OHIO CIVIL RIGHTS COMMISSION

- Revises the timeframe in which the Ohio Civil Rights Commission (OCRC) must authorize the Attorney General to file a housing discrimination lawsuit to not more than 30 days after receiving notice from a party to an OCRC housing discrimination complaint that the party is electing to pursue the claim in court instead of through the administrative process.
- Allows a complainant or an aggrieved person named in an OCRC housing discrimination complaint to file a lawsuit not less than 30 days, but not more than 60 days, after a party to the complaint elects to proceed in court, if OCRC fails to authorize a housing discrimination lawsuit, or the Attorney General fails to file it.

Housing discrimination

(R.C. 4112.055)

The act revises the time the Ohio Civil Rights Commission (OCRC) has to authorize the Attorney General to file a housing discrimination lawsuit. Under the act, OCRC must do so not more than 30 days after receiving notice from a party to an OCRC housing discrimination complaint that the party is electing to pursue the claim in court instead of through the administrative process. Formerly, OCRC was required to authorize the Attorney General to file the suit "upon receipt" of a party's written election.

Under the act, a complainant or an aggrieved person in a housing discrimination complaint may independently file a lawsuit not less than 30 days, but not more than 60 days, after a party to the complaint elects to proceed in court if either:

- OCRC fails to authorize the Attorney General to file the suit as required; or
- The Attorney General fails to file the suit within 30 days after receiving OCRC authorization.

The act does not specifically address a situation in which the respondent to a housing discrimination complaint elects to go to court, but OCRC or the Attorney General fail to act on the respondent's election.

Under continuing law, an aggrieved person in a housing discrimination claim may file a charge with OCRC or sue in the common pleas court for the county where the alleged discrimination occurred. The person also may sue under a separate provision of the Civil Rights Law that has different timelines and remedies. If the person files a charge with OCRC, it must complete a preliminary investigation of the charge's merits within 100 days after the filing.[35]

When OCRC determines a housing discrimination claim has merit and issues a complaint, the complainant, any aggrieved person on whose behalf the complaint is issued, or the

[35] R.C. 4112.05 and 4112.99, not in the act.

respondent may elect to proceed with the OCRC administrative hearing process or have the alleged housing discrimination addressed in court. An election to have the alleged discrimination addressed in court must be made in writing within 30 days after the complaint's issuance. The election must be sent by certified mail to OCRC, the Attorney General's office, and the other parties named in the complaint.