

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 4112-5-06

Rule Type: Amendment

Rule Title/Tagline: Discrimination against the disabled in places of public accommodation.

Agency Name: Ohio Civil Rights Commission

Division:

Address: 30 East Broad Street Fifth floor Columbus OH 43215

Contact: Stephanie Demers **Phone:** 614-466-6255

Email: stephanie.demers@civ.ohio.gov

I. Rule Summary

1. **Is this a five year rule review? Yes**
 - A. **What is the rule's five year review date? 1/18/2019**
2. **Is this rule the result of recent legislation? No**
3. **What statute is this rule being promulgated under? 119.03**
4. **What statute(s) grant rule writing authority? 4112.04**
5. **What statute(s) does the rule implement or amplify? 4112.04; 4112.05**
6. **What are the reasons for proposing the rule?**

Five-year review cycle.
7. **Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

The rule outlines types of discrimination against the disabled in a place of public accommodation, as well as what constitutes reasonable accommodation and what an undue hardship is. Additionally, the rule provides guidance on the requisite number of seating accommodations and parking spaces required for disabled persons. The agency seeks to make the following amendments:

* Correct grammatical issues in paragraphs (A)(2), (B), (G), (H) by replacing the word "such" with "the" or "a." Similarly changing wheel chair to one word, "wheelchair;" and replace periods with semicolons in paragraphs (A)(2) and (B).

* Change "the following" to factors, "such as the following," in paragraphs (B) and (D) to clarify the factors enumerated in the rule are not exhaustive lists.

* Add "whether aids, services or other methods are utilized to ensure effective means of communication with the disabled," to paragraph (B) to clarify public accommodations must offer accommodations to all types of disabled persons under the ADA, including vision and hearing-impaired persons.

* Eliminate "when a person is denied access." Under burden of proof in paragraph (C). The rule is not just about access. It includes denial of privileges, services and advantages.

* Change language in paragraphs (I), (J), (K) to clarify the meaning and clean up grammar.

8. **Does the rule incorporate material by reference?** Yes
9. **If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.71 to 121.76, please explain the basis for the exemption and how an individual can find the referenced material.**

Not applicable.

10. **If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.**

Not Applicable

II. Fiscal Analysis

11. **As a result of this proposed rule, please estimate the increase / decrease in revenues or expenditures affecting this agency, or the state generally, in the current biennium or future years. If the proposed rule is likely to have a different fiscal effect in future years, please describe the expected difference and operation.**

This will have no impact on revenues or expenditures.

0

Not applicable.

12. **What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?**

Not applicable

13. Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No
14. Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No

III. Common Sense Initiative (CSI) Questions

15. Was this rule filed with the Common Sense Initiative Office? No
16. Does this rule have an adverse impact on business? No
 - A. Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? No
 - B. Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms? No
 - C. Does this rule require specific expenditures or the report of information as a condition of compliance? No

Rule Summary and Fiscal Analysis
(Part A – General Questions)

4112-5-06
Rule Number

Existing – Five-year review (Amended)
TYPE of rule filing

Rule Title/Tag Line

Discrimination against the disabled in places of public accommodation.

Ohio Civil Rights Commission
Agency Name

Stephanie Bostos Demers
Contact

30 East Broad St., 5th Floor
Columbus, Ohio 43215
Agency Mailing Address

614-466-6255
Phone

stephanie.demers@civ.ohio.gov
Email

RULE SUMMARY

1. Is this a five-year rule review?

Yes.

a. If so, what is the rule's five-year review date?

01/19/2019

2. Is this rule the result of recent legislation?

No.

a. If so, what is the bill number, General Assembly and Sponsor?

Bill Number:

General Assembly:

Sponsor:

3. What statute is this rule being promulgated under?

Section 4112.04 of the Revised Code.

4. What statute (s) grant the rule writing authority?

Section 119.03 of the Revised Code.

5. What statute(s) does the rule implement or amplify?

Sections 4112.04 and 4112.05 of the Revised Code.

6. What are the reasons for proposing (i.e., why are you filing,) the rule?

Five-year review.

7. Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.

The rule outlines types of discrimination against the disabled in a place of public accommodation, as well as what constitutes reasonable accommodation and what an undue hardship is. Additionally, the rule provides guidance on the requisite number of seating accommodations and parking spaces required for disabled persons.

The agency seeks to make the following amendments:

- Correct grammatical issues in paragraphs (A)(2), (B), (G), (H) by replacing the word "such" with "the" or "a." Similarly changing wheel chair to one word, "wheelchair;" and replace periods with semicolons in paragraphs (A)(2) and (B).
- Change "the following" to factors, "such as the following," in paragraphs (B) and (D) to clarify the factors enumerated in the rule are not exhaustive lists.
- Add "whether aids, services or other methods are utilized to ensure effective means of communication with the disabled," to paragraph (B) to clarify public accommodations must offer accommodations to all types of disabled persons under the ADA, including vision and hearing-impaired persons.
- Eliminate "when a person is denied access." Under burden of proof in paragraph (C). The rule is not just about access. It includes denial of privileges, services and advantages.
- Change language in paragraphs (I), (J), (K) to clarify the meaning and clean up grammar.

8. Does the rule incorporate material by reference?

Yes. Chapter 4112 or the revised code, section 4112-5-06 of the administrative code; the American National Standards Institute (ANSI) standards; the Americans with Disabilities Act of 1009, 42 U.S.C. 12181-12189; and ADA Accessibility Guidelines 4.6.4 and 4.6.5.

9. If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.71 to 121.76, please explain the basis for the exemption and how an individual can find the referenced material.

Not applicable.

10. If revising or re-filing the rule, please indicate the changes made in the revised or re-filed rule.

Not applicable.

Fiscal Analysis

11. Estimate the total amount by which *this proposed rule* would **increase/decrease** either **revenues/expenditures** for the agency during the current biennium (in dollars): Explain the net impact of the proposed changes to the budget of your agency/department.

Not applicable.

12. What are the estimated costs of compliance of all persons and/or organizations directly affected by the rule?

None.

13. Does the rule increase local government costs? (If yes, you must complete an RSFA Part B).

No.

14. Does the rule regulate environmental protection? (If yes, you must complete an RSFA, Part C).

No.

Common Sense Initiative (CSI) Questions

15. Was this rule filed with the Common-Sense Initiative Office?

Not applicable.

16. Does this rule have an adverse impact on business?

No.

- a. Does this rule require a license, permit or any other prior authorization to engage in or operate a line of business?
- b. Does this rule impose a criminal penalty, a civil penalty or another sanction, or create a cause of action for failure to comply with its terms?
- c. Does this rule require specific expenditures or the report of information as a condition of compliance?

No.