

ORDINANCE NO. 16-18-A

BY _____

Floyd / *City* ~~_____~~

**AN ORDINANCE AMENDING CHAPTERS 254, 628, AND 636 OF THE
CODIFIED ORDINANCES OF THE CITY OF NEWARK, OHIO, PROHIBITING
DISCRIMINATION ON THE BASIS OF SEXUAL ORIENTATION AND GENDER
IDENTITY OR EXPRESSION**

WHEREAS, the Codified Ordinances of the City of Newark contain many various provisions regarding the prohibition on discriminatory conduct based upon a person's race, religion, national origin, sex or age; and,

WHEREAS, previous amendments to the Human Relations Ordinances of the Codified Ordinances of the City of Newark include the prohibition on discrimination based upon a person's sexual orientation, the definition of which included whether a person identified as "transgender"; and,

WHEREAS, it is the desire of this Council to expand and clarify the ban on discrimination on the basis of "sexual orientation" and "gender identity or expression" to all aspects of the Codified Ordinances of the City of Newark, Ohio; and,

WHEREAS, this matter was considered in committee of this Council which committee then passed this Ordinance on to the full Council for consideration.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE
CITY OF NEWARK, COUNTY OF LICKING, STATE OF OHIO, THAT:**

SECTION ONE: For the purposes of the amendments to the codified ordinances contained herein, the Definitions as set forth in Chapter 632, Section 632.01 shall be amended as follows:

(c) "Discriminate and discrimination" includes segregate or separate and any difference in treatment based on race, sex, **SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION**, color, religion, ancestry, national origin, age, physical disabilities, mental disabilities or socioeconomic status.

(k) "Restrictive covenant" means any specification in a deed, land contract or lease limiting the use of any housing because of race, sex, **SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION**, color, religion, ancestry, national origin, age, physical disabilities, mental disabilities or socio-economic status or any limitation based upon affiliation with or approval by any person, directly or indirectly, employing race, sex,

SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, color, religion, ancestry, national origin, age, physical disabilities, mental disabilities or socio-economic status as a condition of affiliation or approval.

(l) "Sexual Orientation" means a person's actual or perceived homosexuality; bisexuality; or heterosexuality ~~or transgender~~, by orientation or practice, by and between consenting adults.

SECTION TWO: FOR THE PURPOSES OF THE AMENDMENTS TO THE CODIFIED ORDINANCES CONTAINED HEREIN, "GENDER IDENTITY OR EXPRESSION" SHALL BE DEFINED AT SECTION 632.01(M) AND MEANS "HAVING OR BEING PERCEIVED AS HAVING GENDER-RELATED IDENTITY, APPEARANCE, EXPRESSION, OR BEHAVIOR, WHETHER OR NOT THAT IDENTITY, APPEARANCE, EXPRESSION, OR BEHAVIOR IS DIFFERENT FROM THAT TRADITIONALLY ASSOCIATED WITH THE PERSON'S ASSIGNED SEX AT BIRTH."

SECTION THREE: That Chapter 254 of the Codified Ordinances of the City of Newark, Ohio is hereby amended to read as follows:

CHAPTER 254: EMPLOYEES GENERALLY

Section 254.36: EQUAL EMPLOYMENT OPPORTUNITY POLICY

- (a) The employment process shall be free from either conscious or inadvertent bias because of race, religion, national origin, sex, age, **SEXUAL ORIENTATION, OR GENDER IDENTITY OR EXPRESSION**.
- (b) Specific steps shall be taken by the Division of Personnel to provide fuller employment opportunities and to encourage broader participation of the minority members of our community in the City's employment process.

SECTION FOUR: That Chapter 632.02 of the Codified Ordinances of the City of Newark, Ohio is hereby amended to read as follows:

CHAPTER 632: HUMAN RELATIONS

Section 632.02: DECLARATION OF POLICY

It is hereby declared to be the continuing policy of the City to do all things necessary and proper to secure for all its residents their right to equal treatment regardless of their race, sex, **SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION**, color, religion, ancestry, national origin, age, physical disabilities, mental disabilities or socio-economic status.

SECTION FIVE: That Chapter 632.03 of the Codified Ordinances of the City of Newark, Ohio is hereby amended to read as follows:

CHAPTER 632: HUMAN RELATIONS

Section 632.03: UNLAWFUL DISCRIMINATORY PRACTICES.

(a) Unlawful Employment Practices.

(1) It shall be an unlawful discriminatory practice, except where based upon applicable national security regulations established by the United States:

A. For any employer, because of the race, sex, **SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION**, color, religion, ancestry, national origin, age, physical disabilities, mental disabilities or socio-economic status to refuse to hire that person or otherwise to discriminate against that person with respect to hire, tenure, terms, conditions, or privileges of employment, or any matter directly or indirectly related to employment;

B. For any employer, employment agency, or labor organization to establish, announce or follow a policy of denying or limiting, the employment or membership opportunities of any person or group of persons because of race, sex, **SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION**, color, religion, ancestry, national origin, age, physical disabilities, mental disabilities or socio-economic status;

C. For any employer, labor organization, or joint labor-management committee controlling apprentice training programs to discriminate against any person because of that person's race, sex, **SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION**, color, religion, ancestry, national origin, age, physical disabilities, mental disabilities or socio-economic status in admission to employment in any program established to provide apprentice training;

D. For any employer, employment agency, or labor organization to publish or circulate, or to cause to be published or circulated, any notice or advertisement relating to employment or membership which indicates any preference, limitation, specifications or discrimination based upon race, sex, **SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION**, color, religion, ancestry, national origin, age, physical disabilities, mental disabilities or socio-economic status;

E. For any person seeking employment to publish or to cause to be published any advertisement which specifies or in any manner indicates that person's race, sex, **SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION**, color, religion, ancestry, national origin, age, physical disabilities, mental disabilities or socio-economic status, or expresses a limitation or preference as to the race, sex, **SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION**, color, religion, ancestry, national origin, age, physical disabilities, mental disabilities or socio-economic status, of any prospective employer;

F. For any employment agency to refuse or fail to accept, register, classify properly, or refer for employment or otherwise to discriminate against any person because of race, sex, **SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION**, color, religion, ancestry,

national origin, age, physical disabilities, mental disabilities or socio-economic status;

G. For any employer, employment agency, or labor organization to knowingly utilize in the recruitment or hiring of persons, any employment agency, placement service, labor organization, training school or center, or any other employee-referring source, known to discriminate against persons because of race, sex, **SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION**, color, religion, ancestry, national origin, age, physical disabilities, mental disabilities or socioeconomic status;

H. For any labor organization to discriminate against any person or limit that person's employment opportunities, or otherwise adversely affect that person's status as an employee, or that person's wages, hours, or employment conditions, because of race, sex **SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION**, color, religion, ancestry, national origin, age, physical disabilities, mental disabilities or socio-economic status;

I. For an employment agency, to comply with, accommodate, or otherwise assist with locating an employee related to, a request from an employer for referral of applicants for employment if the request indicates, directly or indirectly, that the employer fails, or may fail, to comply with this chapter.

J. For any labor organization to limit or classify its membership on the basis of race, sex, **SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION**, color, religion, ancestry, national origin, age, physical disabilities, mental disabilities or socio-economic status;

K. For any employer, employment agency or labor organization to:

1. Elicit or attempt to elicit any information concerning the race, sex, **SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION**, color, religion, ancestry, national origin, age, physical disabilities, mental disabilities or socio-economic status of an applicant for employment or membership;

2. Use any form of application for employment or personnel or membership blank seeking to elicit information regarding race, sex, **SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION**, color, religion, ancestry, national origin, age, physical disabilities, mental disabilities or socio-economic status, but an employer holding a contract containing a non-discrimination clause with the government of the United States or any department or agency thereof, may require an employee or applicant for employment to furnish documentary proof of United States citizenship and may retain such proof in the employer's personnel records and may use photographic or fingerprint identification for security purposes;

L. For any employer, employment agency or labor organization to discriminate against any person because that person has opposed any practice forbidden by this chapter, or because that person has made a

complaint or testified or assisted in any manner in any investigation or proceeding under this chapter;

M. For any person, whether or not an employer, employment agency or labor organization, to aid, incite, compel, coerce, or participate in the doing of any act declared to be unlawful discriminatory practice by this chapter, or to obstruct or prevent any person from enforcing or complying with the provisions of this chapter, or to attempt directly or indirectly to commit any act declared by this chapter, to be an unlawful discriminatory practice.

(2) Recklessness is intended to be imposed as the culpable mental state for a violation of this section.

(b) Unlawful Housing Practices.

(1) It shall be an unlawful discriminatory practice for any person to recklessly:

A. Refuse to sell, transfer, assign, rent, lease, sublease, finance or otherwise deny or withhold housing accommodations from any person because of the race, sex, **SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION**, color, religion, ancestry, national origin, age, physical disabilities, mental disabilities or socio-economic status of any prospective owner, occupant, or user of such housing accommodations;

B. Represent to any person that housing accommodations are not available for inspection when in fact they are so available;

C. Refuse to lend money, whether or not secured by mortgage or otherwise, for the acquisition, construction, rehabilitation, repair, or maintenance of housing accommodations or otherwise withhold financing of housing accommodations from any person because of the race, sex, **SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION**, color, religion, ancestry, national origin, age, physical disabilities, mental disabilities or socio-economic status of any present or prospective owner, occupant, or user of such housing accommodations, provided such person, whether an individual, corporation, or association of any type, lends money as one of the principal aspects of their business or incidental to their principal business and not only as apart of the purchase price of an owner occupied residence they are selling nor merely casually or occasionally to a relative or friend;

D. Discriminate against any person in the terms or conditions of selling, transferring, assigning, renting, leasing or subleasing any housing accommodations or in furnishing facilities, services, or privileges in connection with the ownership, occupancy or use of any housing accommodations because of the race, sex, **SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION**, color, religion, ancestry, national origin, age, physical disabilities, mental disabilities or socio-economic status of any present or prospective owner, occupant, or user of such housing accommodations;

E. Discriminate against any person in the terms or conditions of any loan of money, whether or not secured by mortgage or otherwise, for the acquisition, construction, rehabilitation, repair, or maintenance of any housing accommodations because of the race, sex, **SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION**, color, religion, ancestry, national origin, age, physical disabilities, mental disabilities or socio-economic status of any present or prospective owner, occupant, or user of such housing accommodations;

F. Print, publish, or circulate any statement or advertisement relating to the sale, transfer, assignment, rental, lease, sublease, or acquisition of any housing accommodations or the loan of money, whether or not secured by mortgage or otherwise, for the acquisition, construction, rehabilitation, repair, or maintenance of housing accommodations which indicates any preference, limitation, specification, or discrimination based upon the race, sex, **SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION**, color, religion, ancestry, national origin, age, physical disabilities, mental disabilities or socio-economic status;

G. Make any inquiry, elicit any information, make or keep any record, or use any form of application containing questions or entries concerning the race, sex, **SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION**, color, religion, ancestry, national origin, age, physical disabilities, mental disabilities or socio-economic status in connection with the sale or lease of any housing accommodations or the loan of any money, whether or not secured by a mortgage or otherwise, for the acquisition, construction, rehabilitation, repair or maintenance of housing accommodations;

H. Include in any deed, land contract, or lease of accommodations any covenant, honor or exercise, or attempt to honor or exercise, any covenant, that would prohibit, restrict, or limit the sale, transfer, assignment, rental, lease, sublease, or finance of housing accommodations to or for any person because of the race, sex, **SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION**, color, religion, ancestry, national origin, age, physical disabilities, mental disabilities or socio-economic status of any prospective owner, occupant, or user of such housing accommodations provided that prior inclusion of a restrictive covenant in the chain of title shall not be deemed a violation of this provision;

I. Induce or solicit, or attempt to induce or solicit, any housing accommodations listing, sale, or transaction by representing that a change has occurred or may occur in the block, neighborhood, or area in which the property is located, which change is related to the presence or anticipated presence of persons of any race, sex, **SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION**, color, religion, ancestry, national origin, age, physical disabilities, mental disabilities or socio-economic status;

J. Induce or solicit or attempt to induce or solicit, any housing accommodations listing, sale, or transaction by representing that the presence or anticipated presence of persons of any race, sex, **SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION**, color, religion, ancestry, national origin, age, physical disabilities, mental disabilities or socio-economic status, in the area will or may have results such as the following:

1. The lowering of property values;
2. An increase in criminal or antisocial behavior in the area; or
3. A decline in the quality of schools serving the area;

K. Discourage or attempt to discourage the purchase by prospective purchasers of any housing accommodations by representing that any block, neighborhood, or area has or might undergo a change with respect to the race, sex, **SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION**, color, religion, ancestry, national origin, age, physical disabilities, mental disabilities or socio-economic status of the residents;

L. Deny any person access to or membership or participation in any multiple listing service, real estate, brokers' organization, or other service, organization, or facility relating to the business of selling or renting housing accommodations, or to discriminate against them in the terms or conditions of such access, membership, or participation, on account of race, sex, **SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION**, color, religion, ancestry, national origin, age, physical disabilities, mental disabilities or socio-economic status;

M. Coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of their having exercised or enjoyed, or on account of their having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by this section;

N. Whether or not acting under color of law, by force or threat of force willfully injure, intimidate or interfere with, or attempt to injure, intimidate, or interfere with:

1. Any person because of their race, sex, **SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION**, color, religion, ancestry, national origin, age, physical disabilities, mental disabilities or socio-economic status and because that person is or has been selling, purchasing, renting, financing, occupying or contracting or negotiating for the sale, purchase, rental, financing, or occupation of any dwelling, or applying for or participating in any service, organization, or facility relating to the business of selling or renting housing accommodations;

2. Any person because that person is or has been, or in order to intimidate such person or any other person or any class of persons from:

- a. Participating, without discrimination on account of race, sex, **SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION**,

color, religion, national origin, or ancestry, in any of the activities, services, organizations, or facilities described in division (a)(1)N.1. of this section; or

b. Affording another person or class of persons opportunity or protection so to participate; or

3. Discouraging any person from lawfully aiding or encouraging other persons to participate, without discrimination on account of race, sex, **SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION**, color, religion, ancestry, national origin, age, physical disabilities, mental disabilities or socio-economic status in any of the activities, services, organizations, or facilities described in division (a)(1)N.1. of this section, or participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to so participate;

O. Refuse to sell, transfer, assign, rent or lease, sublease, finance or otherwise deny or withhold a burial lot from any person because of the race, sex, **SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION**, color, religion, ancestry, national origin, age, physical disabilities, mental disabilities or socio-economic status of any prospective owner or user of such lot; or

P. For any person to discriminate in any manner against any other person because that person has opposed any unlawful practice defined in this chapter or because that person has made a charge, testified, assisted, or participated in any manner, in any investigation, proceeding, or hearing under the provisions of this chapter.

(2) Nothing in this section shall bar any religious or denominational institution or organization, or any charitable or educational organization, which is operated, supervised, or controlled by or in connection with a religious organization, from giving preference to persons of the same religion or denomination, or from making such selection as is calculated by such organization to promote the religious principles or the aims or purposes for which it is established or maintained.

(3) Nothing in this section shall bar any person from refusing to rent, lease, or sublease any room, suite of rooms, or apartment to any person because of sex if such room, suite of rooms, or apartment is located in a building in which the only toilet and bathroom facilities provided for such room, suite of rooms, or apartment are for the common use of all occupants.

(c) Unlawful Public Accommodations. It shall be an unlawful discriminatory practice:

(1) For any proprietor or his or her employee, keeper, or manager of a place of public accommodation to deny to any person except for reasons applicable alike to all persons regardless of race, sex, **SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION**, color, religion, ancestry, national origin, age, physical disabilities, mental disabilities or socio-economic status, the full enjoyment of the accommodations, advantages, facilities, or privileges thereof;

(2) For any proprietor or his or her employee, keeper, or manager of a place of public accommodation to publish, circulate, issue, display, post or mail, either directly or indirectly, any printed or written communication, notice or advertisement to the effect that any of the accommodations, advantages, facilities, goods, products, services and privileges of any such place shall be refused, withheld or denied to any person on account of race, sex, **SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION**, color, religion, ancestry, national origin, age, physical disabilities, mental disabilities or socio-economic status or that such person is unwelcome, objectionable, or not acceptable, desired or solicited;

(3) For any person, whether or not included in divisions (c)(1) and (c)(2) of this section, to aid, incite, compel, coerce, or participate in the doing of any act declared to be an unlawful discriminatory practice under this section.

SECTION SIX: That Chapter of the Codified Ordinances of the City of Newark, Ohio is hereby amended to read as follows:

CHAPTER 632: HUMAN RELATIONS

Section 632.06: POWERS AND DUTIES OF THE COMMISSION

The Human Relations Commission shall:

- (a) Promote mutual understanding and respect among all ethnic, religious and nationality groups and work to discourage and prevent discriminatory practices against any such groups;
- (b) Disseminate information and educational materials and reports which will assist in the elimination of prejudice, intolerance, ethnic intergroup tensions and discrimination, or which will promote good will and programs of community education and information with the object of achieving better overall human-citizen relations;
- (c) Assist various groups and agencies of the community to cooperate in educational campaigns devoted to the elimination of group prejudices, racial or area tensions, intolerance or discrimination;
- (d) Cooperate with City, State, Federal and other agencies in order to promote better human relations; specifically the OCRC, US CRC and the Ohio EEO;
- (e) Recommend such legislation as may be deemed appropriate and necessary to promote harmony in the field of human relationships;
- (f) Prepare and submit an annual report of its activities to Council and make such other reports and recommendations to Council from time to time as it determines to be necessary for the furtherance of improved human relations in the City;
- (g) Adopt such rules and regulations of self-government as may be necessary to carry out the purpose and provisions of this chapter; and
- (h) Receive and investigate complaints and initiate its own investigations on discrimination based on race, sex, **SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION**, color, religion, ancestry,

national origin, age, physical disabilities, mental disabilities or socio-economic status.

SECTION SEVEN: That Chapter 628 of the Codified Ordinances of the City of Newark, Ohio is hereby amended to read as follows:

CHAPTER 628: FAIR HOUSING

Section 628.01: DECLARATION OF POLICY

It is hereby declared to be the continuing policy of the City to do all things necessary and proper to secure for all of its residents their right to equal housing opportunities, regardless of their race, color, religion, sex, national origin, handicap condition, familial status, **SEXUAL ORIENTATION, OR GENDER IDENTITY OR EXPRESSION.**

Section 628.04: DISCRIMINATION IN THE SALE OR RENTAL OF HOUSING; PROHIBITED ACTS.

(a) No person shall do any of the following, which are hereby declared to be unlawful housing practices:

(1) Refuse to sell or rent after the making of a bona fide offer for, or refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, sex, familial status, national origin, **SEXUAL ORIENTATION, OR GENDER IDENTITY OR EXPRESSION.**

(2) Discriminate against any person in the terms, conditions or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, religion, sex, familial status, national origin, **SEXUAL ORIENTATION, OR GENDER IDENTITY OR EXPRESSION.**

(3) Make, print or publish, or cause to be made, printed or published, any notice, statement or advertisement, with respect to the sale or rental of a dwelling, that indicates any preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status, national origin, **SEXUAL ORIENTATION, OR GENDER IDENTITY OR EXPRESSION,** or an intention to make any such preference, limitation or discrimination.

(4) Represent to any person, because of race, color, religion, sex, handicap, familial status, national origin, **SEXUAL ORIENTATION, OR GENDER IDENTITY OR EXPRESSION,** that any dwelling is not available for inspection, sale or rental when such dwelling is in fact so available.

(5) For profit, induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, sex, handicap, familial status, national origin, **SEXUAL ORIENTATION, OR GENDER IDENTITY OR EXPRESSION.**

(6) Discriminate in the sale or rental of, or otherwise make unavailable or deny, a dwelling to any buyer or renter because of a handicap of:

- A. That buyer or renter;
- B. A person residing in, or intending to reside in, that dwelling after it is so sold, rented or made available; or
- C. Any person associated with that buyer or renter.

(7) Discriminate against any person in the terms, conditions or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection with such dwelling, because of a handicap of:

- A. That person;
- B. A person residing in, or intending to reside in, that dwelling after it is so sold, rented or made available; or
- C. Any person associated with that person.

(b) For purposes of paragraphs (a)(6) and (7) hereof, discrimination includes:

(1) A refusal to permit, at the expense of the handicapped person, reasonable modifications of existing premises occupied or to be occupied by such person if such modifications may be necessary to afford such person full enjoyment of the premises, except that, in the case of a rental, the landlord may, where it is reasonable to do so, condition permission for a modification on the renter agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted;

(2) A refusal to make reasonable accommodations in rules, policies, practices or services, when securing such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling; or

(3) In connection with the design and construction of covered multifamily dwellings for first occupancy after March 13, 1991, a failure to design and construct those dwellings in such a manner that:

- A. The public use and common use portions of such dwellings are readily accessible to, and usable by, handicapped persons;
- B. All the doors designed to allow passage into and within all premises within such dwellings are sufficiently wide to allow passage by handicapped persons in wheelchairs; and
- C. All premises within such dwellings contain the following features of adaptive design:
 - 1. An accessible route into and through the dwelling;
 - 2. Light switches, electrical outlets, thermostats and other environmental controls in accessible locations;
 - 3. Reinforcements in bathroom walls to allow later installation of grab bars; and
 - 4. Usable kitchens and bathrooms, such that an individual in a wheelchair can maneuver about the space.

(c) Compliance with the appropriate requirements of the American National Standards Institute for buildings and facilities providing accessibility and usability

for physically handicapped people (commonly cited as ANSI A117.1), suffices to satisfy the requirements of paragraph (b)(3)C. hereof.

(d) As used in this section, "covered multifamily dwellings" means:

- (1) Buildings consisting of four or more units, if such buildings have one or more elevators; and
- (2) Ground floor units in other buildings consisting of four or more units.

(e) Nothing in this section shall be construed to invalidate or limit any law or regulation of this State that requires dwellings to be designed and constructed in a manner that affords handicapped persons greater access than is required by this section.

(f) Nothing in this section requires that a dwelling be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals, or whose tenancy would result in substantial physical damage to the property of others.

SECTION EIGHT: That Chapter 636 of the Codified Ordinances of the City of Newark, Ohio is hereby amended to read as follows:

CHAPTER 636: OFFENSES RELATED TO PERSONS

Section 636.21: ETHNIC INTIMIDATION

(a) No person shall violate Ohio R.C. 2903.21, 2903.22, 2909.06, or 2909.07, or Ohio R.C. 2917.21(A)(3), (4), or (5), or any substantially similar municipal ordinance to any of these sections, by reason of the race, color, religion, national origin **SEXUAL ORIENTATION, OR GENDER IDENTITY OR EXPRESSION** of another person or group of persons.

(b) Whoever violates this section is guilty of ethnic intimidation. Ethnic intimidation is an offense of the next higher degree than the offense the commission of which is a necessary element of ethnic intimidation. In the case of an offense that is a misdemeanor of the first degree, ethnic intimidation is a felony to be prosecuted under appropriate state law.

SECTION NINE: This legislation shall become effective at the earliest time permitted by Article 4.07 of the Charter of the City of Newark, Ohio.

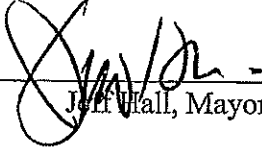
ADOPTED this 5th day July, 2016.

ATTEST: [Signature]
Clerk of Council

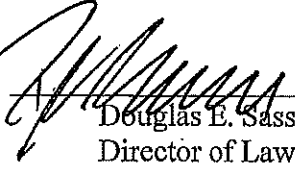
[Signature]
President of Council

Date filed with Mayor: 7/5/16

Date approved by Mayor: 7.5.16



Jeff Wall, Mayor

Approved as to form: 

Douglas E. Sassen
Director of Law