

790.09 HEARINGS.

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CHAPTER 790 Fair Housing
790.06 COMPLAINTS.

(a) Any aggrieved person may allege that a violation of Section 790.03 has occurred by filing with the Fair Housing Board, within one (1) year of the alleged violation, a sworn, written complaint

setting forth his or her grievance. The complaint shall state the name and address of the aggrieved party (hereinafter the "complainant"), the name and address of the person(s) alleged to have committed a violation of Section 790.03 (hereinafter the "respondent"), a description and address of the property involved in the discriminatory incident and the particular facts thereof and such other information as may be required by the Board. A complaint may be amended at any time prior to the hearing conducted pursuant to Section 790.09, and thereafter only with permission of the Fair Housing Board. Upon the filing of a complaint, the Fair Housing Board shall acknowledge the receipt of the complaint and serve notice thereof to the complainant, which notice shall also contain information as to the time limits, notice of procedural rights and obligations and choice of forum provided in this chapter.

(b) Within ten (10) days after a complaint has been received by the Fair Housing Board, it shall serve or cause to be served, in person or by certified mail, a copy of the complaint on the respondent alleged to have committed a violation of Section 790.03. Along with the service of the complaint, the Fair Housing Board shall advise the respondent, in writing, of his or her procedural rights and obligations under this chapter. The respondent may file a written verified answer to the complaint with the Fair Housing Board within ten (10) days after receipt of notice of said complaint, and thereafter only with permission of the Fair Housing Board.

(c) The Mayor, with the advice of the Fair Housing Board, may appoint a Fair Housing Administrator of the Fair Housing Board. The Administrator shall have such duties and responsibilities as may be provided by the Fair Housing Board, including, but not limited to, receipt and processing of complaints on behalf of the Fair Housing Board.

(Ord. 3-09. Passed 1-13-09.)

790.07 INVESTIGATION OF COMPLAINTS.

(a) Investigations shall be commenced within thirty (30) days after a complaint has been received. Conciliation, pursuant to Section 790.08, shall be attempted beginning with the filing of the complaint and ending with the filing of a charge or a dismissal of the complaint. If conciliation has failed and the investigation has been completed, the Discrimination Review Committee shall determine that:

(1) There are reasonable grounds to believe that a violation of Section 790.03 has occurred, in which case the Fair Housing Administrator shall issue a charge stating the facts forming the basis for the finding of reasonable grounds to believe discrimination occurred or is about to occur under Section 790.03. The Fair Housing Administrator shall then forward the complaint to the Fair Housing Board for a hearing, pursuant to Section 790.09; or

(2) There are no reasonable grounds to believe that a violation of Section 790.03 has occurred, in which case the Fair Housing Administrator shall prepare and issue a written notice of dismissal, within five (5) days of the finding of no reasonable grounds, by serving a copy of the notice of dismissal by certified mail on the parties. The notice of dismissal shall advise the complainant of his or her right to appeal under this section. Within fourteen (14) days of receipt of notice of dismissal, the complainant may request, in writing, reconsideration by The Discrimination Review Committee of the dismissal. By a majority vote, the Discrimination Review Committee may affirm or reverse the dismissal. If the Discrimination Review Committee reverses, it shall refer the complaint to the Fair Housing Administrator for conciliation and other actions consistent with this chapter.

(b) The Fair Housing Board shall complete the investigation within one hundred (100) days after receipt of the complaint, unless impracticable, in which case the Fair Housing Board shall inform, in writing, the complainant and the respondent of the reasons why the investigation cannot be

completed within the time prescribed.

(c) The Fair Housing Board may be assisted in the investigation by a fair housing agency or other organization or person under contract with the City. Upon request of the Fair Housing Board, the Fair Housing Contact of the Fair Housing Board may assign employees of the Fair Housing Board to assist in the investigation.

(Ord. 3-09. Passed 1-13-09.)

790.08 CONCILIATION PROCESS.

(a) During the period beginning with the filing of such complaint and ending with the filing of a charge or a dismissal by the Fair Housing Board, the Fair Housing Board shall, to the extent feasible, engage in conciliation with respect to such complaint. As appropriate, the Administrator shall:

(1) Notify the complainant and respondent of the time, place and date of the conciliations conference at least ten (10) days prior thereto, and both parties shall appear at the conciliation conference in person or by attorney; and

(2) Attempt to resolve the complaint by methods of conferment, conciliation and persuasion with all interested parties and such representatives as the conferences shall be informal and made public unless the parties agree thereto in writing. The terms of conciliation agreed to by the parties shall be reduced to writing and incorporated into a consent agreement to be signed by the parties, subject to approval by the Fair Housing Board. The terms of the conciliation agreement shall be made public, unless the complainant and the respondent agree otherwise and the Fair Housing Board determines that disclosure is not required to further the purposes of this chapter.

(b) A conciliation agreement may provide for binding arbitration of the dispute arising from the complaint. Any such arbitration that results from a conciliation agreement may award appropriate relief, including monetary relief. (Ord. 3-09. Passed 1-13-09.)

790.09 HEARINGS.

(a) Within thirty (30) days after the complaint is received by the Fair Housing Board pursuant to division (a)(1) of Section 790.07, the Discrimination Review Committee shall, upon due and reasonable notice to all parties, hold a hearing on the complaint. Parties to the hearing shall be the complainant and respondent and such other persons as the Fair Housing Board may deem appropriate. The hearing shall be open to the public. At the time it determines to hold such hearing, the Fair Housing Board shall serve upon the respondent a summons requiring the attendance of named persons and the production of relevant documents and records.

(b) At any time prior to the conclusion of the hearing, the parties may request the Fair Housing Board to issue subpoenas for individuals or documents in the Fair Housing Board's name. Failure to comply with a summons or subpoena shall constitute a violation of this chapter. The parties may appear before such Board in person or by duly authorized representatives and be represented by legal counsel. The parties shall have the right to present witnesses and to cross-examine witnesses, and all testimony and evidence shall be given under oath or by affirmation.

(c) If a charge is issued pursuant to Section 790.07 (a)(1), either the complainant or the respondent, in lieu of participating in the administrative hearing process, as outlined in this Section 790.09, may elect to have the case heard in a civil action. Such civil action shall be maintained on behalf of the aggrieved person at the expense of the Fair Housing Board. Such election must be made within twenty (20) days after the receipt of the charge.

(Ord. 3-09. Passed 1-13-09.)

790.10 HEARING DECISIONS.

(a) Within thirty (30) days of the close of the hearing, the Discrimination Review Committee

shall deliver its recommendations to the Fair Housing Board. The Fair Housing Board shall have thirty (30) days to adopt, reject or amend the recommendations of the Discrimination Review Committee. The Fair Housing Board's decision shall be rendered in the form of a written order which shall include findings of fact and a statement as to whether the respondent has violated Section 790.03 and such remedial actions as the Fair Housing Board may order pursuant to Section 790.12. The order shall be served upon the parties by certified mail within fifteen (15) days of the date of the decision. The order shall be available for public inspection, and a copy shall be provided to any person upon request and payment of reproduction costs.

(b) If the Discrimination Review Committee is unable to make a recommendation to the Fair Housing Board within the prescribed time frame in subsection (a), the Administrator shall notify the Fair Housing Board, the complainant and the respondent in writing of the reasons for not doing so. (Ord. 3-09. Passed 1-13-09.)

790.11 INJUNCTIVE RELIEF.

At any time after the filing of a complaint referred to in Section 790.07, the Fair Housing Board may request the City's Director of Law to petition the appropriate court for temporary or preliminary relief pending final determination of the proceedings under this chapter, or as otherwise necessary to carry out the purposes of this chapter, including an order or decree restraining the respondent from doing or causing any act which would render ineffectual any order or action by the Fair Housing Board. (Ord. 3-09. Passed 1-13-09.)

790.12 REMEDIAL ACTIONS.

(a) If the Fair Housing Board finds that the respondent has not violated Section 790.03, its order under Section 790.10 shall dismiss the complaint.

(b) If the Fair Housing Board finds that the respondent has violated Section 790.03, its order under Section 790.10 shall provide for the taking of such remedial action, as it deems appropriate, which may include but not be limited to:

(1) Directing the respondent to cease and desist from violations of Section 790.03 and to take such affirmative steps as necessary to effectuate the purposes of this chapter;

(2) Initiating, at the Fair Housing Board's expense, an appropriate court action for the enforcement of Section 790.03, and for such other or further relief as the court may deem appropriate including, but not limited to, injunctive relief, compensatory damages, punitive damages to the complainant and/or attorney's fees and costs incurred by the complainant and/or the Fair Housing Board and/or the City; such court action shall be required in the event the respondent does not voluntarily comply with remedial actions ordered by the Fair Housing Board;

(3) Initiating proceedings based upon violation of federal or state law and/or regulations;

(4) Initiating proceedings with any contracting agency, in the case of any violation of Section 790.03 by respondent in the course of performing under a contract or subcontract with the State or any political subdivision or agency thereof, or with the United States of America or any agency or instrumentality thereof, for the purpose of terminating such contract or any portion thereof, or obtaining other relief;

(5) Initiating proceedings with the State of Ohio, where applicable, to revoke, suspend or refuse to renew the license of any person found to have violated any provision of Section 790.03 ;

(6) Directing the respondent to reimburse the complainant and/or the City, as applicable for his or her actual and reasonable expenses incurred and to be incurred as a result of each violation found, including, but not limited to, expenses for moving and temporary storage of household furnishings, additional expenses in connection with the purchase or rental of a dwelling for

alternative accommodations, and reasonable attorneys' fees and costs;

(7) Directing the respondent to reimburse the City for its actual reasonable direct expenses incurred and to be incurred as a result of each violation found including reasonable attorneys' fees and costs;

(8) Assessing compensatory damages, as appropriate, or arrange to have adjudicated in court, at the Fair Housing Board's expense, the award of compensatory damages against the respondent;

(9) Assessing civil penalties, as appropriate, or arranging to have adjudicated in court at the Fair Housing Board's expense, the award of punitive damages against the respondent. For purposes of this chapter, civil penalties are defined as penalties assessed against the respondent to vindicate the public interest in an amount:

A. Not exceeding \$50,000 for a first violation; and

B. Not exceeding \$100,000 for any subsequent violation.

(10) Such other further relief as the Fair Housing Board may deem appropriate for enforcement of Section 790.03 .

(c) The Fair Housing Board shall make a final administrative disposition of a complaint within one (1) year after the complaint has been filed, unless it is impracticable to do so, in which case the complainant and respondent shall be notified, in writing, of the reasons why disposition of the complaint cannot be made within the time prescribed.

(d) Nothing herein shall be construed to prevent the City, at its own expense, from initiating appropriate court action on behalf of the complainant in order to enforce the provisions of this chapter.

(e) The complainant and the respondent shall have the right to appeal an adverse final determination by the Board to the Summit County Common Pleas Court pursuant to Chapter 2506 of the Ohio Revised Code, or in such other forum or court of competent jurisdiction as provided by law. (Ord. 3-09. Passed 1-13-09.)

790.13 JUDICIAL RELIEF.

The City, the complainant, or any person aggrieved by a violation of any provision of this chapter may at any time within one (1) year from the date of the alleged violation and in lieu of proceeding with the administrative process set forth in this chapter, apply to any court of competent jurisdiction for appropriate relief including, but not limited to:

(a) Injunctive relief or an order otherwise compelling compliance with this chapter;

(b) Compensatory damages and/or punitive damages;

(c) Reasonable attorneys' fees and costs to complainant and/or the City as applicable; and/or

(d) Such other or further relief as is appropriate for the enforcement of this chapter and elimination of violations thereof. (Ord. 3-09. Passed 1-13-09.)

790.14 INTIMIDATION OR INTERFERENCE IN HOUSING.

No person, whether or not acting under color of law, shall by force or threat of force willfully injure, intimidate or interfere with, or attempt to injure, intimidate or interfere with any of the following:

(a) Any person because of race, religion, color, sex, sexual orientation, national origin, age, disability, or ethnic group, Vietnam-era or disabled veteran status, familial status, marital status or ancestry and because that person is or has been selling, purchasing, renting, financing, occupying, contracting, or negotiating for the sale, purchase, rental, financing, or occupation of any property; or applying for or participating in any service, organization, or facility relating to the business of selling or renting housing accommodations;

(b) Any person because that person is, or has been, or is considering:

(1) Participating, without discrimination on account of race, religion, color, sex, sexual orientation, national origin, age, disability, ethnic group, Vietnam-era or disabled veteran status, familial status, marital status or ancestry, in any of the activities, services, organizations or facilities described in division (a) of this section;

(2) Affording another person or class of persons opportunity of protection or protection so to participate;

(c) Any person because that person is, or is considering lawfully aiding or encouraging other persons to participate, without discrimination on account of race, religion, color, sex, sexual orientation, national origin, age, disability, ethnic group, Vietnam-era or disabled veteran status, familial status, marital status or ancestry, in any of the activities, services, organizations or facilities described in division (a) of this section, or participating lawfully in speech.

(Ord. 3-09. Passed 1-13-09.)

790.15 PATTERN OR PRACTICE OF DISCRIMINATION.

Whenever the Fair Housing Board has reasonable cause to believe that any person or persons are engaged in a pattern or practice of resistance to a person's or persons' full enjoyment of the rights granted by Section 790.03 or 790.19, of this chapter, or that any group of persons has been denied any of the rights granted by such section and the denial raises an issue of public policy, the Fair Housing Board may refer the matter to the Director of Law for commencement of a civil action in a court of competent jurisdiction on behalf of the City. The Director of Law may seek any relief considered necessary to ensure the full enjoyment of the rights granted by this chapter. (Ord. 3-09. Passed 1-13-09.)

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- ORDINANCES OF THE CITY OF SHEFFIELD LAKE, OHIO
- ORDINANCE NO. 116-84
- ORDINANCES OF SHEFFIELD LAKE
- amended at any time prior to the hearing conducted pursuant to Section 790
- Ord. 3-09
- ords
- order which shall include findings of fact and a statement as to whether the respondent has violated Section 790
- order pursuant to Section 790
- order shall be served upon the parties by certified mail within fifteen (15) days of the date of the decision
- order shall be available for public inspection, and a copy shall be provided to any person upon request and payment of reproduction costs
- order or decree restraining the respondent from doing or causing any act which would render ineffectual any order or action by the Fair Housing Board
- order under Section 790
- ordered by the Fair Housing Board;
- order to enforce the provisions of this chapter
- order otherwise compelling compliance with this chapter;
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