

NOTICE

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CHAPTER 628
Human Relations

628.01 Definitions.

628.02 Prohibited acts.

CROSS REFERENCES

Fair employment practices - see Ohio R.C. Ch. 4112
 Board of Community Relations - see ADM. Ch. 169
 Interfering with civil rights - see GEN. OFF. 606.20
 Offenses relating to persons - see GEN. OFF. Ch. 636
 Organizational liability and penalties - see GEN. OFF. 606.08, 698.04

628.01 DEFINITIONS.

As used in this chapter:

(a) "Person selling real property" means individuals, partnerships, associations, organizations, trustees, corporations, agents, legal representatives, receivers and other organized groups of persons that:

- (1) Sell real property whether improved or unimproved;
 - (2) Lease or rent real property in a single building consisting of one or more housing units.
- (b) "Purchaser" means any occupant, prospective occupant, lessee or tenant, prospective lessee or tenant, buyer or prospective buyer.
- (c) "Financial institution" means any individual or individuals, partnership, association, organization, trustee, corporation, agent, legal representative, receiver or other organized group of persons regularly engaged in the business of lending money or guaranteeing loans on real property.
- (d) "Insurer" means any individual or individuals, partnership, association, organization, trustee, corporation, agent, legal representative, receiver or other organized groups of persons regularly engaged in the business of issuing casualty insurance policies or title insurance policies on real property.
- (e) "Housing unit" means any building, structure or part thereof which is used or occupied or is intended, arranged or designed to be used or occupied as the residence or sleeping place of one family as defined in Part Eleven -Planning and Zoning, Section 1133.02.
- (f) "Discriminate" or "discrimination" means any distinction or difference in treatment of a person based on the religion, creed, color, sex, race, handicap, familial status, national origin or ancestry of such person.

(Ord. No. 3495-91, passed 5-14-91)

Revision 203

628.02 PROHIBITED ACTS.

(a) No person selling real property shall, solely because of religion, creed, color, race, sex, handicap, familial status, national origin or ancestry of any person:

- (1) Refuse to sell, lease or rent any real property to a purchaser;
- (2) Evict or deny occupancy to a purchaser of any real property;
- (3) Make any distinction, discrimination or restriction against a purchaser in the sale, rental, price, terms, conditions or privileges relating to the sale, rental, lease, occupancy of real property, or in the furnishing of any facilities or services in connection therewith;
- (4) Refuse to show any real property or otherwise attempt to prevent the sale, rental or lease of any real property to a purchaser.

(b) No person selling real property shall publish, circulate, issue or display, or cause to be published, circulated, issued or displayed, any communication, notice, advertisement or sign of any kind relating to the sale, rental or leasing of real property which indicates any preference, limitation, specification or discrimination based on religion, creed, color, sex, race, handicap, familial status, national origin or ancestry of a person.

(c) No financial institution shall discriminate in the granting, withholding, extending or renewing or in the fixing of the rates, terms or conditions of any financial assistance sought by an applicant or applicants for the purchase, construction, rehabilitation, repair or maintenance of any real property or improvements thereon because of the religion, creed, color, sex, race, handicap, familial status, national origin or ancestry of the applicant or applicants or their family.

(d) No person shall conspire with any other person or assist, induce, incite or coerce another person to commit an act or engage in a practice that violates this section nor engage in economic or other reprisals against a person or business firm for complying with this act.

(e) No insurer shall discriminate in the issuance, insuring, extending, granting or renewing or in the fixing of rates, premiums, terms or conditions of any casualty insurance policy or title insurance policy for the sale, purchase, rental, leasing or construction of any real property or improvement thereon.

(f) It shall be unlawful:

- (1) For a labor union because of race, creed, color, handicap, familial status, national origin or ancestry to:
 - A. Deny full and equal membership rights to a member or to an applicant for membership;
 - B. Expel a member from membership;
 - C. Discriminate against a member or applicant with respect to hire, tenure, referral, apprenticeship, compensation, terms, upgrading or other conditions or privileges of employment;
 - D. Do or commit any other act with respect to a member or applicant which arises out of, or is activated by, consideration of race, creed, color, handicap, familial status, national origin or ancestry.

- (2) For an employer, because of race, creed, color, handicap, familial status, national origin or ancestry to:
 - A. Refuse to hire an applicant for employment;
 - B. Discharge an employee;
 - C. Discriminate against an employee with respect to hire, tenure, apprenticeship, compensation, terms, upgrading, or other conditions or privileges of employment;
 - D. Do or commit any other act with respect to an employee or applicant which arises out of or is activated by considerations of race, creed, color, handicap, familial status, national origin or ancestry.
- (3) For an employment agency, because of race, creed, color, handicap, familial status, national origin or ancestry to:
 - A. Refuse or fail to accept, register, properly classify or refer for employment any person;
 - B. Comply with any request by any employer for referral of applicants if the request indicates directly or indirectly that the employer desires any limitation of applicants to persons of particular racial, religious or national characteristics or in any other way fails to comply with the requirements of this chapter;
 - C. Do or commit any other act with respect to an applicant for referral or employment which arises out of or is activated by considerations of race, creed, color, handicap, familial status, national origin or ancestry.
- (4) For any labor union, employer, employment agency or other person to require any applicant or employee to furnish information respecting his race, creed, color, handicap, familial status, national origin or ancestry, except where required by a governmental agency.
- (5) For any person to circulate or publish any notice or advertisement relating to employment or membership in a labor union which indicates directly or indirectly any preference, limitation, specification or discrimination based upon race, creed, color, handicap, familial status, national origin or ancestry.

The provisions of this section shall apply to a joint labor-industry apprenticeship committee or board and to each individual member thereof notwithstanding the employer members of such committee or board are not in fact the employer of an apprentice against whom an act of discrimination has been committed, to the extent the members of such committee or board participate in the act of discrimination.

(g) No person shall discriminate on grounds of race, creed, color, handicap, familial status, national origin or ancestry, with respect to, access to, use of or benefit from, any institution of education of public services and facilities or public recreation rendered in connection therewith, except that a school operated by a religious denomination may require membership in such denomination as a condition for enrollment, provided such requirement is placed upon all applicants.

(h) No person shall induce or attempt to induce the sale or listing for sale of a housing accommodation by representing that a change has occurred or will or may occur with respect to the racial, religious, or ethnic composition of the block, neighborhood or area in which the property is located.

(i) No person shall induce or attempt to induce the sale or listing for sale of a housing accommodation by representing that the presence or anticipated presence of persons of any particular race, handicap, familial status, religion or national origin in the area will or may result in:

- (1) The lowering of property values;
- (2) A change in the racial, religious or ethnic composition of the block, neighborhood or area in which the property is located;
- (3) An increase in criminal or antisocial behavior in the area; or
- (4) A decline in the quality of the schools serving the area.

(j) No person shall make any representation to any prospective purchaser that any block, neighborhood or area has, will or might undergo a change with respect to the religious, racial or nationality composition of the block, neighborhood or area for the purpose of discouraging the purchase of a housing accommodation in a particular area.

(k) No person shall engage in, or hire or conspire with another person to commit acts or activities of any nature, the purpose of which is to harass, degrade, embarrass or cause economic loss:

- (1) To an owner who offers to provide housing accommodations, facilities or services to any purchaser regardless of race, color, religion, handicap, ancestry or national origin or the purchaser, or
- (2) To an owner because such owner has provided housing accommodations, facilities or services to a purchaser of a particular race, color, religion, handicap, ancestry or national origin.

(l) No person shall engage in any economic reprisal against any person because that person has filed a complaint, testified, assisted or participated in any manner in any investigation, proceeding or hearing under the terms of this chapter.

(m) No person shall intentionally aid, abet, incite, compel or coerce any person to engage in any of the discriminatory practices as defined by this chapter.

(n) No person shall willfully obstruct or prevent any person from complying with the provisions of this chapter, or resist, prevent, impede or interfere with the Board of Community Relations, or any of its members or representatives in the performance of duty under this chapter.

(o) If a real estate broker, salesman or employee thereof has been found to have committed an unlawful practice under this chapter, the Real Estate Commission of Ohio and the Dayton Area Board of Realtors shall be notified.

(p) Nothing in this chapter shall require an order to offer property to the public at large before selling, renting or leasing it, nor shall this chapter be deemed to prohibit owners from giving preference to prospective tenants, lessees or buyers for any reason other than religion, race, color, handicap, familial status, national origin or ancestry.

(q) This chapter shall not apply to the rental of any rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his residence.

(r) Nothing in this chapter shall require an order to offer property for sale, lease or rental to any person if the owner has any reason to believe that such person is not negotiating for the purchase, rental or lease of such property in good faith.

(s) This chapter shall not apply to the rental or lease of any rooming units in a housing unit, if the owner or a member of his family resides in the housing unit.

(t) This chapter shall not apply to the rental or lease of any rooming units in a house in which the owner of the entire house or a member of his family resides.

(u) No person shall knowingly and intentionally induce and entrap another to commit a violation of any of the provisions of this chapter not contemplated by him for the purpose of instituting a criminal prosecution against him.
(Ord. 2028-69. Passed 9-23-69.)

(v) Whoever violates any of the provisions of this section is guilty of a minor misdemeanor for the first offense and a misdemeanor of the third degree for any subsequent offense. Punishment shall be as provided in Section 698.02.