease where it is anticipated that the owner, lessor or renter will be sharing either a kitchen or a bathroom with the tenant, roomer or boarder.

516.04 PROHIBITED ACTS OF DISCRIMINATION RELATING TO BUSINESS ESTABLISHMENTS OR PUBLIC ACCOMMODATIONS.

It shall be unlawful for a business establishment or place of public accommodation to engage in any of the following acts wholly or partially for a discriminatory reason:

(a) To deny, directly or indirectly, any person the full enjoyment of the goods, services, facilities, privileges, advantages and accommodations of any business establishment or place of public accommodation;

(b) To print, publish, circulate, post, or mail, directly or indirectly, a statement, advertisement, or sign which indicates that the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of a business establishment or place of public accommodation will be unlawfully refused, withheld from or denied an individual, or which indicates that an individual’s patronage of, or presence at, the business establishment or place of public accommodation is objectionable, unwelcome, unacceptable or undesirable.

516.05 PROHIBITED ACTS OF DISCRIMINATION RELATING TO EDUCATIONAL INSTITUTIONS.

It shall be unlawful for an educational institution to engage in any of the following acts wholly or partially for a discriminatory reason:

(a) To deny, restrict, abridge or condition the use of, or access to, any educational facilities or educational services to any person otherwise qualified;

(b) Notwithstanding the provisions of subsection (a) it shall not be an unlawful discriminatory practice to limit attendance in classes or programs conducted by an educational institution based upon a reasonable educational objective, except where to do so would otherwise violate a duty imposed upon the institution by federal or state law to provide

reasonable accommodation;

(c) Notwithstanding the provisions of subsection (a), it shall not be an unlawful discriminatory practice for an educational institution operated by a religious or denominational institution, or established for a bona fide religious purpose, to admit students or program attendees on the basis of that student's or attendee's religious or denominational affiliation or preference.

516.06 CITY SERVICES, FACILITIES, TRANSACTIONS AND CONTRACTS.

The City shall be bound by the provisions of this chapter to the same extent as private individuals. All contractors proposing to, or currently doing business with the City, shall abide by this ordinance.

516.07 GENERAL EXCEPTIONS

(a) Any practice which has a discriminatory effect and which would otherwise be prohibited by this chapter shall not be deemed unlawful if it can be established that the practice is not intentionally devised to contravene the prohibitions of this chapter and there exists no less discriminatory means of satisfying a business purpose.

(b) Unless otherwise prohibited by law, nothing contained in this chapter shall be construed to prohibit promotional activities such as senior citizen discounts and other similar practices designed primarily to encourage participation by protected group.

(c) It shall not be an unlawful discriminatory practice for an employer to observe the conditions of a bona fide seniority system or a bona fide employee benefit system such as a retirement, pension or insurance plan which is not a subterfuge or pretext to evade the purposes of this chapter.

(d) It shall not be an unlawful discriminatory practice for any person to carry out an affirmative action plan. An affirmative action plan is any plan devised to effectuate remedial or corrective action taken in response to past discriminatory practices, or as otherwise required by state or federal law.

(e) Nothing contained in this chapter shall be deemed to prohibit selection or rejection based solely upon a bona fide occupational qualification or a bona fide physical requirement. Nothing contained in this chapter shall be deemed to prohibit a religious or denominational institution from selecting or rejecting applicants and employees for non-secular positions on the basis of the applicant's or employee's conformance with the institution's religious or denominational principles. If a party asserts that an otherwise unlawful practice is justified as a permissible bona fide occupational qualification, or a permissible bona fide physical requirement, that party shall have the burden of proving:

(1) That the discrimination is in fact a necessary result of such a bona fide condition; and

(2) That there exists no less discriminatory means of satisfying the bona fide requirement.

(f) If a party asserts that an otherwise unlawful practice is justified as a permissible bona fide religious or denominational preference, that party shall have the burden of proving that the discrimination is in fact a necessary result of such a bona fide condition.

516.08 POSTING OF NOTICES.

Every employer or institution subject to this chapter shall post and keep posted in a conspicuous location where business or activity is customarily conducted or negotiated, a notice, the language and form of which has been prepared by the City, setting forth excerpts from or summaries of the pertinent provisions of this chapter and information pertinent to the enforcement of rights hereunder. The notice shall be in both English and Spanish. If over ten percent of an employer's employees speak, as their native language, a language other than English or Spanish, notices at that employer's place of business shall be posted in that language. At the request of the employer or institution, notices required by this section shall be provided by the City. Notices shall be posted within ten days after the receipt from the City.

516.09 CORRECTION OR RETALIATION.

(a) It shall be an unlawful discriminatory practice to coerce, threaten, retaliate against or interfere with any person in the exercise of, or on account of having exercised, or on account of having aided or encouraged any other person in the exercise of, any right granted or protected under this ordinance, or on account of having expressed opposition to any practice prohibited by this ordinance.

(b) It shall be an unlawful discriminatory practice for any person to require, request, or suggest that a person retaliate against, interfere with, intimidate or discriminate against a person, because that person has opposed any practice made unlawful by this ordinance, or because that person has made a charge, or because that person has testified, assisted or participated in any manner in an investigation, proceeding or hearing authorized under this ordinance.

(c) It shall be an unlawful discriminatory practice for any person to cause or coerce, or attempt to cause or coerce, directly or indirectly, any person in order to prevent that person from complying with the provisions of this ordinance.

516.10 PRESERVATION OF BUSINESS RECORDS.

Where a complaint of discrimination has been filed against a person under this ordinance, such person shall preserve all records relevant to the complaint, until a final disposition of the complaint.

516.11 HUMAN RIGHTS COMMISSION.

(a) There is hereby created the City of Lakewood Human Rights Commission, hereafter referred to as “the Commission,” to be comprised of three (3) members. One member shall be the Director of Planning and Development or his or her designee for the City. The second member shall be appointed by the mayor. The third member shall be appointed by majority vote of council. Each member of the Commission shall serve a term of three years and until his or her successor has been appointed and qualified for office. With the exception of Director of Planning and Development or his or her designee, members of the Commission shall be ineligible to be reappointed to succeed themselves for more than one additional three-year term, unless the member is completing a term for which he or she was appointed to fill a mid-term vacancy. Every member shall have been a resident of the City for at least one year prior to appointment and shall continue to be a resident so long as he or she shall serve as a member of the Commission. In the event of a vacancy a replacement will be chosen by the appropriate appointing authority of that seat and will serve out the remainder of the vacant term.

(b) The Commission may create and modify rules regarding its meetings and procedures. The Commission may create and appoint task forces and committees it deems appropriate to carry out its functions.

(c) The work of the Commission shall be managed by the Department of Planning and Development.

(d) The responsibilities of the Department of Planning and Development include managing Commission records and accounts, developing public education programs as needed, providing training for Commission members, managing citizen complaints, facilitating Commission scheduling and communication, and any other tasks needed to effectuate the functions of the Commission.

(e) In addition, the Commission may use the services of attorneys, hearing examiners, clerks and other employees and agents who are city government employees, except in those cases in which the city government is a party, and in which case the Commission may seek the city attorney’s approval to engage appropriate counsel.

(f) In the enforcement of this chapter, the Commission shall have the following powers and duties:

(1) To receive, initiate, investigate, seek to conciliate, hold hearings on and pass upon complaints alleging violations of this chapter;

(2) To cooperate with relevant federal and state authorities;

(3) To present an annual report to the mayor and city council setting forth the number of complaints received during the prior year, as well as the disposition of the complaints, and the number of convictions for violation. The Commission shall publish this report and make it available in some format to the general public;

(4) To require answers to interrogatories, compel the attendance of witnesses, examine witnesses under oath or affirmation in person by deposition and require the production of documents relevant to the complaint. The Commission may make rules authorizing or designating any member or individual to exercise these powers in the performance of official duties;

(5) To cooperate with community, professional, civic and religious organizations, as well as state and federal agencies, in the development of public education programs regarding compliance with the provisions of this chapter and equal opportunity and treatment of all individuals;

(6) To conduct tests to ascertain the availability of housing, both in sales and also in rentals of real property;

(7) To make available for the City's website information on this chapter, grievance procedures, the Commission's annual report and any other information that would further the purposes and intentions of this chapter.

516.12 COMPLAINTS – CONSIDERATION BY THE COMMISSION.

(a) A person claiming to be aggrieved by a discriminatory practice, or a member of the Commission, may file with the Commission a written sworn complaint stating that a discriminatory practice has been committed, setting forth the facts sufficient to enable the Commission to identify the persons charged (hereinafter the respondent). Within 10 days after receipt of the complaint, the Commission shall serve on the complainant a notice acknowledging the filing of the complaint and informing the complainant of the respondent's time limits.

(b) The Commission shall, within 10 days of the filing of the complaint, furnish the respondent with a copy of the complaint and a notice advising the respondent of the respondent's procedural rights and obligations under this chapter.

(c) The complaint must be filed within one year after the commission of the alleged discriminatory practice.

(d) The Commission shall commence an investigation of the complaint within 30 days after the filing of the complaint. The Commission, or designee, shall promptly investigate the matter to determine whether the discriminatory practice exists.

(e) If it is determined that there is no reasonable cause to believe that the respondent has engaged in a discriminatory practice, the Commission shall furnish a copy of the order to the complainant, the respondent and such public officers and persons as the Commission deems proper.

(f) The complainant, within 30 days after receiving a copy of the order dismissing the complaint, may file with the Commission an application for reconsideration of the order.

(g) Upon such application, the Commission shall review the original investigation and make a determination within 30 days whether there is reasonable cause to believe that the respondent has engaged in a discriminatory practice.

(h) If it is determined that there is no reasonable cause to believe that the respondent has engaged in a discriminatory practice, the Commission shall issue an order dismissing the complaint after reconsideration and furnish a copy of the order to the complainant, the respondent and such public officers and persons as the Commission deems proper.

516.13 CONCILIATION AGREEMENTS.

(a) If the Commission determines after investigation that there is reasonable cause to believe that the respondent has engaged in a discriminatory practice, the Commission shall endeavor to eliminate the alleged discriminatory practices by conference, conciliation and persuasion.

(b) The terms of a conciliation agreement reached with a respondent shall require the respondent to refrain from discriminatory practices in the future and shall make such further provisions as may be agreed upon between the Commission or its assigned staff and the respondent.

(c) If a conciliation agreement is entered into, the Commission shall issue and serve on the complainant an order stating its terms. A copy of the order shall be delivered to the respondent and such public officers and persons as the Commission deems proper.

(d) Except for the terms of the conciliation agreement, the Commission shall not make public, without the written consent of the complainant and the respondent, information concerning efforts in a particular case to eliminate discriminatory practice by conference, conciliation or persuasion, whether or not there is a determination of reasonable cause or a conciliation agreement. The conciliation agreement itself shall not be made public unless the complainant and the respondent otherwise agree and the Commission also determines that disclosure is not required to further the purposes of this chapter.

(e) At the expiration of one year from the date of a conciliation agreement, and at other times in its reasonable discretion, the Commission or its staff may investigate whether the respondent is following the terms of the agreement.

(f) If a finding is made that the respondent is not complying with the terms of the agreement, the Commission shall take such action as it deems appropriate to assure compliance.

516.13 HEARINGS.

(a) If a conciliation agreement has not been reached within 90 days after an administrative determination of reasonable cause to believe that

discrimination took place, the Commission shall serve on the respondent by mail or in person a written notice, together with a copy of the complaint as it may have been amended, or a copy of the letter of determination, requiring the respondent to answer the allegation(s) of the complaint at a hearing before the Commission or another individual pursuant to its rules, at a time and place specified by the hearing examiner or examiners after conference with the parties or their attorneys. A copy of the notice shall be furnished to the complainant and such public officers and persons as the Commission deems proper.

(b) A member of the Commission who filed the complaint or endeavored to eliminate the alleged discriminatory practice by conference, conciliation or persuasion shall not participate in the hearing or in the subsequent deliberation of the Commission. In the case where a member of the Commission filed a complaint and a hearing or subsequent deliberation of the Commission is required, a temporary Commissioner shall be appointed by the City Law Director.

(c) The respondent may file an answer with the Commission by registered or certified mail in accordance with the rules of the Commission before the hearing date. The respondent may amend an answer at any time prior to the issuance of an order based on the complaint, but no order shall be issued unless the respondent has had an opportunity of a hearing on the complaint or amendment on which the order is based.

(d) A respondent, who has filed an answer or whose default in answering has been set aside for good cause shown, may appear at the hearing with or without representation, may examine and cross-examine witnesses and the complainant and may offer evidence.

(e) The complainant, and, in the discretion of the Commission, any person may intervene, examine and cross-examine witnesses and present evidence.

(f) If the respondent fails to answer the complaint, the Commission may find the respondent in default. Unless the default is set aside for good cause shown, the hearing may proceed on the evidence in support of the complaint.

(g) Efforts at conference, conciliation and persuasion shall not be received in evidence.

(h) Testimony taken at the hearing shall be under oath and recorded. If the testimony is not taken before the Commission, the record shall be transmitted to the Commission.

(i) In a proceeding under this chapter, the production of a written, printed or visual communication, advertisement or other form of publication, or a written inquiry, or record, or other document purporting to have been made by a person shall be prima facie evidence that it was authorized by the person.

(j) All hearings conducted under this section shall be conducted in accordance with Chapter 119 of the Ohio Revised Code.

516.14 FINDINGS AND ORDERS.

(a) If the Commission determines that the respondent has not engaged in a discriminatory practice, the Commission shall state its findings of fact and conclusions of law and shall issue an order dismissing the complaint. A copy of the order shall be delivered to the complainant, the respondent and such public officers and persons as the Commission deems proper.

(b) If the Commission determines that the respondent has engaged in a discriminatory practice, the Commission shall state its findings of fact and conclusions of law and shall issue an order requiring the respondent to cease and desist from the discriminatory practice and to take such affirmative action as in the judgment of the Commission will carry out the purposes of this chapter. A copy of the order shall be delivered to the respondent, the complainant and to such public officers and persons as the Commission deems proper.

516.15 REMEDIES.

(a) Affirmative action ordered under this section may include, but is not limited to:

(1) Hiring, reinstatement or upgrading of employees with or without back pay. Interim earnings or amounts earnable with reasonable diligence by the person or persons discriminated against shall operate to reduce the back pay otherwise allowable;

(2) Admission or restoration of individuals to union membership, admission to or participation in, a guidance program, apprenticeship, training program, on-the-job training program, or other occupational training or retraining program, and the utilization of objective criteria in the admission of individuals to such programs;

(3) Admission of individuals to a place of public accommodation;

(4) The extension to all individuals of the full and equal enjoyment of the advantages, facilities, privileges and services of the respondent;

(5) Reporting as to the manner of compliance;

(6) Posting notices in conspicuous places in the respondent's place of business in the form prescribed by the Commission and inclusion of such notices in advertising material;

(7) Payment to the complainant of damages for an injury, including humiliation and embarrassment, caused by the discriminatory practice, and costs, including reasonable attorney fees;

(8) Payment to the Commission of a \$500 fine for each violation. Each day on which a continuing violation occurs shall constitute a new and separate violation of this ordinance. Fines collected pursuant to this section will be used to establish a fund to

educate the community about nondiscrimination practices and to promote nondiscrimination in the City;

(9) Such other remedies as shall be necessary and proper to eliminate all the discrimination identified by the evidence submitted at the hearing or in the record.

(b) The Commission may publish, or cause to be published, the names of persons who have been determined to have engaged in a discriminatory practice.

516.16 JUDICIAL REVIEW.

A complainant or respondent aggrieved by an order of the Commission, including an order dismissing a complaint or stating the terms of a conciliation agreement, may obtain judicial review in accordance with applicable law.

516.17 SUBPOENAS.

(a) Upon written application to the Commission, a party to a proceeding is entitled as of right to the issuance of subpoenas for deposition or hearing in the name of the Commission by an individual designated pursuant to its rules requiring attendance and the giving of testimony by witnesses and the production of documents.

(b) A subpoena so issued shall show on its face the name and address of the party at whose request the subpoena is directed.

(c) On petition of the person to whom the subpoena is directed and notice to the requesting party, the Commission or an individual designated pursuant to its rules may vacate or modify the subpoena.

(d) Any depositions of witnesses shall be taken as prescribed by the Ohio Rules of Civil Procedure.

(e) Witnesses whose depositions are taken, or who are summoned before the Commission or its agents, will be entitled to the same witness and mileage fees as are paid to the witnesses subpoenaed in municipal court.

(f) If a person fails to comply with a subpoena issued by the Commission, the municipal court may issue an order requiring compliance. In any proceeding brought under this section, the court may modify or set aside the subpoena.

516.18 RESISTANCE TO, OBSTRUCTION, ETC., OF COMMISSION.

Any person who willfully resists, prevents, impedes or interferes with the Commission, its members, agents or agencies in the performance of duties pursuant to this Act, or violates any order of the Commission shall be subject to a fine of not more than five hundred dollars in addition to such order or decree that may be issued.

516.19 STATE/FEDERAL REMEDIES.

(a) The remedies provided for in this chapter are in addition to, not

in lieu of, those provided for by state and federal law. This chapter shall therefore not be construed so as to limit a person's right to file complaint with any state or federal agency, board, tribunal or court vested with jurisdiction to receive, review and act upon complaints of discrimination. This chapter shall not be construed as limiting the right of any person to seek remedies in courts of competent jurisdiction pursuant to state or federal law which grant private rights of action to persons aggrieved by discriminatory acts of the type prohibited by this chapter. There is no requirement that an aggrieved person file a complaint with the City pursuant to this chapter before seeking any other federal, state or other remedy available to the person.

(b) A person's election to seek remedies provided for in this chapter shall not operate to toll any statute of limitation set forth in state or federal law for pursuing remedies under state or federal law for acts of discrimination of the type prohibited by this chapter.

516.20 SEVERABILITY.

If any section, subsection, sentence, clause, phrase or portion of this chapter, or the application thereof to any person, firm, corporation or circumstance, is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portion thereof. The City Council of the City hereby declares that it would have adopted this chapter and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions be declared invalid or unconstitutional.

516.99 PENALTY.

Whoever violates any provision of this chapter is guilty of a misdemeanor of the third degree.

Section 2. Section 1327.08, Equal Opportunity, of the Lakewood Codified Ordinances, currently reading as follows:

1327.08 EQUAL OPPORTUNITY.

No person shall be denied the right to purchase or lease a condominium unit in the City because of race, color, religion, sex, sexual orientation, ancestry, handicap, familial status or national origin.

shall be and hereby is repealed and new Section 1327.08, Equal Opportunity, of the Lakewood Codified Ordinances, is enacted to read as follows:

1327.08 EQUAL OPPORTUNITY.

No person shall be denied the right to purchase or lease a condominium unit in the City because of race, color, religion, gender,

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

Section 3. Section 142.01, Establishment; Purpose, of the Lakewood Codified Ordinances, currently reading as follows:

142.01 ESTABLISHMENT; PURPOSE.

The Lakewood Community Relations Advisory Commission is hereby established to serve in an advisory capacity for the purpose of educating, informing and making recommendations to City officials, departments, boards and commissions on matters relating to community relations within the City of Lakewood in an effort to advance:

(a) Respect for diversity: Acknowledge we live in a dynamic community with an ever- changing variety of group and individual experiences, and affirm values derived from the understanding of our differences (whether based on socio-economic class, culture, religion, race, ethnicity, age, gender, or sexual orientation).

(b) Bonds of mutuality: Recognize the interdependence of our different interests as we work toward serving the common good, and ensure community relations have substantive meaning by acknowledging, as Martin Luther King Jr. stated, “Whatever affects one directly affects all indirectly.”

(c) Equity: Affirm our commitment to social justice, and assure all groups and individuals have the opportunity to participate fully in civic affairs with equal access to employment, community resources, and decision-making processes.

shall be and hereby is repealed and new Section 142.01, Establishment; Purpose, of the Lakewood Codified Ordinances, is enacted to read as follows:

142.01 ESTABLISHMENT; PURPOSE.

The Lakewood Community Relations Advisory Commission is hereby established to serve in an advisory capacity for the purpose of educating, informing and making recommendations to City officials, departments, boards and commissions on matters relating to community relations within the City of Lakewood in an effort to advance:

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(b) Bonds of mutuality: Recognize the interdependence of our different interests as we work toward serving the common good, and ensure community relations have substantive meaning by acknowledging,

as Martin Luther King Jr. stated, “Whatever affects one directly affects all indirectly.”

(c) Equity: Affirm our commitment to social justice, and assure all groups and individuals have the opportunity to participate fully in civic affairs with equal access to employment, community resources, and decision-making processes.

Section 4. Section 537.18, Intimidation, of the Lakewood Codified Ordinances, currently reading as follows:

537.18 INTIMIDATION

(a) No person shall violate Section 537.05, 537.06, 537.10(a)(3), (4) or (5), 541.03 or 541.04 by reason of race, color, religion or national origin of another person or group of persons.

(b) No person shall violate Section 537.06, 541.03 or 541.04 by reason of actual or perceived sexual orientation, age, gender, gender identity or expression, or disability as defined by Ohio R.C. 3304.11(A), of another person or group of persons.

(c) Whoever violates subsection (a) hereof is guilty of intimidation. A violation of intimidation under subsection (a) is an offense of the next higher degree than the offense the commission of which is a necessary element of intimidation. In case of an offense that is a misdemeanor of the first degree, whoever violates this section shall be prosecuted under Ohio R.C. 2927.12.

(d) Whoever violates subsection (b) of this section is guilty of intimidation. A violation of intimidation under subsection (b) is an offense of the next higher degree than the offense the commission of which is a necessary element of intimidation when the underlying offense is a second, third or fourth degree misdemeanor.

shall be and hereby is repealed and new Section 537.18, Intimidation, of the Lakewood Codified Ordinances, is enacted to read as follows:

537.18 INTIMIDATION.

(a) No person shall violate Section 537.05, 537.06, 537.10(a)(3), (4) or (5), 541.03 or 541.04 by reason of race, color, religion, national origin, or actual or perceived sexual orientation, age, gender, gender identity or expression, or disability of another person or group of persons.

(b) Whoever violates subsection (a) hereof is guilty of intimidation. A violation of intimidation under subsection (a) is an offense of the next higher degree than the offense the commission of which is a necessary element of intimidation. In case of an offense that is a misdemeanor of the first degree, whoever violates this section may be prosecuted under Ohio R.C. 2927.12.

Section 5. It is found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council, and that all such deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Section 6. This ordinance is found to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare in the City for the reasons set forth in the preamble, and provided it receives the affirmative vote of at least five members of Council, this ordinance shall take effect and be in force immediately upon its adoption by the Council and approval by the Mayor, or otherwise it shall take effect and be in force after the earliest period allowed by law.

Adopted: June 24, 2016



President of Council



Clerk of Council

Approved: June 22, 2016



Mayor