

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 4112-6-02

Rule Type: Rescission

Rule Title/Tagline: Punitive damages.

Agency Name: Ohio Civil Rights Commission

Division:

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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? Yes**
 - A. **If so, what is the bill number, General Assembly and Sponsor?** HB 463 - 131
- Representative Dever
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?**

Rescinding due to legislation. Will submit a new rule entitled "Civil Penalties."
7. **Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

Punitive damages. The rule outlined the process of seeking punitive damages in a housing case pending before the Commission. The statute was amended and the

award of punitive damages was changed to "civil penalties." The agency seeks to rescind the rule and proposed a new rule entitled civil penalties.

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.

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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**

The rule did impose a remedy to discrimination victims for violations of section 4112.02(H) of the Revised Code. The change to civil penalties will alter the award of the remedy from the victim to the state of Ohio. The agency will propose a new rule regarding civil penalties.

- 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)

4112-6-02
Rule Number

Existing – Five-year review (Rescinded)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

Rule Title/Tag Line

Punitive damages.

Ohio Civil Rights Commission
Agency Name

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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?

Yes. The rescission of the rule is.

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

Bill Number: **463**

General Assembly: **131st**

Sponsor: **Dever**

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 supplements a statutory provision that was substantially amended, outlining the award of punitive damages for violations of housing discrimination under section 4112.02(H) of the revised code.

The agency seeks to rescind the rule. The statutory language was changed, and punitive damages were replaced with civil penalties. The agency will propose a new rule outlining the process/procedure for the award of civil penalties.

8. Does the rule incorporate material by reference?

Yes. Division (G) of 4112.05 of the revised code.

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?

Not applicable. While the statute authorized an award of punitive damages for housing discrimination victims, punitive damages are no longer a statutory remedy in administrative cases pending before the Commission.