

4112-5-07

Discrimination against the disabled in private housing accommodations.

(A) Discrimination prohibited. No person shall, on the basis of a disability, be subjected to discrimination in private housing accommodations as it relates to:

(1) The sale, transfer, assignment, renting, subleasing or financing of ~~such~~ housing accommodations. In particular, it shall constitute unlawful discrimination in violation of Chapter 4112. of the Revised Code for any person to:

(a) Refuse to sell, rent, transfer, or sublease after making a bona fide offer to a person, because of ~~such~~ the person's disability.

(b) Refuse to negotiate for the sale, renting, transfer, subleasing or financing of private housing accommodations because of a person's disability.

(c) Refuse to consider sources of a disabled applicant's income or to subject the applicant's source of income or ability to generate income to automatic discounting in whole or in part because of ~~such~~ the applicant's disability.

(d) Segregate the placement of a disabled person in a unit, floor, building or complex within such private housing accommodations, unless ~~such~~ the placement is at the request or with the consent of the disabled person.

(2) Advertising or listing for the sale, transfer, assignment, renting, subleasing or financing of private housing accommodations.

(3) Membership or participation in any organization, service or facility relating to the selling, transfer, assignment, renting, subleasing or financing of private housing accommodations.

(4) Representations as to the availability of ~~such~~ housing or its availability for inspection.

(5) Representations of the composition of the block, neighborhood or area, in which ~~such~~ housing is located, because of the presence or anticipated presence of disabled persons.

(6) Any housing accommodations sponsored activities, including social or recreational activities.

(7) Any housing accommodation services, including maintenance and utility services.

(8) Any other term, condition or privilege in the sale, transfer, assignment, renting, subleasing or financing of such housing accommodations.

- (B) Application inquiries. It shall constitute unlawful housing discrimination for any person to make any written or oral inquiries or record concerning the disability of any applicant or intended occupant involved in the sale, renting, assignment or subleasing of private housing accommodations, unless such inquiries or records are made pursuant to federal contract requirements of a bona fide affirmative action plan. If such records or inquiries are so required, they shall be maintained in such a fashion as to preclude their inadvertent or deliberate use for discriminatory purposes and to avoid possible misinterpretation by applicants of the purpose for which ~~such the~~ data will be used.
- (C) Animal assistants. Every disabled person who has an animal assistant or who obtains an animal assistant shall be entitled to keep the animal assistant on the premises purchased, leased, rented, assigned or subleased by such disabled person. He or she shall not be required to pay any extra charge for ~~such an~~ animal assistant but shall be liable for damage done by the animal assistant to the premises.
- (D) Duty to accommodate. Nothing in rule 4112-5-07 shall require any person selling, transferring, assigning, leasing or subleasing private housing accommodations to modify ~~such the~~ property in any way or provide a higher degree of care for a disabled person. Nor shall anything in rule 4112-5-07 relieve any disabled person of any obligation generally imposed on all persons regardless of disability in any lease, agreement or contract of purchase concerning such housing accommodations, except that a disabled person shall be permitted, at his or her own expense, to make reasonable modifications of existing premises occupied or to be occupied by ~~such the disabled~~ person if modifications are necessary to afford ~~such person~~ full enjoyment of the premises. When the disabled person vacates the premises, the modifications shall be removed, when requested by the landlord, at the disabled person's expense and the premises restored to its original condition. Reasonable accommodations in rules, policies, practices, or services shall also be made when ~~such~~ accommodations are necessary to afford a disabled person equal opportunity to use and enjoy a premises.
- (E) Burden of proof. If an applicant, because of disability, is refused housing accommodations or discriminated against in any term, condition or privilege in the sale, assignment, transfer, renting, subleasing, or financing of housing accommodations, the owner, landlord, proprietor, or agent shall have the burden of establishing the basis for ~~such the~~ refusal or discrimination.
- (F) Health and safety. It shall constitute a defense to a claim of unlawful housing discrimination that the sale, transfer, assignment, renting, or subleasing of such housing accommodations would, under the circumstances, pose a direct threat to the health or safety of other individuals or would result in substantial physical damage to the property of others. However, defenses raised pursuant to this paragraph will

be closely scrutinized. Speculative evidence of hazards to health and safety will not suffice.

Effective:

Five Year Review (FYR) Dates: 9/21/2018

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 4112.04
Rule Amplifies: 4112.04, 4112.05
Prior Effective Dates: 11/04/1971, 11/15/1977, 12/23/1979, 07/12/1989,
09/02/1992 (Emer.), 10/02/1992, 01/11/1998,
03/25/2013