

ORDINANCE NO. 06-2017 (AMENDED)

**INTRODUCED BY: MAYOR ANN MARIE DONEGAN; COUNCILPERSONS
GARRITY, HAVILAND, DUNCAN, SCULAC, MILLER,
GORSKI**

**AN ORDINANCE AMENDING SECTIONS 214.01; 214.04(a);
214.06; 623.01; 623.02; 623.03(a) and (c); 623.04; 623.05; 636.20(a);
636.21; 1479.08 OF THE CODIFIED ORDINANCES OF THE
CITY TO EXPAND THE CLASSES OF PROTECTED PERSONS
IN THE AREAS OF CITY EMPLOYMENT, FAIR HOUSING,
AND ETHNIC INTIMIDATION TO INCLUDE SEXUAL
ORIENTATION AND GENDER IDENTITY OR EXPRESSION,
AND TO ADD PROTECTIONS IN THE AREAS OF PRIVATE
EMPLOYMENT AND PUBLIC ACCOMMODATIONS, AND
DECLARING AN EMERGENCY**

WHEREAS, an independent survey of the Ordinances of the city has been conducted by Equality Ohio to analyze and evaluate city ordinances to determine the scope of protections afforded insular classes of persons, and to make suggestions on expanding such protections to classes of persons based on sexual orientation, gender identity and gender expression; and

WHEREAS, this Council recognizes and acknowledges:

1. That we live in a dynamic ever-changing community and society with varying group and individual experiences derived from diverse and varying factors, values and characteristics;
2. That diversity is a blessing that expands group and individual understanding and experiences for overall growth and understanding that enhances communities and society;
3. That fundamental human rights in fair, equal and non-discriminatory treatment of persons in the areas of employment, housing, and public accommodations are to be recognized, encouraged, supported and protected;
4. That no person should suffer unlawful discrimination by another in housing, employment, or public accommodations, nor suffer unlawful intimidation or harassment by another based on a person's race, color, age, religion, ancestry, national origin, gender, sexual orientation, gender identity or expression; and

WHEREAS, This Council desires to expand Chapter 623 to include protections for private employment and public accommodations, and to amend the Codified Ordinances of the city to expand the classes of protected persons to include "sexual orientation" and "gender identity or expression" to provide protections in the areas of city and private employment, fair housing, public accommodations, and ethnic intimidation. Now therefore,

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OLMSTED
FALLS, OHIO, THAT:**

SECTION 1. That Sections 214.01; 214.04(a); 214.06; 623.01; 623.02; 623.03(a) and (c); 636.20(a); 623.04; 623.05; 636.21; 1479.08; of the Codified Ordinances are hereby amended to read:

“214.01 – Statement of Policy”

The City of Olmsted Falls is committed to maintaining a work environment that is free of discrimination and harassment based on a person's race, color, religion, sex, age, ancestry, disability, national origin, family status, **SEXUAL ORIENTATION, OR GENDER IDENTITY OR EXPRESSION**, consistent with applicable laws. All employees should respect the rights, opinions, and beliefs of others. Harassment of any person, whether directed at an employee, vendor, customer or member of the public, is strictly prohibited. Employees should be aware that discrimination and harassment in the workplace are violations of Federal and State laws and can be addressed through the Ohio Civil Rights Commission, as well as the Equal Employment Opportunity Commission.

Employees are individually responsible for refraining from engaging in harassing or offensive conduct and are encouraged to report harassing or offensive incidents. Each supervisor has a responsibility to keep the workplace free of any form of harassment. In particular, no supervisor or employee is to threaten or insinuate, either explicitly or implicitly, that an employee's refusal or willingness to submit to sexual advances will affect an employee's terms or conditions of employment in any way.

“214.04 - Definitions”

- (a) "Discrimination" is defined as conduct that is harassing, offensive, or disruptive. Discrimination encompasses any form of harassment, to include motivations such as: race, color, religion, sex, age, ancestry, disability, national origin, family status, **SEXUAL ORIENTATION, OR GENDER IDENTITY OR EXPRESSION**.
- (b) “Sexual orientation” means a person’s actual or perceived homosexuality; bisexuality; or heterosexuality, by orientation or practice, by and between consenting adults.
- (c) “Gender identity or expression” means having or being perceived as having gender-related identity, appearance, expression, or behavior, whether or not that identity, appearance, expression, or behavior is different from that traditionally associated with the person’s assigned sex at birth.

“214.06 Prohibited Conduct; Discriminatory Harassment”

No person may harass another person because of that person's race, color, age, religion, ancestry, national origin, **GENDER, SEXUAL ORIENTATION, OR GENDER IDENTITY OR EXPRESSION**. Examples of conduct prohibited by this policy include, but are not limited to, using racial and ethnic slurs or offensive stereotypes and making jokes about such characteristics.

“623.01 Prohibition of Discrimination in Housing”

No person, firm, corporation, partnership or other entity shall discriminate against any person in the sale, transfer, assignment, lease, sublease, or rental of any residential dwelling unit by reason of such prospective purchaser, occupant, user, or renter's race, color, religion, sex, age, ancestry, disability, national origin, familial status, **SEXUAL ORIENTATION, OR GENDER IDENTITY OR EXPRESSION**. Discrimination as used in this chapter shall mean a difference in treatment solely because of such person's race, color, religion, sex, ancestry, disability, national origin, familial status, **SEXUAL ORIENTATION, OR GENDER IDENTITY OR EXPRESSION**

“623.02 Prohibition of Block Busting”

No person, firm, corporation, partnership or other entity shall induce or solicit or attempt to induce or solicit a housing listing, sale or transaction by representing that a change has occurred or may occur with respect to the racial, religious, sexual or ethnic composition of the block, neighborhood, or area in which the property is located, or induce or solicit or attempt to induce or solicit such sale or listing by representing that the presence or anticipated presence of a person of any race, color, religion, sex, age, ancestry, disability, national origin, familial status, **SEXUAL ORIENTATION, OR GENDER IDENTITY OR EXPRESSION** in the area will or may have results such as the following:

- (a) The lowering of property values;
- (b) A change in the racial, religious, or ethnic composition of the block, neighborhood, or area in which the property is located;
- (c) An increase in criminal or antisocial behavior in the area;
- (d) A decline in the quality of the schools.

“623.03 Prohibition of Real Estate Steering”

(a) Influence or attempt to influence any other person who purports or represents himself to be a prospective purchaser, occupant or tenant of real property to refrain from purchasing or renting real property by referring to race, color, religion, sex, age, ancestry, disability, national origin, familial status, **SEXUAL ORIENTATION, OR GENDER IDENTITY OR EXPRESSION** of occupants or prospective occupants of other real property in the neighborhood.

(c) Discriminate against any person who purports or represents himself to be a prospective seller, purchaser, occupant, landlord or tenant of real property by any influence, suggestion, act or failure to act, or accord any differential treatment among such persons, in connection with the sale or rental of real property or in the furnishing of information, services, or facilities relative thereto, because of race, color, religion, sex, ancestry, disability, national origin, familial status, **SEXUAL ORIENTATION, OR GENDER IDENTITY OR EXPRESSION** of any person.

“636.20 Ethnic Intimidation”

(a) No person shall violate Ohio R.C. 2903.21, 2903.22, 2909.06 or 2909.07, or Ohio R.C. 2917.21(A)(3), (4) or (5), or any substantially similar municipal ordinance to any of these sections, by reason of the race, color, religion, sex, age, ancestry, disability, national origin, family status, **SEXUAL ORIENTATION, OR GENDER IDENTITY OR EXPRESSION** of another person or group of persons.

“636.21 Intimidation in Connection with Housing”

(a) No person, whether or not acting under color of law, shall by force or threat of force willfully injure, intimidate, or interfere with, or attempt to injure, intimidate or interfere with any of the following:

(1) Any person because of race, color, religion, sex, age, familial status, as defined in Ohio R.C. 4112.01, national origin, disability as defined in that section, ancestry, family status, **SEXUAL ORIENTATION, OR GENDER IDENTITY OR EXPRESSION** and because that person is or has been selling, purchasing, renting, financing, occupying, contracting, or negotiating for the sale, purchase, rental, financing or occupation of any housing accommodations, or applying for or participating in any service, organization or facility relating to the business of selling or renting housing accommodations.

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

A. Participating, without discrimination on account of race, color, religion, sex, age, familial status, as defined in Ohio R.C. 4112.01, national origin, disability as defined in that section, ancestry, family status, **SEXUAL ORIENTATION, OR GENDER IDENTITY OR EXPRESSION** in any of the activities, services, organizations or facilities described in division (a)(1) of this section.

B. Affording another person or class of persons opportunity or protection so to participate.

(3) Any person because that person is or has been, or in order to discourage that person or any other person from, lawfully aiding or encouraging other persons to participate, without discrimination on account of race, color, religion, sex, age, familial status as defined in Ohio R.C. 4112.01, national origin, disability as defined in that section, ancestry, family status, **SEXUAL ORIENTATION, OR GENDER IDENTITY OR EXPRESSION** in any of the activities, services, organizations, or facilities described in division (a)(1) of this section, or participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to so participate.

“1479.08 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, age, ancestry, disability, national origin, family status, **SEXUAL ORIENTATION, OR GENDER IDENTITY OR EXPRESSION**.

SECTION 2. That the **current section 623.04 be renumbered to 623.06.**

SECTION 3. That **Chapter 623 shall be renamed “Fair Housing, Employment, and Public Accommodations”** and code provisions shall be added as follows:

“623.04 - Discrimination in employment.”

(a) It shall be unlawful:

(1) For any employer, because of the race, color, religion, sex, age, ancestry, disability, national origin, family status, sexual orientation, or gender identity or expression of any person to refuse to hire or otherwise discriminate against a person with respect to hire, tenure, conditions, or privileges of employment, or any matter directly or indirectly related to employment.

(2) For any labor organization to discriminate against any person or limit a person's employment opportunities or otherwise adversely affect their status as an employee as to their wages, hours, employment conditions because of their race, color, religion, sex, age, ancestry, disability, national origin, family status, sexual orientation, or gender identity or expression of any prospective employee.

(3) For any person providing employment to publish or cause to be published any advertisement which specifies or in any manner indicates or expresses a limitation or preference as to the race, color, religion, sex, age, ancestry, disability, national origin, family status, sexual orientation, or gender identity or expression of any prospective employee.

(4) This section does not apply to a religious institution with respect to giving preference to persons of the same religion or denomination regarding employment of an that individual to perform work connected with the carrying on by that religious institution of its activities.

“623.05 Unlawful Public Accommodations.”

(a) “Place of public accommodation” means any inn, restaurant, eating house, barbershop, public conveyance by air, land or water, theater, store, or other place for the sale of merchandise, or any other place of public accommodation or amusement where the accommodation, advantages, facilities, or privileges thereof are available to the public.

(b) It shall be an unlawful discriminatory practice

(1) For any proprietor or their employee, keeper, or manager of a place of public accommodation to deny to any person except for reasons applicable alike to all persons regardless of race, color, religion, sex, age, ancestry, disability, national origin, family status, sexual orientation, or gender identity or expression the full enjoyment of the accommodations, advantages, facilities, or privileges thereof;

(2) For any proprietor or their employee, keeper, or manager of a place of public accommodation to publish, circulate, issue, display, post or mail, either directly or indirectly, any printed or written communication, notice or advertisement to the effect that any of the accommodations, advantages, facilities, goods, products, services and privileges of any such place shall be refused, withheld or denied to any person on account of race, color, religion, sex, age, ancestry, disability, national origin, family status, sexual orientation, or gender identity or expression or that such person is unwelcome, objectionable, or not acceptable, desired or solicited;

(3) For any person, whether or not included in divisions (b)(1) and (b)(2) of this section, to aid, incite, compel, coerce, or participate in the doing of any act declared to be an unlawful discriminatory practice under this section.

SECTION 4. The Council finds and determines that all formal actions of this Council relating to the adoption of this Ordinance have been taken at open meetings of this Council; and that deliberations of this Council and of its committees, resulting in such formal action, took place in meetings open to the public, in compliance with all statutory requirements including the requirements of Section 121.22 of the Ohio Revised Code.

SECTION 5. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City for the reason that it is immediately necessary to afford protections for persons in the affected

classes in the areas of employment, housing, public accommodations, and ethnic intimidation so the same are in full force at the earliest available time. This Ordinance shall therefore take effect immediately upon passage by the affirmative vote of not less than five (5) members elected to Council and signature by the Mayor, otherwise at the earliest time permitted by law.

Linda Garrity, Council President

PASSED: _____

APPROVED: _____
Ann Marie Donegan, Mayor _____ *Date*

APPROVED AS TO FORM: _____
Gregory Sponseller, Director of Law

ATTEST: _____
Angela Mancini, Clerk of Council

First Reading: _____

Second Reading: _____

Third Reading: _____

	Yea	Nay
Garrity	___	___
Haviland	___	___
Sculac	___	___
Gorski	___	___
Stibich	___	___
Duncan	___	___
Miller	___	___