

ORDINANCE NO. 32-2021

To Amend Chapter 539 “Discriminatory Practices, Civil Rights, Disclosure” of the Codified Ordinances of the City of Worthington to Prohibit Discrimination in the Rental or Leasing of Housing Accommodations Based on Source of Income.

WHEREAS, on May 20, 2019 City Council adopted Ordinance No. 14-2019 to enact Chapter 539 of the Codified Ordinances to prohibit discriminatory practices in housing, employment, and public accommodations based on race, sex, sexual orientation, gender identity or expression, color, religion, ancestry, national origin, age, disability, marital status, familial status, genetic information, or military status; and,

WHEREAS, over twenty states and over one hundred cities and counties across the country have adopted laws prohibiting discriminatory practices in the rental or leasing of housing accommodations based on source of income, including the central Ohio cities of Bexley, Columbus, Reynoldsburg, and Westerville; and,

WHEREAS, the Worthington Community Relations Commission has recommended that City Council amend Chapter 539 to prohibit discrimination in the rental or leasing of housing accommodations based on source of income.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Municipality of Worthington, County of Franklin, State of Ohio:

SECTION 1. That Section 539.01 “Definitions” is amended to read as follows:

**539.01 DEFINITIONS**

As used in this chapter:

- (a) “Age” means at least forty (40) years old.
- (b) “Disability” means a physical or mental impairment that substantially limits one (1) or more major life activities, including the functions of caring for one’s self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working; a record of a physical or mental impairment; or being regarded as having a physical or mental impairment.
- (c) “Physical or mental impairment” includes any of the following:
  - (1) Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one (1) or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genitor-urinary; hemic and lymphatic; skin; and endocrine;

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- (2) Any mental or psychological disorder, including, but not limited to, orthopedic, visual, speech, and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, sickle cell, human immunodeficiency virus infection, intellectual disabilities, emotional illness, drug addiction, and alcoholism.
- (3) “Physical or mental impairment” does not include any of the following:
  - A. Pedophilia, exhibitionism, voyeurism, or other sexual behavior disorders;
  - B. Compulsive gambling, kleptomania, or pyromania;
  - C. Psychoactive substance use disorders resulting from current illegal use of controlled substance.

(d) “Discriminate”, “Discrimination”, or “Discriminatory” includes segregated or separated or any difference in treatment.

(e) “Employee” does not include any individual employed in the domestic service of any person

(f) “Employer” means any person who employs four (4) or more persons, within the City of Worthington, including the City of Worthington, its departments, boards, commissions, and authorities.

(g) “Employment agency” means any persons regularly undertaking with or without compensation, to procure opportunities for employment or to procure, recruit, refer, or place employees.

(h) “Familial status” means either of the following:

- (1) One (1) or more individuals who are under eighteen (18) 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;
- (2) Any person who is pregnant or in the process of securing legal custody of any individual who is under eighteen (18) years of age.
- (3) “Family” includes a single individual.

(i) “Gender identity or expression” means a person's gender-related identity, appearance, expression, or behavior, whether or not that gender-related identity, appearance, expression, or behavior is different from that traditionally associated with the

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person's physiology or assigned sex at birth, which gender-related identity can be shown by providing evidence including, but not limited to, medical history, care or treatment of the gender-related identity, consistent and uniform assertion of the gender-related identity or any other evidence that the gender-related identity is sincerely held, part of a person's core identity or not being asserted for an improper purpose.

(j) "Housing accommodations" including any buildings or structure or portion thereof which is used or occupied or is intended, arranged, or designed to be used or occupied as a home residence or sleeping place of one (1) or more individuals, groups or families, whether or not living independently of each other; and any vacant land offered for sale or lease. It also includes any housing accommodations held or offered for sale or rent by a real estate broker, salesman, or agent, or by any other person pursuant to authorization of the owner, by the owner, or by such person's legal representative.

(k) "Labor organization" includes any organization which exists for the purpose, in whole or in part, of collective bargaining or for other mutual aid or protection in relation to employment.

(l) "Military status" means a person's status in "Service in the uniformed services" as defined in Section 5923.05 of the Ohio Revised Code.

(m) "Person" includes one (1) or more individuals, partnerships, associations, organizations, corporations, legal representatives, trustees, and trustees in bankruptcy, receivers, and other organized groups of persons. It also includes, but is not limited to, any owner, lesser, assignor, builder, manager, broker, salesman, agent, employee, lending institution; and the City of Worthington and all political subdivisions, authorities, agencies, boards and commissions thereof.

(n) "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.

(o) "Restrictive covenant" means any specification in a deed, land contract or lease limiting the use of any housing because of race, sex, sexual orientation, gender identity or expression, color, religion, ancestry, national origin, age, disability, marital status, familial status, genetic information, or military status or any limitation based upon affiliation with or approval by any person, directly or indirectly, employing race, sex, sexual orientation, gender identity or expression, color, religion, ancestry, national origin, age, disability, marital status, familial status, genetic information, or military status as a condition of affiliation or approval.

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(p) “Service in the uniformed services” means the performance of duty, on a voluntary or involuntary basis, in a uniformed service, under competent authority, and includes active duty, active duty for training, initial active duty for training, inactive duty for training, full-time national guard duty, and performance of duty or training by a member of the Ohio organized militia pursuant to Chapter 5923 of the Ohio Revised Code. “Service in the uniformed services” includes also the period of time for which a person is absent from a position of public or private employment for the purpose of an examination to determine the fitness of the person to perform any duty described in this division.

(q) “Sex” means male or female. The terms “because of sex” and “on the basis of sex” include pregnancy, any illness arising out of and occurring during the course of a pregnancy, childbirth, or related medical conditions.

(r) “Sexual orientation” means a person’s actual or perceived homosexuality, bisexuality; or heterosexuality.

(s) “Uniformed services” means the Armed Forces, the Ohio organized militia when engaged in active duty for training, inactive duty training, or full-time national guard duty, the commissioned corps of the public health service, and any other category of persons designated by the president of the United States in time of war or emergency.

(t) “Marital status” means a person’s state of being single, married, separated, divorced, or widowed.

(u) “Genetic information” means the hereditary information about DNA sequence, genetic sequence, gene products, or inherited characteristics contained in chromosomal DNA or RNA that are derived from an individual or family member.

(v) “Unlawful discriminatory practice” means any act prohibited by Chapter 539 of the Worthington City Codes.

(w) “Law Director” means the Worthington Law Director or a designee appointed by the Worthington Law Director.

(x) “Hearing Officer” means the person appointed by the Worthington City Manager, in consultation with the Worthington Community Relations Commission.

(y) “Source of Income” means a lawful financial resource or form of assistance which the recipient appropriately discloses, and which can be verified and substantiated as derived from wages, investments, trusts, child support, spousal support, grant or loan programs, or any federal, state, or local assistance payments, benefits, or subsidy programs including but not limited to vouchers for rent or housing, foster child assistance, public assistance, emergency rental assistance, veterans benefits, social

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security, supplemental security income, or other government programs, or any financial assistance programs administered by a nonprofit entity.

SECTION 2. That Chapter 539 “Discriminatory Practices, Civil Rights, Disclosure” is amended by adding new Section 539.13 “Source of Income Discrimination” to read as follows:

**539.13 SOURCE OF INCOME DISCRIMINATION.**

(a) It shall be an unlawful discriminatory practice for any person, based on the source of income of a prospective tenant or current tenant, to:

- (1) Refuse to lease or rent any housing accommodations to a prospective tenant or current tenant;
- (2) Make any distinction in the terms and conditions of the rental or leasing of a housing accommodation, including but not limited to charging an additional or increased amount of security deposit, increased rental rate or fees, or limiting, restricting, or prohibiting a tenant’s privileges, access to or use of common facilities or areas in a manner that is not otherwise applicable to all tenants renting or leasing similar housing accommodations;
- (3) Attempt to discourage the rental or lease of any housing accommodations to a prospective tenant or current tenant;
- (4) Discriminate against any person in furnishing facilities, services, or privileges in connection with the rental or lease of any housing accommodations;
- (5) Assist, induce, incite, or coerce another person to commit an act or engage in a practice that violates this section;
- (6) Print, publish, or circulate any statement or advertisement relating to the rental or lease of any housing accommodations which indicates any preference, limitation, specification, or discrimination based upon the source of income of any prospective tenant or current tenant of such housing accommodations;
- (7) Coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of their having exercised or enjoyed, or on account of their having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by this section;

- (8) Represent to a person that a housing accommodation is not available for inspection or rental when the housing accommodation in fact is available for inspection or rental;
- (9) Otherwise make unavailable or deny a housing accommodation to a prospective tenant or current tenant that, but for the source of income of the person, would be eligible to rent the housing accommodation;
- (10) Serve a notice of termination of tenancy or commence a forcible entry and detainer action on grounds not authorized by Ohio law; or
- (11) Refuse to rent or lease a housing accommodation, or serve a notice of termination of tenancy, commence a forcible entry and detainer action on grounds not authorized by Ohio law, or otherwise deny to or withhold from any person or persons, the rental or leasing of a housing accommodation on the basis of the landlord's expected or actual increase in administrative obligations or additional expenses incurred by the landlord due to the tenant's source of income, where such increased obligations or expenses include but are not limited to inspection requirements of, or necessity to verify, participate in, or receive payment from, programs administered by any federal, state, or local government, or a nonprofit entity. Notwithstanding this prohibition, a landlord may require a tenant or prospective tenant to do the following:
  - A. Complete background screening inquiries or lawful criteria established prior to tenant's application and requested of all prospective tenants, or
  - B. Pass a review and verification of tenant's prior rental history, criminal background, credit report, and utility payment history.

(b) If a landlord requires a prospective tenant or current tenant to have a certain threshold level of income based on the ratio of income to rent in order to rent or lease a housing accommodation, then any source of income in the form of a rent voucher, subsidy, or any rental assistance paid directly to the landlord must be subtracted from the total of the monthly rent prior to the landlord calculating if the threshold level of income has been met. The landlord must use the same ratio of income to rent for all tenants and the calculation must be based only on the tenant's share of the rent obligation.

SECTION 3. That Section 539.019 "Ethnic Intimidation" is amended to read as follows:

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**539.09 ETHNIC INTIMIDATION.**

(a) No person shall violate Sections 2903.13, 2903.21, 2903.22, 2907.06, 2911.06, 2911.07, 2911.21, 2911.211, 2913.02, 2913.03, 2913.04, 2917.03, 2917.11, 2917.12, or 2917.21(A)(3) to (5) of the Ohio Revised Code or Sections 509.01, 509.03, 509.04, 521.08, 533.04, 537.03, 537.05, 537.06, 537.10(a)(3) to (5), 541.03, 541.04, 541.05, 541.051, 545.05, 545.06, 545.08, or 549.08 of the General Offenses Code of the Worthington Codified Ordinances, by reason of or where one of the motives is the victim's race, sex, sexual orientation, gender identity or expression, color, religion, ancestry, national origin, age, disability, marital status, familial status, source of income, genetic information or military status.

(b) In a prosecution under this section, the offenders' motive, reason or purpose may be shown by the offender's temporarily related conduct or statements before, during or after the offense, including ethnic, sexual orientation, gender identity or expression, religious or racial slurs, and by the totality of the facts, circumstances and conduct surrounding the offense.

(c) Whoever violates this section is guilty of ethnic intimidation. Ethnic intimidation is an offense of the next higher degree than the offense the commission of which is a necessary element of ethnic intimidation except as provided in subsection (d).

(d) If the underlying offense which is a necessary element of ethnic intimidation is a misdemeanor of the first degree, then the offense of ethnic intimidation is a misdemeanor of the first degree and the court shall impose a mandatory minimum sentence of at least ten (10) days in jail.

(e) This section does not apply if the facts alleged in the complaint would constitute a felony under Section 2927.12, Ohio Revised Code.

(f) The division of police shall keep and maintain records of reported violations of this section and reported incidents the motive of which is the victim's race, sex, sexual orientation, gender identity or expression, color, religion, ancestry, national origin, age, disability, familial status, source of income, or military status.

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SECTION 4. That notice of passage of this Ordinance shall be posted in the Municipal Administration Building, the Worthington Library, the Griswold Center and the Worthington Community Center and shall set forth the title and effective date of the Ordinance and a statement that the Ordinance is on file in the office of the Clerk of Council. This Ordinance shall take effect and be in force from and after the earliest period allowed by law and by the Charter of the City of Worthington, Ohio.

Passed July 19, 2021

/s/ Bonnie D. Michael  
President of Council

Attest:

/s/ D. Kay Thress  
Clerk of Council

Introduced July 6, 2021  
P.H. July 19, 2021  
Effective August 11, 2021