

4112-6-02

Punitive damagesActual damages, equitable and injunctive relief, and punitive damages.

~~Division (G) of section 4112.05 of the Revised Code authorizes punitive damages up to fifty thousand dollars when there is finding of unlawful discrimination in housing. The purpose of an award of punitive damages is to deter unlawful conduct in the future.~~

~~It is the policy of the commission that punitive damages are appropriate whenever a respondent engages in intentional discrimination. The amount of punitive damages to be awarded depends on the circumstances of each case. The commission will look at the nature of the respondent's conduct, the respondent's prior history of discrimination, respondent's size and profitability, respondent's cooperation or lack of cooperation during the investigation of the charge, and the effect respondent's actions had on the complainant.~~

~~The fact that an unlawful discriminatory act was committed by an agent, as opposed to a principal, shall not affect the amount of punitive damages.~~

(A) Actual Damages.

(1) When there is a finding of unlawful discrimination in violation of division (H) of section 4112.02 of the Revised Code, the Commission shall require the respondent to pay actual damages to compensate a complainant or aggrieved party for tangible and intangible injuries proximately caused by the respondent's unlawful discriminatory practices.

(2) Actual damages include, but are not limited to, monetary relief to compensate a complainant or aggrieved party for the following:

(a) The difference between the cost of housing accommodations unlawfully denied and the reasonable cost of alternative housing accommodations acquired;

(b) Moving, storage, or packing costs, temporary housing costs, wages or other income lost during the time spent looking for alternative housing accommodations, additional costs of commuting to and from work or other activities, and any other out-of-pocket expenses;

(c) Emotional distress, humiliation, mental anguish, shock, discomfort, embarrassment, physical injury, pain and suffering, and medical expenses;

(d) The frustration of an organization's mission and the diversion of an organization's monetary and human resources from counseling, referral services, or educational programs to legal efforts aimed at combatting discrimination, where fairly traceable to an act of the respondent, including resting and investigation expenses and prospective expenses for monitoring records, auditing housing practices and training.

(B) Injunctive and equitable relief.

(1) When there is a finding of unlawful discrimination in violation of division (H) of section 4112.02 of the Revised Code, the Commission may order injunctive relief and other equitable relief appropriate to the elimination of the unlawful discriminatory practices.

(2) Injunctive relief and other equitable relief includes, but is not limited to:

(a) Access to housing accommodations;

(b) The provision of services or facilities in connection with housing accommodations;

(c) The removal of barriers preventing or limiting the use and enjoyment of housing accommodations by persons with disabilities; and

(d) Any other appropriate injunctive or equitable relief.

(C) Punitive damages.

(1) When there is a finding of unlawful discrimination in violation of division (H) of section 4112.02 of the Revised Code, the Commission may require the respondent to pay punitive damages for the purpose of punishing the respondent and deterring unlawful discriminatory practices in the future.

(2) In determining the amount of punitive damages to be awarded, the Commission will consider all relevant factors, including, but not limited to:

(a) The nature, severity, frequency, and egregiousness of the respondent's unlawful discriminatory practices, regardless of whether such practices were committed by a principal, agent, or employee;

(b) The respondent's prior history of discrimination;

(c) The respondent's size, profitability, and relative worth;

(d) The respondent's cooperation or lack of cooperation during the investigation of the charge and litigation of the complaint; and

(e) The effect respondent's unlawful discriminatory practices had on the complainant.

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Certification

Date

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