

ORDINANCE NO. 25-2021 (AS), *Third Reading*

By Council Member Seren

An Ordinance amending various Sections of Chapter 749, “Fair Practices” of the Codified Ordinances of the City of Cleveland Heights to include Source of Income as a prohibited, discriminatory rationale for the purposes of fair housing practices.

WHEREAS, the proposed changes to Chapter 749 will increase housing access and stability in Cleveland Heights, and

WHEREAS, the economic effect of the COVID-19 pandemic has highlighted the need for increased rental and other financial assistance due to unemployment and underemployment, and

WHEREAS, the Council has determined that improving housing access and stability for people with a diversity of sources of income is in the best interest of the City, its residents, and the general goal of fair practices and the protection of civil rights.

BE IT ORDAINED by the Council of the City of Cleveland Heights, Ohio, that:

SECTION 1. Section 749.03(n) of the Codified Ordinances of Cleveland Heights shall be, and is hereby, amended to read as follows:

(n) The terms 'Discriminate,' 'Discriminating,' or 'Discrimination,' mean any act, policy, or practice that, regardless of intent, has or had the effect of subjecting any individual to different treatment as a result of that individual's Age, race, color, religion, Sex, Familial Status, national origin, Disability, Sexual Orientation, or Gender Identity or Expression, Source of Income, or the nonconsensual dissemination of that individual's private sexual images, except as otherwise set forth in this Chapter, and except that Age may be the basis of different treatment concerning Housing Practices (see Section 749.07) and/or Education Practices (see Section 749.14).

SECTION 2. Section 749.03(ii) of the Codified Ordinances of Cleveland Heights shall be, and is hereby, amended to read as follows:

(ii) “Source of Income” means income derived from wages, social security, supplemental security income, all forms of federal, state or local assistance payments or subsidies, child support, spousal support, and publicly or privately provided assistance which can be verified and substantiated, including but not limited to housing vouchers, emergency rental assistance, disability benefits, and military or veterans benefits.

SECTION 3. Section 749.03 of the Codified Ordinances of Cleveland Heights shall be, and is hereby, amended to add subsection (jj) to read as follows:

(jj) "Unlawful Discriminatory Practice" means an act prohibited by this Chapter, and includes "Unlawful Discriminatory Housing Practices," "Unlawful Discriminatory Employment

Practices," "Unlawful Discriminatory Education Practices," and "Unlawful Discriminatory Public Accommodation Practices," as set forth in this Chapter.

SECTION 4. Section 749.07 of the Codified Ordinances of Cleveland Heights shall be, and is hereby, amended to read as follows:

749.07 UNLAWFUL DISCRIMINATORY HOUSING PRACTICES.

It shall be an Unlawful Discriminatory Housing Practice and a violation of this Chapter:

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(c) For any Person or Real Estate Agent or Lending Institution, with respect to any prohibited act specified in this Chapter, to publish or circulate or cause to be published or circulated, any notice, statement, listing or advertisement, or to announce a policy or to make any record in connection with the prospective sale, lease, sublease, rental or financing of any Housing which indicates reliance, determination or decision based on race, color, religion, Sex, Familial Status, national origin, Disability, Sexual Orientation, ~~or~~ Gender Identity or Expression, or Source of Income.

(d) For any Person or Real Estate Agent or Lending Institution to assist in, compel, or coerce the doing of any act declared to be an Unlawful Discriminatory Housing Practice under this Chapter, or to obstruct or prevent enforcement or compliance with provisions of this Chapter, or to attempt directly or indirectly to commit any act declared by this Chapter to be an Unlawful Discriminatory Housing Practice.

(e) For any Person or Real Estate Agent or Lending Institution:

(1) To induce or attempt to induce the sale, transfer of interest, or listing for sale of any Housing by making representations regarding the existing or potential proximity of real property owned, used, or occupied by any individual of any particular race, color, religion, Sex, Familial Status, national origin, Disability, Sexual Orientation, ~~or~~ Gender Identity or Expression, or Source of Income by direct or indirect methods.

(2) To make any representation to a prospective purchaser or lessee that any Housing in a particular block, neighborhood or area may undergo, is undergoing, or has undergone a change with respect to the race, color, religion, Sex, Familial Status, national origin, Disability, Sexual Orientation, ~~or~~ Gender Identity or Expression, or Source of Income of the individuals that live in such a block, neighborhood, or area.

(3) To induce or attempt to induce the sale or listing for sale of any Housing by representing that the presence or anticipated presence of individuals of any particular race, color, religion, Sex, Familial Status, national origin, Disability, Sexual Orientation, ~~or~~ Gender Identity or Expression, or Source of Income in the area will or may result in:

A. The lowering of property values.

B. A change in the race, color, religion, Sex, Familial Status, national origin, Disability, Sexual Orientation, ~~or~~ Gender Identity or Expression, or Source of Income status of the individuals in the block, neighborhood, or area in which the property is located.

C. An increase in criminal or anti-social behavior in the area.

D. A decline in quality of the schools serving the area.

(f) For any Person or Real Estate Agent or Lending Institution to cause or attempt to cause or coerce retaliation against any individual because such individual has lawfully opposed any act or failure to act that is a violation of this Chapter or has, in good faith, filed a Complaint, testified, participated, or assisted in any way in any proceeding under this Chapter.

(g) To Discriminate against any individual by denying such individual 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 Housing, or Discriminate against an individual in the terms or conditions of such access, membership or participation.

(h) To do any other thing or engage in conduct which would otherwise make unavailable equal Housing opportunities.

(i) Nothing herein contained shall prohibit any Person subject to the terms of this Chapter from answering, in a truthful manner, any questions directed to him or her from any prospective purchaser or renter concerning the race, color, religion, Sex, Familial Status, national origin, Disability, ~~or~~ Sexual Orientation, or Source of Income of individuals then Renting or living on a given street or neighborhood.

SECTION 5. Section 749.08 of the Codified Ordinances of Cleveland Heights shall be, and is hereby, amended to read as follows:

749.08 POSTING OF HOUSING NOTICES.

All Real Estate Agents shall post, in a conspicuous location in a portion of their place of business identified as the reception room, main room, or that room normally used by them for negotiating the terms of a sale or lease of Housing, and all Persons who operate a Covered Multi-Family Dwelling shall post at all times in a conspicuous location in either the main entry area or in that portion of their Housing business normally used by them for negotiating the rental of a Housing unit therein, a notice which contains the following language, printed on a light-colored background, in not less than fourteen (14) point type:

It is a violation of the Fair Practices Law of the City of Cleveland Heights for any real estate agent, or for any person owning or managing a multi-unit apartment dwelling to:

(a) Deny housing to any person because of race, color, religion, sex, familial status, national origin, disability, sexual orientation, ~~or~~ gender identity or expression, or Source of Income.

(b) Discriminate against any person because of that person's race, color, religion, sex, familial status, national origin, disability, sexual orientation, ~~or~~ gender identity or expression, or Source of Income with respect to the terms, conditions, or privileges of housing accommodations or in the furnishing of facilities or services in connection therewith.

SECTION 6. Notice of the passage of this Ordinance shall be given by publishing the title and abstract of its contents, prepared by the Director of Law, once in one newspaper of general circulation in the City of Cleveland Heights.

SECTION 7. This Ordinance shall take effect and be in force at the earliest time possible permitted by law.

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JASON S. STEIN  
President of the Council

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AMY HIMMELEIN  
Clerk of Council

PASSED: April 19, 2021