

CHAPTER 790 Fair Housing

— Chapter Overview

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- Skip to main content
- Search
- Sitemap
- Login
- Select Language
- Resources
- Skip to code content (skip section selection)
- 2025-04 (current)
- Sheffield Lake Overview
- Codified Ordinances of Sheffield Lake, OH
- CODIFIED ORDINANCES OF THE CITY OF SHEFFIELD LAKE, OHIO
- CERTIFICATION
- ROSTER OF OFFICIALS
- ADOPTING ORDINANCE NO. 116-84
- COMPARATIVE SECTION TABLE
- TABLES OF SPECIAL ORDINANCES OF SHEFFIELD LAKE
- CHARTER
- PART ONE - ADMINISTRATIVE CODE
- PART THREE - TRAFFIC CODE
- PART FIVE - GENERAL OFFENSES CODE

PART SEVEN - BUSINESS REGULATION CODE

CHAPTER 706 Abortions

CHAPTER 709 Adult Foster Care

CHAPTER 712 Amusements

CHAPTER 718 Fire Protection/Fighting Equipment

CHAPTER 724 Frozen Desserts

CHAPTER 730 Garage Sales

CHAPTER 748 Mechanical Amusement Devices

CHAPTER 750 Computerized Internet Sweepstakes Cafes

CHAPTER 760 Nursing and Boarding Care Homes

CHAPTER 761 Private Investigators and Security Guards

CHAPTER 772 Peddlers, Solicitors and Canvassers

CHAPTER 780 Snow Plowing

CHAPTER 784 Taxicabs

CHAPTER 790 Fair Housing

790.01 PURPOSE.

790.02 DEFINITIONS.

790.03 UNLAWFUL DISCRIMINATORY HOUSING PRACTICES.

790.04 EXEMPTIONS.

790.05 FAIR HOUSING BOARD; POWERS; DUTIES; RESPONSIBILITIES

790.051 DISCRIMINATION REVIEW COMMITTEE; DUTIES; RESPONSIBILITIES.

790.06 COMPLAINTS.

790.07 INVESTIGATION OF COMPLAINTS.

790.08 CONCILIATION PROCESS.

790.09 HEARINGS.

790.10 HEARING DECISIONS.

790.11 INJUNCTIVE RELIEF.

790.12 REMEDIAL ACTIONS.

790.13 JUDICIAL RELIEF.

790.14 INTIMIDATION OR INTERFERENCE IN HOUSING.

790.15 PATTERN OR PRACTICE OF DISCRIMINATION.

790.16 PROHIBITIONS AGAINST REAL ESTATE STEERING.

790.17 ADDITIONAL REMEDIES.

790.18 SCOPE/SEVERABILITY.

790.19 UNLAWFUL DISCRIMINATORY PUBLIC ACCOMMODATIONS PRACTICES.

790.20 DEFINITIONS.

790.21 COMPLAINTS.

790.22 REMEDIES AND BELIEFS.

PART NINE - STREETS, UTILITIES AND PUBLIC SERVICES CODE

PART ELEVEN - PLANNING AND ZONING CODE

PART THIRTEEN - BUILDING CODE

PART FIFTEEN - FIRE PREVENTION CODE

OH

Sheffield Lake

Codified Ordinances of Sheffield Lake, OH

CHAPTER 790 Fair Housing

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CHAPTER 790

Fair Housing

- 790.01 Purpose.
- 790.02 Definitions.
- 790.03 Unlawful discriminatory housing practices.
- 790.04 Exemptions.
- 790.05 Fair Housing Board; powers; duties; responsibilities.
- 790.051 Discrimination Review Committee; duties; responsibilities.
- 790.06 Complaints.
- 790.07 Investigation of complaints.
- 790.08 Conciliation process.
- 790.09 Hearings.
- 790.10 Hearing decisions.
- 790.11 Injunctive relief.
- 790.12 Remedial actions.
- 790.13 Judicial relief.
- 790.14 Intimidation or interference in housing.
- 790.15 Pattern or practice of discrimination.
- 790.16 Prohibitions against real estate steering.
- 790.17 Additional remedies.
- 790.18 Scope/severability.
- 790.19 Unlawful discriminatory public accommodations practices.
- 790.20 Definitions.
- 790.21 Complaints.
- 790.22 Remedies and beliefs.

CROSS REFERENCES

Unlawful discriminatory practices - see Ohio R.C. 4112.02

Interfering with civil rights - see GEN. OFF. 525.13

790.01 PURPOSE.

It is hereby declared to be the purpose of this chapter to provide, within constitutional limitations, fair housing throughout Sheffield Lake (hereinafter, Sheffield Lake or the City), to assure that all persons have full and equal opportunity to consider all available housing and lending for themselves and their families within the City without discrimination based on race, religion, color, sex, sexual orientation, national origin, age, disability, ethnic group, Vietnam-era or disabled veteran status, familial status, marital status or ancestry, and to promote a stable community. (Ord. 3-09. Passed 1-13-09.)

790.02 DEFINITIONS.

As used herein, the following terms shall have these meanings:

(a) "Aggrieved person" includes any person who

- (1) Claims to have been injured by a discriminatory housing practice; or
- (2) Believes that such persons will be injured by a discriminatory housing practice that is

about to occur.

(b) "Fair Housing Board" is the board appointed by the Mayor overseeing the activities of the foregoing Chapter.

(c) "Covered multi-family dwellings" means buildings consisting of four or more units, if such buildings have one or more elevators, and ground floor units in other buildings consisting of four or more units.

(d) "Disability"

(1) Means, with respect to a person:

A. A physical or mental impairment that substantially limits one or more major life activities, including the functions of caring for one's self such as: performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and/or working;

B. A record of a physical or mental impairment; or

C. Being regarded as having a physical or mental impairment.

(2) Does not include current, illegal use of, or addiction to, a controlled substance, as defined in 21 U.S.C. Section 802.

(e) "Discrimination Review Committee" means the Committee of the Fair Housing Board established by Section 790.051 .

(f) "Familial status" refers to the status of:

(1) One or more individuals (who have not attained the age of eighteen years) being domiciled with:

A. A parent or another person having legal custody of such individual or individuals; or

B. The designee of such parent or other person having such custody, with the written permission of such parent or other persons.

(2) Any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of eighteen years.

(g) "Housing for older persons" means

(1) Housing provided under any State or Federal program that the Secretary of the United States Department of Housing and Urban Development (hereafter HUD) determines is specifically designed and operated to assist elderly persons (as defined in the State or Federal program);

(2) Housing intended for, and solely occupied by, persons 62 years of age or older; or

(3) Housing intended and operated for occupancy by at least one person 55 years or older per unit. The determination as to whether housing qualifies as housing for older persons under this subsection shall be consistent with regulations promulgated by the Secretary of HUD, provided at least the following factors are present:

A. The existence of significant facilities and services specifically designed to meet the physical or social needs of older persons or if the provision of such facilities and services is not practicable, that such housing is necessary to provide important housing opportunities for older persons; and

B. That at least eighty percent (80%) of the units are occupied by at least one person 55 years of age or older per unit; and

C. The publication of, and adherence to, policies and procedures which demonstrate an intent by the owner or manager to provide housing for persons 55 years of age or older.

(4) Housing shall not fail to meet the requirements for housing for older persons by reason of:

A. There being persons residing in such housing as of the date of enactment of the Fair Housing Act of 1988 who do not meet the age requirements of subsection (g)(2) or (3); provided that the new occupants of such housing meet the age requirements of subsection (g)(2) or (3); or

B. There being unoccupied units, provided that such units are reserved for occupancy by subsection (g)(2) or (3).

(h) "Lending institution" means any bank, savings and loan association, insurance company, or other organization or person regularly engaged in the business of lending money, guaranteeing insurance in connection with the purchase, sale or rental of dwellings.

(i) "Person" means one or more individuals, partnerships, associations, organizations, corporations, legal representatives, trustees, trustees in bankruptcy, receivers, and other organized groups of persons. It also includes, but is not limited to, any owner, lessor, assignor, builder, manager, broker, salesman, appraiser, agent, employee, and lending institution.

(j) "Property," as used herein, means any building, structure, facility or portion thereof, which is used, occupied or is intended, arranged or designed to be used or occupied:

(1) As the residence, dwelling unit, or sleeping place of one or more individuals, groups, or families whether or not living independently of each other, and includes any housing accommodations held or offered for sale or rent by a real estate broker, salesman, or agent, or by any other person pursuant to authorization of the owner, by the owner, or by such person's legal representative;

(2) For the purpose of operating a business, an office, a manufactory or public accommodation; or

(3) Any vacant land offered for sale, lease or held for the purpose of constructing or locating thereon any such building, structure, facility, business concern or public accommodation.

(k) "Protected group" or "protected class" refers to persons who are or may be discriminated against on the basis of race, religion, color, sex, sexual orientation, nation origin, age, disability, ethnic group, Vietnam-era or disabled veteran status, familial status, marital status or ancestry.

(l) "Purchase" means to obtain property through sale.

(m) "Real estate broker" means a real estate agent or salesperson, or a limited real estate broker or salesperson as defined in Section 4735.01 of the Revised Code.

(n) "Rent" or "rental" means to lease, sublease, assign or otherwise grant or obtain the right to occupy property not owned by the occupant in return for consideration, or a contract or option to do any of the foregoing.

(o) "Sale" or "sell" means to convey, exchange, transfer or assign legal or equitable title to, or beneficial interest in, property in return for consideration, or a contract or option to do any of the foregoing.

(p) "Sexual orientation" means a person's actual or perceived homosexuality, bisexuality or heterosexuality, by orientation or practice.

(q) "Solicitation" or "solicit" means the mailing or delivery of any printed matter or any oral communication either in person or by telephone to the owner or occupant of property by any real estate broker, agent, sales representative or other person for any of the following purposes:

(1) Advertising the accomplishments and/or abilities of the real estate broker, agent, sales representative or other person to sell or rent property;

(2) Requesting or suggesting that the owner or occupant list his property for sale or rent; or

(3) Offering to purchase or rent the owner's property.

(r) "Unlawful discriminatory housing practices" means any act prohibited by Section 790.03 , but shall not include special outreach efforts conducted by, or under the authority of units of local government (including agencies, departments and commissioners thereof) or non-profit fair housing corporations or agencies to administer the programs and activities relating to housing and urban development in a manner which affirmatively furthers the policies of this chapter.

(s) “Watch area” means an area of the City designated by the Fair Housing Board exhibiting certain conditions of change which have historically led to panic selling, racial change and/or incidents with considerations of the factors listed in division (b) of Section 790.16 . (Ord. 3-09. Passed 1-13-09.)

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- Ord. 3-09
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