

As Introduced

**131st General Assembly
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H. B. No. 537

Representative Hayes

A BILL

To amend sections 1901.14, 1907.18, 2101.27, 1
3101.05, 3101.08, 4111.17, and 4735.55 and to 2
enact sections 3101.081, 3101.16, 3101.17, 3
3101.18, 4114.01, 4114.02, 4114.03, 4114.04, 4
4114.05, 4114.06, and 4114.07 of the Revised 5
Code to make discrimination in housing or 6
employment on the basis of sexual orientation an 7
unlawful discriminatory practice; to provide 8
specified protections for religious expression 9
and beliefs about marriage, family, and 10
sexuality; and to prohibit an elected official 11
who solemnizes marriages from refusing to 12
solemnize a marriage of two persons who have 13
been granted a marriage license. 14

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 1901.14, 1907.18, 2101.27, 15
3101.05, 3101.08, 4111.17, and 4735.55 be amended and sections 16
3101.081, 3101.16, 3101.17, 3101.18, 4114.01, 4114.02, 4114.03, 17
4114.04, 4114.05, 4114.06, and 4114.07 of the Revised Code be 18
enacted to read as follows: 19

Sec. 1901.14. (A) Municipal judges have the following 20
powers and duties: 21

(1) To ~~perform marriage ceremonies anywhere in this state,~~ 22
take acknowledgment of deeds and other instruments, administer 23
oaths, and perform any other duties that are conferred upon 24
judges of county courts. 25

~~All fees, including marriage fees, collected by a~~ 26
~~municipal judge when not connected with any cause or proceeding~~ 27
~~pending in the municipal court, shall be paid over to the clerk~~ 28
~~of the municipal court to be paid to the city treasury, except~~ 29
~~that, in a county-operated municipal court, the fees shall be~~ 30
~~paid to the treasury of the county in which the court is~~ 31
~~located.~~ 32

(2) To adopt, publish, and revise rules for the regulation 33
of the practice and procedure of their respective courts, and 34
for the selection and manner of summoning persons to serve as 35
jurors in the court; 36

(3) To adopt, publish, and revise rules relating to the 37
administration of the court; 38

(4) On or before the last day of March of each year, the 39
court shall render a complete report of its operation during the 40
preceding calendar year to the legislative authority and to the 41
board of county commissioners of each county within its 42
territory. The report shall show the work performed by the 43
court, a statement of receipts and expenditures of the civil and 44
criminal branches, respectively, the number of cases heard, 45
decided, and settled, and any other data that the supreme court, 46
the secretary of state, the legislative authority, and the board 47
of county commissioners requires. 48

(B) Any rule adopted pursuant to division (A) (2) or (3) of this section does not apply to the housing or environmental division of the municipal court if the judge of the housing or environmental division has adopted rules pursuant to division (C) of this section, unless the rules adopted pursuant to division (C) of this section do not regulate the subject regulated by the rule adopted pursuant to division (A) (2) or (3) of this section.

(C) Judges of the housing or environmental division of a municipal court, other than the judge of the environmental division of the Franklin county municipal court, may adopt, publish, and revise rules for the regulation of the practice and procedure of the division, for the selection and manner of summoning persons to serve as jurors in the division, and for the administration of the division.

(D) (1) Municipal judges have the power and authority to solemnize marriages anywhere in the state.

(2) No municipal judge who solemnizes a marriage under division (D) (1) of this section on or after the effective date of this amendment shall subsequently refuse to solemnize a marriage of any persons who have been granted a marriage license under section 3101.05 of the Revised Code.

(3) A municipal judge who solemnizes no marriages on or after the effective date of this amendment shall not be punished, disciplined, or otherwise retaliated against for electing not to exercise the authority granted to the judge under division (D) (1) of this section.

(E) All fees, including marriage fees, collected by a municipal judge when not connected with any cause or proceeding

pending in the municipal court, shall be paid over to the clerk 78
of the municipal court to be paid to the city treasury, except 79
that, in a county-operated municipal court, the fees shall be 80
paid to the treasury of the county in which the court is 81
located. 82

Sec. 1907.18. (A) County court judges, within and 83
coextensive with their respective counties, have jurisdiction 84
and authority to: 85

(1) Administer an oath authorized or required by law to be 86
administered; 87

(2) Take acknowledgments of instruments of writing; 88

(3) Issue subpoenas to compel the attendance of witnesses 89
to give evidence in causes or matters pending before the judges, 90
or for the purpose of taking depositions or perpetuating 91
testimony; 92

(4) Proceed against sheriffs, deputy sheriffs, and 93
constables failing to make return, making false return, or 94
failing to pay over money collected on execution issued by the 95
judges; 96

(5) Try actions against other county court judges for 97
refusing or neglecting to pay over moneys collected in their 98
official capacity when the amount claimed does not exceed five 99
hundred dollars. This division does not deny or impair any 100
remedy provided by law in such a case by suit on the official 101
bond of such a county court judge, or by amercement or 102
otherwise, for neglect or failure to pay over money so 103
collected. 104

(6) Hear actions concerning the issuance and enforcement 105
of, issue, and enforce temporary protection orders pursuant to 106

section 2919.26 of the Revised Code and protection orders	107
pursuant to section 2903.213 of the Revised Code;	108
(7) Hear actions concerning the enforcement of protection	109
orders issued by courts of another state, as defined in section	110
2919.27 of the Revised Code, and to enforce those protection	111
orders.	112
(B) County court judges may punish contempts, and exercise	113
powers necessary to give effect to the jurisdiction of the court	114
and to enforce its judgments, orders, and decrees, as provided	115
in this chapter or, in the absence of a provision in this	116
chapter, in a manner authorized by the Revised Code or common	117
law for the judges of the courts of common pleas.	118
(C) (1) County court judges have jurisdiction and authority	119
to perform marriage ceremonies <u>solemnize marriages</u> anywhere in	120
the state.	121
(2) A county court judge shall pay all marriage fees	122
collected by the judge when not connected with any cause or	123
proceeding pending in the county court to the treasurer of the	124
county in which the court is located.	125
<u>(D) (1) No county court judge who solemnizes a marriage</u>	126
<u>under division (C) of this section on or after the effective</u>	127
<u>date of this amendment shall subsequently refuse to solemnize</u>	128
<u>the marriage of any persons who have been granted a marriage</u>	129
<u>license under section 3101.05 of the Revised Code.</u>	130
<u>(2) A county court judge who solemnizes no marriages on or</u>	131
<u>after the effective date of this amendment shall not be</u>	132
<u>punished, disciplined, or otherwise retaliated against for</u>	133
<u>electing not to exercise the authority granted to the judge</u>	134
<u>under division (C) (1) of this section.</u>	135

Sec. 2101.27. (A) A probate judge has jurisdiction and 136
authority to solemnize marriages within the county and may 137
charge a fee for providing the service in accordance with 138
division (B) of this section. The fee charged is subject to 139
disposition in accordance with division (C) of this section. 140

(B) (1) If a probate judge intends to charge a fee for 141
solemnizing any marriage in accordance with division (A) of this 142
section, prior to doing so, the probate judge, by rule, shall 143
establish a reasonable fee for providing the service. 144

(2) Division (B) (1) of this section does not do either of 145
the following: 146

(a) Require a probate judge who, by rule, has established 147
a reasonable fee for solemnizing marriages to charge that fee 148
for every marriage that the probate judge solemnizes; 149

(b) Affect specific fees to which the probate judge is 150
entitled under section 2101.16 or any other section of the 151
Revised Code for issuing marriage licenses, recording returns of 152
solemnized marriages, providing certified abstracts of 153
marriages, or performing any other task related to a marriage 154
other than its solemnization. 155

(C) If, in accordance with division (B) of this section, a 156
reasonable fee is charged by a probate judge for solemnizing any 157
marriage, the probate judge shall not retain any portion of that 158
fee and instead shall pay the entire fee into the county 159
treasury. The county treasurer shall credit the fee to the 160
general fund of the county. 161

(D) (1) No probate judge who solemnizes a marriage under 162
division (A) of this section on or after the effective date of 163
this amendment shall subsequently refuse to solemnize the 164

marriage of any persons who have been granted a marriage license 165
under section 3101.05 of the Revised Code. 166

(2) A probate judge who solemnizes no marriages on or 167
after the effective date of this amendment shall not be 168
punished, disciplined, or otherwise retaliated against for 169
electing not to exercise the authority granted to the judge 170
under division (A) of this section. 171

Sec. 3101.05. (A) The parties to a marriage shall make an 172
application for a marriage license. Each of the persons seeking 173
a marriage license shall personally appear in the probate court 174
within the county where either resides, or, if neither is a 175
resident of this state, where the marriage is expected to be 176
solemnized. If neither party is a resident of this state, the 177
marriage may be solemnized only in the county where the license 178
is obtained. Each party shall make application and shall state 179
upon oath, the party's name, age, residence, place of birth, 180
occupation, father's name, and mother's maiden name, if known, 181
and the name of the person who is expected to solemnize the 182
marriage. If either party has been previously married, the 183
application shall include the names of the parties to any 184
previous marriage and of any minor children, and if divorced the 185
jurisdiction, date, and case number of the decree. If either 186
applicant is under the age of eighteen years, the judge shall 187
require the applicants to state that they received marriage 188
counseling satisfactory to the court. Except as otherwise 189
provided in this division, the application also shall include 190
each party's social security number. In lieu of requiring each 191
party's social security number on the application, the court may 192
obtain each party's social security number, retain the social 193
security numbers in a separate record, and allow a number other 194
than the social security number to be used on the application 195

for reference purposes. If a court allows the use of a number 196
other than the social security number to be used on the 197
application for reference purposes, the record containing the 198
social security number is not a public record, except that, in 199
any of the circumstances set forth in divisions (A) (1) to (4) of 200
section 3101.051 of the Revised Code, the record containing the 201
social security number shall be made available for inspection 202
under section 149.43 of the Revised Code. 203

Immediately upon receipt of an application for a marriage 204
license, the court shall place the parties' record in a book 205
kept for that purpose. If the probate judge is satisfied that 206
there is no legal impediment and if one or both of the parties 207
are present, the probate judge shall grant the marriage license. 208

If the judge is satisfied from the affidavit of a 209
reputable physician in active practice and residing in the 210
county where the probate court is located, that one of the 211
parties is unable to appear in court, by reason of illness or 212
other physical disability, a marriage license may be granted 213
upon application and oath of the other party to the contemplated 214
marriage; but in that case the person who is unable to appear in 215
court, at the time of making application for a marriage license, 216
shall make and file in that court, an affidavit setting forth 217
the information required of applicants for a marriage license. 218

A probate judge may grant a marriage license under this 219
section at any time after the application is made. 220

A marriage license issued shall not display the social 221
security number of either party to the marriage. 222

(B) An applicant for a marriage license who knowingly 223
makes a false statement in an application or affidavit 224

prescribed by this section is guilty of falsification under 225
section 2921.13 of the Revised Code. 226

(C) No licensing officer shall issue a marriage license if 227
the officer has not received the application, affidavit, or 228
other statements prescribed by this section or if the officer 229
has reason to believe that any of the statements in a marriage 230
license application or in an affidavit prescribed by this 231
section are false. 232

(D) Any fine collected for violation of this section shall 233
be paid to the use of the county together with the costs of 234
prosecution. 235

(E) If the parties to a marriage are entitled to a 236
marriage license under this section, a probate court shall issue 237
that license without delay. 238

~~**Sec. 3101.08.** An ordained or licensed minister of any 239
religious society or congregation within this state who is 240
licensed to solemnize marriages, a judge of a county court in 241
accordance with section 1907.18 of the Revised Code, a judge of 242
a municipal court in accordance with section 1901.14 of the 243
Revised Code, a probate judge in accordance with section 2101.27 244
of the Revised Code, the mayor of a municipal corporation in any 245
county in which such municipal corporation wholly or partly 246
lies, the superintendent of the state school for the deaf, or 247
any religious society in conformity with the rules of its 248
church, The following persons or entities may join together as 249
husband and wife spouses any persons who are not prohibited by 250
law from being joined in marriage: 251~~

(A) An ordained or licensed minister of any religious 252
society or congregation within this state who is licensed to 253

<u>solemnize marriages;</u>	254
<u>(B) A judge of a county court in accordance with section 1907.18 of the Revised Code;</u>	255 256
<u>(C) A judge of a municipal court in accordance with section 1901.14 of the Revised Code;</u>	257 258
<u>(D) A probate judge in accordance with section 2101.27 of the Revised Code;</u>	259 260
<u>(E) The mayor of a municipal corporation in any county in which such municipal corporation wholly or partly lies;</u>	261 262
<u>(F) The superintendent of the state school for the deaf;</u>	263
<u>(G) Any religious society in conformity with the rules of its church.</u>	264 265
<u>Sec. 3101.081.</u> (A) <u>No elected official who is permitted to solemnize marriages under section 3101.08 of the Revised Code and who solemnizes a marriage in the capacity of an elected official on or after the effective date of this section shall subsequently refuse to solemnize the marriage of any persons who have been granted a marriage license under section 3101.05 of the Revised Code.</u>	266 267 268 269 270 271 272
<u>(B) An elected official who is permitted to solemnize marriages under section 3101.08 of the Revised Code and who solemnizes no marriages on or after the effective date of this section shall not be punished, disciplined, or otherwise retaliated against for electing not to exercise the authority granted to the elected official under that section.</u>	273 274 275 276 277 278
<u>Sec. 3101.16.</u> (A) <u>As used in this section and section 3101.17 of the Revised Code:</u>	279 280

<u>(1) "Sexuality" means an individual's legal sexual conduct</u>	281
<u>or sexual expression, or sexual orientation.</u>	282
<u>(2) "Sexual orientation" means an individual's self-</u>	283
<u>identity as heterosexual, homosexual, or bisexual.</u>	284
<u>(3) "State or local government official" means an officer,</u>	285
<u>employee, appointee, or other person serving the state or a</u>	286
<u>political subdivision of the state in an official capacity.</u>	287
<u>(B) Except as provided in section 1901.14, 1907.18,</u>	288
<u>2101.27, or 3101.081 of the Revised Code, no state or local law,</u>	289
<u>rule, ordinance, resolution, or regulation, and no state or</u>	290
<u>local government official shall require, an ordained or licensed</u>	291
<u>minister described in division (A) of section 3101.08 of the</u>	292
<u>Revised Code or a religious society described in division (G) of</u>	293
<u>that section to do any of the following:</u>	294
<u>(1) Solemnize a marriage that is contrary to the</u>	295
<u>minister's or religious society's sincerely held religious</u>	296
<u>beliefs;</u>	297
<u>(2) Credit for religious purposes a marriage between</u>	298
<u>individuals that is contrary to the minister's or religious</u>	299
<u>society's sincerely held religious beliefs;</u>	300
<u>(3) Provide any goods, services, grounds, or facilities of</u>	301
<u>the minister or religious society for a marriage solemnization</u>	302
<u>or celebration that is contrary to the minister's or religious</u>	303
<u>society's sincerely held religious beliefs;</u>	304
<u>(4) Promote marriage or relationships through religious</u>	305
<u>programs, counseling, courses, or retreats in a way that is</u>	306
<u>contrary to that minister's or religious society's sincerely</u>	307
<u>held religious beliefs.</u>	308

(C) No state or local law, rule, ordinance, resolution, or 309
regulation and no state or local government official shall do 310
either of the following: 311

(1) Deny a minister or religious society the authority to 312
legally solemnize marriages under section 3101.08 of the Revised 313
Code based on the minister's or religious society's refusal to 314
engage in any action enumerated in division (B) of this section 315
that is contrary to the minister's or religious society's 316
sincerely held religious beliefs; 317

(2) Take any other action against a person in retaliation 318
for the person asserting the rights provided under this section 319
or section 3101.17 of the Revised Code, including all of the 320
following actions: 321

(a) Imposing a penalty, fine, or formal discipline; 322

(b) Denying benefits required under the laws of this 323
state, including government contracts, grants, licenses, or tax- 324
exempt status; 325

(c) Seeking an injunction or other legal or administrative 326
action to require compliance. 327

(D) No state or local official or other accrediting entity 328
that has the authority to issue licenses or other authorizations 329
to engage in an occupation shall deny, revoke, or suspend a 330
person's license or other authorization or otherwise penalize, 331
discipline, censure, disadvantage, discriminate against, or 332
retaliate against a person holding a license or other 333
authorization based on the person's beliefs or lawful 334
expressions about those beliefs expressed in a nonprofessional 335
setting regarding marriage, family, or sexuality. 336

(E) (1) An aggrieved person may enforce the rights granted 337

by this section by filing a civil action in the court of common 338
pleas of the county in which the state or local government 339
official who is the subject of the complaint resides seeking any 340
of the following: 341

(a) Actual damages; 342

(b) An injunction or other equitable relief to require the 343
official to comply with the requirements of this section; 344

(c) Removal of the official from office for misconduct by 345
the procedures established under section 3.08 of the Revised 346
Code if the official is a public officer, or any other section 347
of the Revised Code, municipal ordinance, or county resolution. 348

(2) If the court in a civil action under division (E) (1) 349
of this section finds that a violation of this section has 350
occurred, the court shall award to the aggrieved person actual 351
damages and any equitable relief it considers appropriate, 352
including a permanent or temporary injunction. 353

(3) The court may award reasonable attorney fees and court 354
costs to the prevailing party. 355

Sec. 3101.17. (A) Except as provided in section 1901.14, 356
1907.18, 2101.27, or 3101.081 of the Revised Code, no person 357
shall require an ordained or licensed minister described in 358
division (A) of section 3101.08 of the Revised Code or religious 359
society described in division (G) of that section to provide any 360
goods, services, grounds, facilities, advantages, or privileges 361
of the minister or religious society for a marriage celebration 362
or marriage ceremony that is contrary to that minister's or 363
religious society's sincerely held religious beliefs. 364

(B) An aggrieved person may enforce the rights granted by 365
this section by filing a civil action in the court of common 366

pleas of the county in which the individual who is the subject 367
of the complaint resides or the business that is the subject of 368
the complaint is located. If the court in the civil action finds 369
that a violation of this section has occurred, the court shall 370
award to the aggrieved person actual damages and any equitable 371
relief it considers appropriate, including a permanent or 372
temporary injunction. 373

The court may award reasonable attorney fees and court 374
costs to the prevailing party. 375

Sec. 3101.18. Sections 3101.16 and 3101.17 of the Revised 376
Code shall be construed liberally in favor of the protection of 377
religious beliefs. Nothing in those sections shall be considered 378
to limit the authority of the state or a political subdivision 379
of the state to enforce the criminal and civil rights laws of 380
this state or to lawfully protect the health, safety, and 381
property of residents of this state. 382

Sec. 4111.17. (A) No employer, including the state and 383
political subdivisions thereof, shall discriminate in the 384
payment of wages on the basis of race, color, religion, sex, 385
age, ~~ancestry~~, national origin, or ~~ancestry~~ sexual orientation 386
as that term is defined in section 4114.01 of the Revised Code, 387
by paying wages to any employee at a rate less than the rate at 388
which the employer pays wages to another employee for equal work 389
on jobs the performance of which requires equal skill, effort, 390
and responsibility, and which are performed under similar 391
conditions. 392

(B) Nothing in this section prohibits an employer from 393
paying wages to one employee at a rate different from that at 394
which the employer pays another employee for the performance of 395
equal work under similar conditions on jobs requiring equal 396

skill, effort, and responsibility, when the payment is made 397
pursuant to any of the following: 398

(1) A seniority system; 399

(2) A merit system; 400

(3) A system which measures earnings by the quantity or 401
quality of production; 402

(4) A wage rate differential determined by any factor 403
other than race, color, religion, sex, age, ancestry, national 404
origin, or ancestry sexual orientation. 405

(C) No employer shall reduce the wage rate of any employee 406
in order to comply with this section. 407

(D) The director of commerce shall carry out, administer, 408
and enforce this section. Any employee discriminated against in 409
violation of this section may sue in any court of competent 410
jurisdiction to recover two times the amount of the difference 411
between the wages actually received and the wages received by a 412
person performing equal work for the employer, from the date of 413
the commencement of the violation, and for costs, including 414
attorney fees. The director may take an assignment of any such 415
wage claim in trust for such employee and sue in the employee's 416
behalf. In any civil action under this section, two or more 417
employees of the same employer may join as co-plaintiffs in one 418
action. The director may sue in one action for claims assigned 419
to the director by two or more employees of the same employer. 420
No agreement to work for a discriminatory wage constitutes a 421
defense for any civil or criminal action to enforce this 422
section. No employer shall discriminate against any employee 423
because such employee makes a complaint or institutes, or 424
testifies in, any proceeding under this section. 425

(E) Any action arising under this section shall be 426
initiated within one year after the date of violation. 427

Sec. 4114.01. (A) As used in this chapter: 428

(1) "Person" includes one or more individuals, 429
partnerships, associations, organizations, corporations, legal 430
representatives, trustees, trustees in bankruptcy, receivers, 431
and other organized groups of persons. "Person" also includes, 432
but is not limited to, any owner, lessor, assignor, builder, 433
manager, broker, salesperson, appraiser, agent, employee, 434
lending institution, and the state and all political 435
subdivisions, authorities, agencies, boards, and commissions of 436
the state. 437

(2) (a) "Employer" includes the state, any political 438
subdivision of the state, any person employing fifteen or more 439
persons within the state, and any person acting directly or 440
indirectly in the interest of an employer. 441

(b) "Employer" does not include any of the following: 442

(i) An organized religious body, with respect to 443
employment of individuals to perform work connected with the 444
carrying on of the activities of the organized religious body; 445

(ii) A school, college, university, or other educational 446
institution, or institution of learning that is, in whole or 447
substantial part, owned, supported, controlled, or managed by a 448
particular religion or by a particular religious corporation, 449
association, or society or that uses curriculum that is directed 450
toward the propagation of a particular religion; 451

(iii) Any entity that hires and employs individuals based 452
on sexual orientation if sexual orientation is a bona fide 453
occupational qualification reasonably necessary to the normal 454

operation of the entity's business or enterprise. 455

(3) "Employee" means an individual employed by any 456
employer but does not include any individual employed in the 457
domestic service of any person. 458

(4) "Labor organization" includes any organization that 459
exists, in whole or in part, for the purpose of collective 460
bargaining or of dealing with employers concerning grievances, 461
terms or conditions of employment, or other mutual aid or 462
protection in relation to employment. 463

(5) "Employment agency" includes any person regularly 464
undertaking, with or without compensation, to procure 465
opportunities to work or to procure, recruit, refer, or place 466
employees. 467

(6) "Discriminate" includes segregate or separate. 468

(7) "Unlawful discriminatory practice" means any act 469
prohibited by section 4114.02 of the Revised Code. 470

(8) "Housing accommodations" includes any building or 471
structure, or portion of a building or structure, that is used 472
or occupied or is intended, arranged, or designed to be used or 473
occupied as the home residence, dwelling, dwelling unit, or 474
sleeping place of one or more individuals, groups, or families 475
whether or not living independently of each other, and any 476
vacant land offered for sale or lease. "Housing accommodations" 477
also includes any housing accommodations held or offered for 478
sale or rent by a real estate broker, salesperson, or agent, by 479
any other person pursuant to authorization of the owner, by the 480
owner, or by the owner's legal representative. 481

(9) "Restrictive covenant" means any specification 482
limiting the transfer, rental, lease, or other use of any 483

housing accommodations because of sexual orientation, or any 484
limitation based upon affiliation with or approval by any 485
person, directly or indirectly, employing sexual orientation as 486
a condition of affiliation or approval. 487

(10) "Dwelling unit" means a single unit of residence for 488
a family of one or more persons. 489

(11) "Aggrieved person" includes both of the following: 490

(a) Any person who claims to have been injured by an 491
unlawful discriminatory practice; 492

(b) Any person who believes that the person will be 493
injured by any unlawful discriminatory practice that is about to 494
occur. 495

(12) "Affiliate" means a person who directly or indirectly 496
through one or more intermediaries controls, is controlled by, 497
or is under common control with a specified person. 498

(13) "Sexual orientation" means an individual's actual or 499
perceived orientation as heterosexual, homosexual, or bisexual. 500

(14) "Organized religious body" means a religious 501
corporation, association, or society. 502

(B) For purposes of this chapter, divisions (A) (2) (b) (i) 503
and (ii) of this section shall be liberally construed in favor 504
of the protection of religious liberty. All significant 505
religious and secular characteristics of an entity shall be 506
considered with the existence of the following characteristics 507
construed in favor of a finding that an entity is excluded from 508
the definition of employer under division (A) (2) of this 509
section: 510

(1) The entity is not for profit. 511

<u>(2) The day-to-day operations of the entity are religious</u>	512
<u>in nature.</u>	513
<u>(3) The articles of incorporation or other organizational</u>	514
<u>documents of the entity state a religious purpose.</u>	515
<u>(4) The entity is owned, affiliated with, or financially</u>	516
<u>supported by a religious body, such as a church or religious</u>	517
<u>organization.</u>	518
<u>(5) A religious body has a representative on the entity's</u>	519
<u>board of trustees or otherwise participates in management of the</u>	520
<u>entity.</u>	521
<u>(6) The entity holds itself out to the public as</u>	522
<u>sectarian.</u>	523
<u>(7) The entity regularly includes prayer or other forms of</u>	524
<u>worship in its activities.</u>	525
<u>(8) If the entity is an educational institution, the</u>	526
<u>curriculum of the entity includes religious instruction.</u>	527
<u>(9) Some portion of the membership of the entity are</u>	528
<u>members of the same religion.</u>	529
<u>(C) The existence or nonexistence of any factor listed in</u>	530
<u>division (B) of this section is not, by itself, determinative of</u>	531
<u>the status of an entity as an employer for purposes of this</u>	532
<u>chapter.</u>	533
<u>Sec. 4114.02. (A) It shall be an unlawful discriminatory</u>	534
<u>practice:</u>	535
<u>(1) For any employer, because of the sexual orientation of</u>	536
<u>a person, to discharge without just cause, to refuse to hire, or</u>	537
<u>otherwise to discriminate against that person with respect to</u>	538

hire, tenure, terms, conditions, or privileges of employment, or 539
any matter directly or indirectly related to employment; 540

(2) For an employment agency or personnel placement 541
service, because of sexual orientation, to do any of the 542
following: 543

(a) Refuse or fail to accept, register, classify properly, 544
or refer for employment, or otherwise discriminate against any 545
person; 546

(b) Comply with a request from an employer for referral of 547
applicants for employment if the request directly or indirectly 548
indicates that the employer fails to comply with the provisions 549
of section 4114.02 of the Revised Code. 550

(3) For any labor organization to do any of the following: 551

(a) Limit or classify its membership on the basis of 552
sexual orientation; 553

(b) Discriminate against, limit the employment 554
opportunities of, or otherwise adversely affect the employment 555
status, wages, hours, or employment conditions of any person as 556
an employee because of sexual orientation. 557

(4) For any employer, labor organization, or joint labor- 558
management committee controlling apprentice training programs to 559
discriminate against any person because of sexual orientation in 560
admission to, or employment in, any program established to 561
provide apprentice training; 562

(5) For any employer, employment agency, personnel 563
placement service, or labor organization, prior to employment or 564
admission to membership, to do any of the following: 565

(a) Elicit or attempt to elicit any information concerning 566

the sexual orientation of an applicant for employment or 567
membership; 568

(b) Make or keep a record of the sexual orientation of any 569
applicant for employment or membership; 570

(c) Use any form of application for employment, or 571
personnel or membership blank, seeking to elicit information 572
regarding sexual orientation; but an employer holding a contract 573
containing a nondiscrimination clause with the government of the 574
United States, or any department or agency of that government, 575
may require an employee or applicant for employment to furnish 576
documentary proof of United States citizenship and may retain 577
that proof in the employer's personnel records and may use 578
photographic or fingerprint identification for security 579
purposes; 580

(d) Print or publish or cause to be printed or published 581
any notice or advertisement relating to employment or membership 582
indicating any preference, limitation, specification, or 583
discrimination, based upon sexual orientation; 584

(e) Announce or follow a policy of denying or limiting, 585
through a quota system or otherwise, employment or membership 586
opportunities of any group because of the sexual orientation of 587
that group; 588

(f) Utilize in the recruitment or hiring of persons any 589
employment agency, personnel placement service, training school 590
or center, labor organization, or any other employee-referring 591
source known to discriminate against persons because of their 592
sexual orientation. 593

(6) For any person seeking employment to publish or cause 594
to be published any advertisement that specifies or in any 595

manner indicates that person's sexual orientation, or expresses 596
a limitation or preference as to the sexual orientation of any 597
prospective employer; 598

(7) Except as provided in division (B) of this section, 599
for any person to do any of the following: 600

(a) Refuse to sell, transfer, assign, rent, lease, 601
sublease, or finance housing accommodations, refuse to negotiate 602
for the sale or rental of housing accommodations, or otherwise 603
deny or make unavailable housing accommodations because of 604
sexual orientation; 605

(b) Represent to any person that housing accommodations 606
are not available for inspection, sale, or rental, when in fact 607
they are available, because of sexual orientation; 608

(c) Discriminate against any person in the making or 609
purchasing of loans or the provision of other financial 610
assistance for the acquisition, construction, rehabilitation, 611
repair, or maintenance of housing accommodations, or any person 612
in the making or purchasing of loans or the provision of other 613
financial assistance that is secured by residential real estate, 614
because of sexual orientation, provided that the person, whether 615
an individual, corporation, or association of any type, lends 616
money as one of the principal aspects or incident to the 617
person's principal business and not only as a part of the 618
purchase price of an owner-occupied residence the person is 619
selling nor merely casually or occasionally to a relative or 620
friend; 621

(d) Discriminate against any person in the terms or 622
conditions of selling, transferring, assigning, renting, 623
leasing, or subleasing any housing accommodations or in 624

furnishing facilities, services, or privileges in connection 625
with the ownership, occupancy, or use of any housing 626
accommodations, including the sale of fire, extended coverage, 627
or homeowners insurance, because of sexual orientation; 628

(e) Print, publish, or circulate any statement or 629
advertisement, or make or cause to be made any statement or 630
advertisement, relating to the sale, transfer, assignment, 631
rental, lease, sublease, or acquisition of any housing 632
accommodations, or relating to the loan of money, whether or not 633
secured by mortgage or otherwise, for the acquisition, 634
construction, rehabilitation, repair, or maintenance of housing 635
accommodations, that indicates any preference, limitation, 636
specification, or discrimination based upon sexual orientation, 637
or an intention to make any such preference, limitation, 638
specification, or discrimination; 639

(f) Except as otherwise provided in division (A) (7) (f) of 640
this section, make any inquiry, elicit any information, make or 641
keep any record, or use any form of application containing 642
questions or entries concerning sexual orientation in connection 643
with the sale or lease of any housing accommodations or the loan 644
of any money, whether or not secured by mortgage or otherwise, 645
for the acquisition, construction, rehabilitation, repair, or 646
maintenance of housing accommodations. Any person may make 647
inquiries, and make and keep records, concerning sexual 648
orientation for the purpose of monitoring compliance with this 649
chapter. 650

(g) Include in any transfer, rental, or lease of housing 651
accommodations any restrictive covenant, or honor or exercise, 652
or attempt to honor or exercise, any restrictive covenant; 653

(h) Induce or solicit, or attempt to induce or solicit, a 654

housing accommodations listing, sale, or transaction by 655
representing that a change has occurred or may occur with 656
respect to the sexual orientation composition of the block, 657
neighborhood, or other area in which the housing accommodations 658
are located, or induce or solicit, or attempt to induce or 659
solicit, a housing accommodations listing, sale, or transaction 660
by representing that the presence or anticipated presence of 661
persons of any sexual orientation, in the block, neighborhood, 662
or other area will or may have results including the following: 663

(i) The lowering of property values; 664

(ii) A change in the sexual orientation composition of the 665
block, neighborhood, or other area; 666

(iii) An increase in criminal or antisocial behavior in 667
the block, neighborhood, or other area; 668

(iv) A decline in the quality of the schools serving the 669
block, neighborhood, or other area. 670

(i) Deny any person access to or membership or 671
participation in any multiple-listing service, real estate 672
brokers' organization, or other service, organization, or 673
facility relating to the business of selling or renting housing 674
accommodations, or discriminate against any person in the terms 675
or conditions of that access, membership, or participation, on 676
account of sexual orientation; 677

(j) Coerce, intimidate, threaten, or interfere with any 678
person in the exercise or enjoyment of, or on account of that 679
person's having exercised or enjoyed or having aided or 680
encouraged any other person in the exercise or enjoyment of, any 681
right granted or protected by division (A) (7) of this section; 682

(k) Discourage or attempt to discourage the purchase by a 683

prospective purchaser of housing accommodations, by representing 684
that any block, neighborhood, or other area has undergone or 685
might undergo a change with respect to its sexual orientation 686
composition; 687

(l) Discriminate against any person in the selling, 688
brokering, or appraising of real property because of sexual 689
orientation; 690

(m) Discriminate against any person in the terms or 691
conditions of any loan of money, whether or not secured by 692
mortgage or otherwise, for the acquisition, construction, 693
rehabilitation, repair, or maintenance of housing accommodations 694
because of sexual orientation. 695

(8) For any person to discriminate in any manner against 696
any other person because that person has opposed any unlawful 697
discriminatory practice defined in this section or because that 698
person has made a charge, testified, assisted, or participated 699
in any manner in a proceeding under section 4114.03 of the 700
Revised Code; 701

(9) For any person to aid, abet, incite, compel, or coerce 702
the doing of any act declared by this section to be an unlawful 703
discriminatory practice, to obstruct or prevent any person from 704
complying with this chapter or any order issued under it, or to 705
attempt directly or indirectly to commit any act declared by 706
this section to be an unlawful discriminatory practice. 707

(B) (1) (a) Nothing in division (A) (7) of this section shall 708
bar an organized religious body, or a nonprofit charitable or 709
educational organization that is operated, supervised, or 710
controlled by or in connection with an organized religious body, 711
from doing either of the following: 712

(i) Limiting the sale, rental, or occupancy of housing accommodations that it owns or operates for other than a commercial purpose to persons of the same religion; 713
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(ii) Giving preference in the sale, rental, or occupancy of such housing accommodations to persons of the same religion. 716
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(b) Nothing in division (A) (7) of this section shall bar an entity described in division (B) (1) (a) of this section or a person under contract with such an entity from doing any of the following: 718
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(i) Limiting the sale, rental, or occupancy of housing accommodations the entity owns or operates to persons of a particular religion or sexual orientation; 722
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(ii) Giving preference to persons of a particular religion or sexual orientation when selling, renting, or selecting occupants for housing accommodations that the entity owns or operates; 725
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(iii) Providing sale, rental, or occupancy of housing accommodations that the entity owns or operates to persons regardless of sexual orientation. 729
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(2) Nothing in division (A) (7) of this section shall bar any bona fide private or fraternal organization that, incidental to its primary purpose, owns or operates lodgings for other than a commercial purpose from limiting the rental or occupancy of the lodgings to its members or from giving preference to its members. 732
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(3) Nothing in division (A) (7) of this section limits the applicability of any reasonable local, state, or federal restrictions regarding the maximum number of occupants permitted to occupy housing accommodations. Nothing in that division 738
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prohibits the owners or managers of housing accommodations from 742
implementing reasonable occupancy standards based on the number 743
and size of sleeping areas or bedrooms and the overall size of a 744
dwelling unit, provided that the standards are not implemented 745
to circumvent the purposes of this chapter and are formulated, 746
implemented, and interpreted in a manner consistent with this 747
chapter and any applicable local, state, or federal restrictions 748
regarding the maximum number of occupants permitted to occupy 749
housing accommodations. 750

(4) Nothing in division (A) (7) of this section requires 751
that housing accommodations be made available to an individual 752
whose tenancy would constitute a direct threat to the health or 753
safety of other individuals or whose tenancy would result in 754
substantial physical damage to the property of others. 755

(5) Nothing in division (A) (7) of this section shall bar 756
an owner of four or fewer dwelling units from applying a 757
preference in renting those units based on sexual orientation. 758

(C) Nothing in this section shall bar an entity that is 759
excluded from the definition of employer under division (A) (2) 760
(b) of section 4114.01 of the Revised Code from providing 761
employment to an individual regardless of that individual's 762
sexual orientation. 763

Sec. 4114.03. (A) A person who is aggrieved by an unlawful 764
discriminatory practice may file a civil action in the court of 765
common pleas of the county in which the alleged unlawful 766
discriminatory practice occurred within one year after it 767
allegedly occurred. Upon application by the aggrieved person, 768
upon a proper showing, and under circumstances that the court 769
considers just, a court of common pleas may appoint an attorney 770
for the aggrieved person and authorize the commencement of a 771

civil action under this section without the payment of costs. 772

(B) Each party to a civil action under this section has 773
the right to a jury trial of the action. To assert the right, a 774
party shall demand a jury trial in the manner prescribed in the 775
Rules of Civil Procedure. If a party demands a jury trial in 776
that manner, the civil action shall be tried to a jury. 777

(C) If the court or the jury in a civil action under this 778
section finds that an unlawful discriminatory practice is about 779
to occur, the court may order any affirmative action it 780
considers appropriate, including a permanent or temporary 781
injunction or temporary restraining order. 782

(D) Any sale, encumbrance, or rental consummated prior to 783
the issuance of any court order under this section and involving 784
a bona fide purchaser, encumbrancer, or tenant without actual 785
notice of the existence of a civil action under this section is 786
not affected by the court order. 787

(E) If the court or the jury in a civil action under this 788
section finds that an unlawful discriminatory practice has 789
occurred, the court shall award to the plaintiff or aggrieved 790
person, actual damages, reasonable attorney fees, court costs 791
incurred in the prosecution of the action, expert witness fees, 792
and other litigation expenses, and may grant other relief that 793
it considers appropriate, including a permanent or temporary 794
injunction, a temporary restraining order, or other order and 795
punitive damages. 796

(F) Any civil action brought under this section shall be 797
heard and determined as expeditiously as possible. 798

Sec. 4114.04. Sections 4114.02, 4114.05, and 4114.06 of 799
the Revised Code shall not be construed to infringe upon the 800

freedom of expressive association or the free exercise of 801
religion protected by the First Amendment to the United States 802
Constitution and Section 7 of Article I, Ohio Constitution. 803

Sec. 4114.05. (A) An employee may express the employee's 804
religious or moral beliefs and commitments in the workplace in a 805
reasonable, nondisruptive, and nonharassing way on equal terms 806
with similar types of expression allowed by the employer in the 807
workplace, unless the expression is in direct conflict with the 808
essential business-related interests of the employer. 809

(B) No employer shall discharge, demote, refuse to hire, 810
retaliate against, harass, or discriminate against an otherwise 811
qualified person in matters of compensation or in terms, 812
privileges, and conditions of employment for the person's lawful 813
expression or expressive activity outside of the workplace 814
regarding the person's religious, political, or personal 815
convictions, including convictions about marriage, family, or 816
sexuality, unless the expression or expressive activity is in 817
direct conflict with the business-related interests of the 818
employer. 819

Sec. 4114.06. An employer or person shall comply with any 820
ordinance, regulation, or other action taken by a political 821
subdivision of the state that relates to the prohibition of 822
discrimination in housing or employment to the extent that the 823
ordinance, regulation, or action does not conflict with sections 824
4114.01 to 4114.07 of the Revised Code. 825

Sec. 4114.07. This chapter shall be construed liberally 826
for the accomplishment of its purposes, and any law inconsistent 827
with any provision of this chapter shall not apply. Nothing 828
contained in this chapter shall be considered to repeal any of 829
the provisions of any law of this state relating to 830

discrimination because of sexual orientation. 831

Sec. 4735.55. (A) Each written agency agreement shall 832
contain all of the following: 833

(1) An expiration date; 834

(2) A statement that it is illegal, pursuant to the Ohio 835
fair housing law, division (H) of section 4112.02 of the Revised 836
Code, and the federal fair housing law, 42 U.S.C.A. 3601, as 837
amended, to refuse to sell, transfer, assign, rent, lease, 838
sublease, or finance housing accommodations, refuse to negotiate 839
for the sale or rental of housing accommodations, or otherwise 840
deny or make unavailable housing accommodations because of race, 841
color, religion, sex, ancestry, or national origin; because of 842
familial status, disability, or military status, as defined in 843
section 4112.01 of the Revised Code, ~~ancestry, military status~~ 844
~~as defined in that section, disability as defined in that~~ 845
~~section, or national origin;~~ or because of sexual orientation, 846
as that term is defined in section 4114.01 of the Revised Code; 847
or to so discriminate in advertising the sale or rental of 848
housing, in the financing of housing, or in the provision of 849
real estate brokerage services; 850

(3) A statement defining the practice known as 851
"blockbusting" and stating that it is illegal; 852

(4) A copy of the United States department of housing and 853
urban development equal housing opportunity logotype, as set 854
forth in 24 C.F.R. 109.30, as amended. 855

(B) Each written agency agreement shall contain a place 856
for the licensee and the client to sign and date the agreement. 857

(C) A licensee shall furnish a copy of any written agency 858
agreement to a client in a timely manner after the licensee and 859

the client have signed and dated it. 860

Section 2. That existing sections 1901.14, 1907.18, 861
2101.27, 3101.05, 3101.08, 4111.17, and 4735.55 of the Revised 862
Code are hereby repealed. 863

Section 3. This act is the result of the General 864
Assembly's balancing of competing interests. Accordingly, if any 865
phrase, clause, sentence, provision, or subsection enacted or 866
amended by this act is held invalid in a final judgment by a 867
court of last resort, notwithstanding section 1.50 of the 868
Revised Code, the remainder of the enactments and amendments 869
made in Section 1 of this act are void. 870