

City of Akron Proposed Charter Amendment

Charter Issue 12- Shall the Charter of the City of Akron be amended by enacting Section 100a so that the section shall provide as follows:

Section 100a – Fair Housing

(A) Purpose

The City of Akron finds and declares that:

- 1) Safe, stable, and affordable housing is a fundamental human right and a prerequisite for the health, dignity, and civic participation of all Akron residents.
- 2) Discrimination in housing undermines equal opportunity, perpetuates segregation, and contributes to disparities in health, education, economic mobility, and overall quality of life.
- 3) Ensuring fair and equal access to housing strengthens neighborhoods, promotes economic stability, and advances the general welfare of the City as a whole.
- 4) It is the responsibility of the City to take proactive measures to eliminate discrimination in housing and to affirmatively further fair housing for all residents.
- 5) Pursuant to the home rule authority granted to the City of Akron under Article XVIII, Section 7 of the Ohio Constitution, the City possesses the power to enact local legislation regulating housing conditions and protecting the rights of tenants and prospective tenants within its boundaries.
- 6) The provisions of this Section are enacted in the exercise of that home rule authority and shall be liberally construed to advance the purposes set forth herein.
- 7) Nothing in this Section shall be construed to limit any right or protection otherwise available to any person under federal or Ohio law.

(B) Unlawful Discrimination in Housing and Real Estate Transactions.

- 1) With regard to housing and real estate transactions, it shall be unlawful to engage in any of the following acts wholly or partially for a discriminatory reason:
 - a) To discriminate by impeding, delaying, discouraging, or otherwise limiting or restricting any real estate transaction;
 - b) To discriminate by imposing less preferential terms on a real estate transaction;
 - c) To represent falsely that an interest in real estate is not available for real estate transaction;

- d) To include in the terms or conditions of a real estate transaction any discriminatory clause, condition, or restriction;
 - e) To discriminate in performing, or refusing to perform, any act necessary to determine an individual's financial ability to engage in a real estate transaction;
 - f) For a property manager to discriminate by refusing to provide equal treatment of, or services to, occupants of any real estate that the property manager manages;
 - g) To make, print, or publish, or cause to be made, printed, or published, any discriminatory notice, statement, or advertisement with respect to a real estate transaction or proposed real estate transaction, or financing relating thereto; provided that this subdivision shall not be construed to prohibit advertising directed to persons with disabilities or persons over the age of fifty-five for the purpose of calling to their attention the existence of housing accommodations or services for such persons, nor shall it be construed to expose the person who prints or publishes such notice or advertisement, such as a newspaper, to liability.
 - h) To discriminate in any financial transaction involving real estate on account of the location of the real estate, whether residential or non-residential, commonly referred to as "redlining";
 - i) For a real estate operator, real estate broker, real estate salesperson, financial institution, employee of any of these, or any other person, for purposes of inducing a real estate transaction from which such person may benefit financially, to represent that a change has occurred or will or may occur in the composition with respect to age, race, color, creed, religion, national origin, ancestry, disability, familial status, marital status, sex, gender, sexual orientation, criminal history, or military status of the owners or occupants in the block, neighborhood, or area in which the real property is located, or to represent that this change will or may result in the lowering of property values, an increase in criminal or antisocial behavior, or a decline in the quality of schools in the block, neighborhood, or area in which the real property is located, commonly referred to as "blockbusting."
- 2) Notwithstanding the provisions of Section 2(A)(1) through (A)(9), it shall not be an unlawful discriminatory practice for an owner to limit occupancy on the basis of a person's low income, age over fifty-five years, or disability status in accordance with federal or state law.
- 3) Notwithstanding the provisions of Subsection (B)(a) through (A)(i), it shall not be an unlawful discriminatory practice for an owner, lessor, or renter to refuse to rent, lease, or sublease a portion of a single-family dwelling unit to a person as a tenant, roomer, or boarder where it is anticipated that the owner, lessor, or renter will be occupying any portion of the single-family dwelling.

- 4) Notwithstanding the provisions of Subsection (B)(5) and (B)(6), it shall not be an unlawful discriminatory practice of an owner, lessor, or renter to refuse to rent, lease, or sublease a portion of a single-family dwelling unit, or to evict a person as a tenant, roomer, or boarder, in accordance with any provision of Chapter 5321 of the Ohio Revised Code or in accordance with Federal or State funding guidelines.
- 5) As used in this Section, “discriminate” means to engage in, take part in, create, enforce, or establish any act, policy, or practice that subjects any person to differential treatment as a result of that person’s age, race, color, creed, religion, national origin, ancestry, disability, marital status, familial status, sex, gender, sexual orientation, criminal history, or military status. “Discriminate” shall also include engaging in, taking part in, creating, enforcing, or establishing any act, policy, or practice that subjects any person to differential treatment as a result of that person’s source of income as it relates to real estate transactions.
- 6) As used in this Section, “criminal history” means the record of an individual’s interactions with the criminal justice system, including but not limited to arrests, detentions, convictions, court orders, and other contacts with law enforcement and the court system. “Criminal history” shall not include only offenses that require an individual to register as a sex offender or arson offender under Ohio law.
- 7) As used in this Subsection, “operator” means any person who, alone or jointly or severally with others, has charge, care, or control of any premises, or part thereof, in which there are one or more dwelling units or rooming units, whether as owner, manager, agent of the owner, or due to conduct that demonstrates the person’s position of responsibility concerning the dwelling or rooming unit. “Dwelling unit” means a single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation. “Rooming unit” means any room or group of rooms forming a single habitable unit used, intended to be used, or designed to be used for living and sleeping but not for cooking or eating purposes.

(C) Enforcement and Implementing Legislation

- 1) Council shall enact any necessary additional legislation implementing this Section no later than ninety (90) days after the effective date of this Section. Such legislation shall include all of the following:
 - a) Incorporation, by reference or restatement, of the complaint, intake, investigation, conciliation, hearing, and appeal procedures established under Title 3, Chapter 38 of the City of Akron Code of Ordinances. The Akron Civil Rights Commission shall have primary jurisdiction to receive, investigate and adjudicate complaints alleging violations of this Section. No implementing legislation shall create a separate complaint or hearing track for criminal history discrimination

claims that affords fewer procedural protections or lesser remedies than those available under Chapter 38.

- b) A provision that any person aggrieved by a violation of this Section shall be entitled to injunctive or other equitable relief; compensatory damages, including actual damages for out-of-pocket losses and damages for emotional distress; punitive damages where the violation is found to be willful or malicious; reasonable attorney's fees and costs; and such other relief as the Commission or a court of competent jurisdiction deems appropriate;
- c) A provision for organization criminal liability as set forth in Section 130.09 of the City of Akron Code of Ordinances where the operator is a corporation, limited liability company, partnership, or other organizational entity;
- d) A provision that violations of the anti-discrimination provisions of this Section shall be subject to a strict liability standard with respect to any per se prohibited act, provided that nothing in this subdivision shall preclude a respondent from asserting an affirmative defense that the act complained of was taken pursuant to a lawful obligation under federal or Ohio law;
- e) A provision that no implementing legislation, administrative rule, or agency policy adopted pursuant to this Section shall have the purpose or effect of: (a) reducing the remedies available to a complainant below those provided under Chapter 38 as of the effective date of this Section; (b) limiting the jurisdiction of the Akron Civil Rights Commission to receive and investigate complaints alleging violations of this Section; or (c) creating any procedural barrier, additional exhaustion requirement, or filing deadline more restrictive than those applicable to complaints under Chapter 38 generally; and
- f) A provision that nothing in this Section or in any implementing legislation enacted pursuant to it shall be construed to diminish, limit, or supersede any right, remedy, or protection available under Title 3, Chapter 38 of the City of Akron Code of Ordinances as of the effective date of this Section. Where a complainant alleges conduct that violates both this Section and Chapter 38, the complainant may pursue all available remedies.

(D) General Provisions

- 1) The provisions of this Section shall apply to all operators within the City of Akron with respect to any dwelling unit or rooming unit located within the corporate limits of the City, and to all real estate transactions involving real property located within the City of Akron.
- 2) This Section shall be liberally construed to effectuate its remedial purposes. In any case of doubt as to the application of this Section, the interpretation that best protects the rights of tenants and prospective tenants shall be preferred.

- 3) This Section shall take effect thirty (30) days after approval by the electors of the City of Akron, unless a later effective date is specified herein or required by law.
- 4) If any provision of this Section, or the application of any provision to any person or circumstance, is held invalid by a court of competent jurisdiction, the remainder of this Section and the application of its provisions to other persons or circumstances shall not be affected. The City Council shall have authority to enact conforming legislation to address any provision found invalid.
- 5) This Section, having been adopted by the electors of the City of Akron pursuant to Article XVIII, Section 7 of the Ohio Constitution, may be amended or repealed only by a subsequent vote of the electors of the City of Akron, except as otherwise required by state or federal law.

Council requested, in Ordinance No. 263-2026, that the ballot for the Charter amendment take substantially the following form:

PROPOSED CHARTER AMENDMENT
CITY OF AKRON
A Majority Affirmative Vote Is Necessary for Passage

Shall the Charter of the City of Akron be amended to enact Section 100a to add the City of Akron's existing codified anti-discrimination protections in the Charter; to, with exceptions for sex offenders and arson offenders, prohibit owners and operators from declining to rent to, or engage in a real estate transaction with, an individual on the basis of that individual's criminal history such as arrests, convictions, incarceration; making individuals with criminal histories a protected class similar to race, gender, sexual orientation, and other existing protected classes as it relates to renting, home sales, and other real estate transactions; giving the Akron Civil Rights Commission jurisdiction over all real estate discrimination claims arising in Akron; and requiring City Council to enact implementing legislation within ninety (90) days of the effective date of this amendment?

YES

NO

**advertised in Akron Beacon Journal 10/17/2026 and 10/24/2026; posted on Akron City Council's website 10/7/2026 through 11/4/2026*