

**As Passed by the House**

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**Am. Sub. H. B. No. 167**

**Representative Murray**

**Cosponsors: Representatives Foley, Heard, Slesnick, Domenick, Hagan, Letson, Luckie, Yuko, Weddington, Harris, Boyd, Phillips, Okey, Williams, S., Pillich, Driehaus, Ujvagi, Otterman, Stewart, Belcher, Brown, Celeste, Chandler, DeBose, Dodd, Dyer, Fende, Garland, Garrison, Lundy, Newcomb, Patten, Skindell, Szollosi, Williams, B., Winburn, Yates**

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**A B I L L**

To amend section 3113.31 and to enact sections 9.131, 1  
4113.80 to 4113.84, 5321.171, 5321.172, 5321.173, 2  
and 5321.174 of the Revised Code to prohibit an 3  
employer or a landlord from discriminating against 4  
a victim of domestic violence or stalking; to 5  
require a metropolitan housing authority to move a 6  
victim of domestic violence or stalking if another 7  
unit is available; to prohibit charging a fee when 8  
law enforcement officers assist a victim of 9  
domestic violence or stalking; to allow a victim 10  
of domestic violence or stalking to take unpaid 11  
leave for purposes relating to the incident of 12  
domestic violence or stalking and to change or 13  
have changed the locks to the tenant's dwelling 14  
unit, and to permit a victim of domestic violence 15  
to terminate a rental agreement. 16

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That section 3113.31 be amended and sections 17  
9.131, 4113.80, 4113.81, 4113.82, 4113.83, 4113.84, 5321.171, 18  
5321.172, 5321.173, and 5321.174 of the Revised Code be enacted to 19  
read as follows: 20

**Sec. 9.131.** No county, municipal corporation, or township, 21  
nor any law enforcement agency thereof, may charge any victim of 22  
domestic violence or stalking or any property owner where such a 23  
victim resides for any assistance that law enforcement officers 24  
provide to such a victim. 25

As used in this section, "domestic violence" and "stalking" 26  
have the same meanings as in section 4113.80 of the Revised Code. 27

**Sec. 3113.31.** (A) As used in this section: 28

(1) "Domestic violence" means the occurrence of one or more 29  
of the following acts against a family or household member: 30

(a) Attempting to cause or recklessly causing bodily injury; 31

(b) Placing another person by the threat of force in fear of 32  
imminent serious physical harm or committing a violation of 33  
section 2903.211 or 2911.211 of the Revised Code; 34

(c) Committing any act with respect to a child that would 35  
result in the child being an abused child, as defined in section 36  
2151.031 of the Revised Code; 37

(d) Committing a sexually oriented offense. 38

(2) "Court" means the domestic relations division of the 39  
court of common pleas in counties that have a domestic relations 40  
division, and the court of common pleas in counties that do not 41  
have a domestic relations division. 42

(3) "Family or household member" means any of the following: 43

(a) Any of the following who is residing with or has resided 44

with the respondent: 45

(i) A spouse, a person living as a spouse, or a former spouse 46  
of the respondent; 47

(ii) A parent or a child of the respondent, or another person 48  
related by consanguinity or affinity to the respondent; 49

(iii) A parent or a child of a spouse, person living as a 50  
spouse, or former spouse of the respondent, or another person 51  
related by consanguinity or affinity to a spouse, person living as 52  
a spouse, or former spouse of the respondent. 53

(b) The natural parent of any child of whom the respondent is 54  
the other natural parent or is the putative other natural parent. 55

(4) "Person living as a spouse" means a person who is living 56  
or has lived with the respondent in a common law marital 57  
relationship, who otherwise is cohabiting with the respondent, or 58  
who otherwise has cohabited with the respondent within five years 59  
prior to the date of the alleged occurrence of the act in 60  
question. 61

(5) "Victim advocate" means a person who provides support and 62  
assistance for a person who files a petition under this section. 63

(6) "Sexually oriented offense" has the same meaning as in 64  
section 2950.01 of the Revised Code. 65

(B) The court has jurisdiction over all proceedings under 66  
this section. The petitioner's right to relief under this section 67  
is not affected by the petitioner's leaving the residence or 68  
household to avoid further domestic violence. 69

(C) A person may seek relief under this section on the 70  
person's own behalf, or any parent or adult household member may 71  
seek relief under this section on behalf of any other family or 72  
household member, by filing a petition with the court. The 73  
petition shall contain or state: 74

(1) An allegation that the respondent engaged in domestic violence against a family or household member of the respondent, including a description of the nature and extent of the domestic violence;

(2) The relationship of the respondent to the petitioner, and to the victim if other than the petitioner;

(3) A request for relief under this section.

(D)(1) If a person who files a petition pursuant to this section requests an ex parte order, the court shall hold an ex parte hearing on the same day that the petition is filed. The court, for good cause shown at the ex parte hearing, may enter any temporary orders, with or without bond, including, but not limited to, an order described in division (E)(1)(a), (b), or (c) of this section, that the court finds necessary to protect the family or household member from domestic violence. Immediate and present danger of domestic violence to the family or household member constitutes good cause for purposes of this section. Immediate and present danger includes, but is not limited to, situations in which the respondent has threatened the family or household member with bodily harm, in which the respondent has threatened the family or household member with a sexually oriented offense, or in which the respondent previously has been convicted of or pleaded guilty to an offense that constitutes domestic violence against the family or household member.

(2)(a) If the court, after an ex parte hearing, issues an order described in division (E)(1)(b) or (c) of this section, the court shall schedule a full hearing for a date that is within seven court days after the ex parte hearing. If any other type of protection order that is authorized under division (E) of this section is issued by the court after an ex parte hearing, the court shall schedule a full hearing for a date that is within ten court days after the ex parte hearing. The court shall give the

respondent notice of, and an opportunity to be heard at, the full 107  
hearing. The court shall hold the full hearing on the date 108  
scheduled under this division unless the court grants a 109  
continuance of the hearing in accordance with this division. Under 110  
any of the following circumstances or for any of the following 111  
reasons, the court may grant a continuance of the full hearing to 112  
a reasonable time determined by the court: 113

(i) Prior to the date scheduled for the full hearing under 114  
this division, the respondent has not been served with the 115  
petition filed pursuant to this section and notice of the full 116  
hearing. 117

(ii) The parties consent to the continuance. 118

(iii) The continuance is needed to allow a party to obtain 119  
counsel. 120

(iv) The continuance is needed for other good cause. 121

(b) An ex parte order issued under this section does not 122  
expire because of a failure to serve notice of the full hearing 123  
upon the respondent before the date set for the full hearing under 124  
division (D)(2)(a) of this section or because the court grants a 125  
continuance under that division. 126

(3) If a person who files a petition pursuant to this section 127  
does not request an ex parte order, or if a person requests an ex 128  
parte order but the court does not issue an ex parte order after 129  
an ex parte hearing, the court shall proceed as in a normal civil 130  
action and grant a full hearing on the matter. 131

(E)(1) After an ex parte or full hearing, the court may grant 132  
any protection order, with or without bond, or approve any consent 133  
agreement to bring about a cessation of domestic violence against 134  
the family or household members. The order or agreement may: 135

(a) Direct the respondent to refrain from abusing or from 136

committing sexually oriented offenses against the family or 137  
household members; 138

(b) Grant possession of the residence or household to the 139  
petitioner or other family or household member, to the exclusion 140  
of the respondent, by evicting the respondent, when the residence 141  
or household is owned or leased solely by the petitioner or other 142  
family or household member, or by ordering the respondent to 143  
vacate the premises, when the residence or household is jointly 144  
owned or leased by the respondent, and the petitioner or other 145  
family or household member; 146

(c) When the respondent has a duty to support the petitioner 147  
or other family or household member living in the residence or 148  
household and the respondent is the sole owner or lessee of the 149  
residence or household, grant possession of the residence or 150  
household to the petitioner or other family or household member, 151  
to the exclusion of the respondent, by ordering the respondent to 152  
vacate the premises, or, in the case of a consent agreement, allow 153  
the respondent to provide suitable, alternative housing; 154

(d) Temporarily allocate parental rights and responsibilities 155  
for the care of, or establish temporary parenting time rights with 156  
regard to, minor children, if no other court has determined, or is 157  
determining, the allocation of parental rights and 158  
responsibilities for the minor children or parenting time rights; 159

(e) Require the respondent to maintain support, if the 160  
respondent customarily provides for or contributes to the support 161  
of the family or household member, or if the respondent has a duty 162  
to support the petitioner or family or household member; 163

(f) Require the respondent, petitioner, victim of domestic 164  
violence, or any combination of those persons, to seek counseling; 165

(g) Require the respondent to refrain from entering the 166  
residence, school, business, or place of employment of the 167

petitioner or family or household member; 168

(h) Grant other relief that the court considers equitable and 169  
fair, including, but not limited to, ordering the respondent to 170  
permit the use of a motor vehicle by the petitioner or other 171  
family or household member and the apportionment of household and 172  
family personal property. 173

(2) If a protection order has been issued pursuant to this 174  
section in a prior action involving the respondent and the 175  
petitioner or one or more of the family or household members or 176  
victims, the court may include in a protection order that it 177  
issues a prohibition against the respondent returning to the 178  
residence or household. If it includes a prohibition against the 179  
respondent returning to the residence or household in the order, 180  
it also shall include in the order provisions of the type 181  
described in division (E)(7) of this section. This division does 182  
not preclude the court from including in a protection order or 183  
consent agreement, in circumstances other than those described in 184  
this division, a requirement that the respondent be evicted from 185  
or vacate the residence or household or refrain from entering the 186  
residence, school, business, or place of employment of the 187  
petitioner or a family or household member, and, if the court 188  
includes any requirement of that type in an order or agreement, 189  
the court also shall include in the order provisions of the type 190  
described in division (E)(7) of this section. 191

(3)(a) Any protection order issued or consent agreement 192  
approved under this section shall be valid until a date certain, 193  
but not later than five years from the date of its issuance or 194  
approval unless modified or terminated as provided in division 195  
(E)(8) of this section. 196

(b) Subject to the limitation on the duration of an order or 197  
agreement set forth in division (E)(3)(a) of this section, any 198  
order under division (E)(1)(d) of this section shall terminate on 199

the date that a court in an action for divorce, dissolution of marriage, or legal separation brought by the petitioner or respondent issues an order allocating parental rights and responsibilities for the care of children or on the date that a juvenile court in an action brought by the petitioner or respondent issues an order awarding legal custody of minor children. Subject to the limitation on the duration of an order or agreement set forth in division (E)(3)(a) of this section, any order under division (E)(1)(e) of this section shall terminate on the date that a court in an action for divorce, dissolution of marriage, or legal separation brought by the petitioner or respondent issues a support order or on the date that a juvenile court in an action brought by the petitioner or respondent issues a support order.

(c) Any protection order issued or consent agreement approved pursuant to this section may be renewed in the same manner as the original order or agreement was issued or approved.

(4) A court may not issue a protection order that requires a petitioner to do or to refrain from doing an act that the court may require a respondent to do or to refrain from doing under division (E)(1)(a), (b), (c), (d), (e), (g), or (h) of this section unless all of the following apply:

(a) The respondent files a separate petition for a protection order in accordance with this section.

(b) The petitioner is served notice of the respondent's petition at least forty-eight hours before the court holds a hearing with respect to the respondent's petition, or the petitioner waives the right to receive this notice.

(c) If the petitioner has requested an ex parte order pursuant to division (D) of this section, the court does not delay any hearing required by that division beyond the time specified in

that division in order to consolidate the hearing with a hearing 231  
on the petition filed by the respondent. 232

(d) After a full hearing at which the respondent presents 233  
evidence in support of the request for a protection order and the 234  
petitioner is afforded an opportunity to defend against that 235  
evidence, the court determines that the petitioner has committed 236  
an act of domestic violence or has violated a temporary protection 237  
order issued pursuant to section 2919.26 of the Revised Code, that 238  
both the petitioner and the respondent acted primarily as 239  
aggressors, and that neither the petitioner nor the respondent 240  
acted primarily in self-defense. 241

(5) No protection order issued or consent agreement approved 242  
under this section shall in any manner affect title to any real 243  
property. 244

(6)(a) If a petitioner, or the child of a petitioner, who 245  
obtains a protection order or consent agreement pursuant to 246  
division (E)(1) of this section or a temporary protection order 247  
pursuant to section 2919.26 of the Revised Code and is the subject 248  
of a parenting time order issued pursuant to section 3109.051 or 249  
3109.12 of the Revised Code or a visitation or companionship order 250  
issued pursuant to section 3109.051, 3109.11, or 3109.12 of the 251  
Revised Code or division (E)(1)(d) of this section granting 252  
parenting time rights to the respondent, the court may require the 253  
public children services agency of the county in which the court 254  
is located to provide supervision of the respondent's exercise of 255  
parenting time or visitation or companionship rights with respect 256  
to the child for a period not to exceed nine months, if the court 257  
makes the following findings of fact: 258

(i) The child is in danger from the respondent; 259

(ii) No other person or agency is available to provide the 260  
supervision. 261

(b) A court that requires an agency to provide supervision 262  
pursuant to division (E)(6)(a) of this section shall order the 263  
respondent to reimburse the agency for the cost of providing the 264  
supervision, if it determines that the respondent has sufficient 265  
income or resources to pay that cost. 266

(7)(a) If a protection order issued or consent agreement 267  
approved under this section includes a requirement that the 268  
respondent be evicted from or vacate the residence or household or 269  
refrain from entering the residence, school, business, or place of 270  
employment of the petitioner or a family or household member, the 271  
order or agreement shall state clearly that the order or agreement 272  
cannot be waived or nullified by an invitation to the respondent 273  
from the petitioner or other family or household member to enter 274  
the residence, school, business, or place of employment or by the 275  
respondent's entry into one of those places otherwise upon the 276  
consent of the petitioner or other family or household member. The 277  
petitioner may submit a copy of any order the court issues under 278  
this section to the landlord or owner of the property where the 279  
respondent resides. 280

(b) Division (E)(7)(a) of this section does not limit any 281  
discretion of a court to determine that a respondent charged with 282  
a violation of section 2919.27 of the Revised Code, with a 283  
violation of a municipal ordinance substantially equivalent to 284  
that section, or with contempt of court, which charge is based on 285  
an alleged violation of a protection order issued or consent 286  
agreement approved under this section, did not commit the 287  
violation or was not in contempt of court. 288

(8)(a) The court may modify or terminate as provided in 289  
division (E)(8) of this section a protection order or consent 290  
agreement that was issued after a full hearing under this section. 291  
The court that issued the protection order or approved the consent 292  
agreement shall hear a motion for modification or termination of 293

the protection order or consent agreement pursuant to division 294  
(E)(8) of this section. 295

(b) Either the petitioner or the respondent of the original 296  
protection order or consent agreement may bring a motion for 297  
modification or termination of a protection order or consent 298  
agreement that was issued or approved after a full hearing. The 299  
court shall require notice of the motion to be made as provided by 300  
the Rules of Civil Procedure. If the petitioner for the original 301  
protection order or consent agreement has requested that the 302  
petitioner's address be kept confidential, the court shall not 303  
disclose the address to the respondent of the original protection 304  
order or consent agreement or any other person, except as 305  
otherwise required by law. The moving party has the burden of 306  
proof to show, by a preponderance of the evidence, that 307  
modification or termination of the protection order or consent 308  
agreement is appropriate because either the protection order or 309  
consent agreement is no longer needed or because the terms of the 310  
original protection order or consent agreement are no longer 311  
appropriate. 312

(c) In considering whether to modify or terminate a 313  
protection order or consent agreement issued or approved under 314  
this section, the court shall consider all relevant factors, 315  
including, but not limited to, the following: 316

(i) Whether the petitioner consents to modification or 317  
termination of the protection order or consent agreement; 318

(ii) Whether the petitioner fears the respondent; 319

(iii) The current nature of the relationship between the 320  
petitioner and the respondent; 321

(iv) The circumstances of the petitioner and respondent, 322  
including the relative proximity of the petitioner's and 323  
respondent's workplaces and residences and whether the petitioner 324

and respondent have minor children together;	325
(v) Whether the respondent has complied with the terms and conditions of the original protection order or consent agreement;	326 327
(vi) Whether the respondent has a continuing involvement with illegal drugs or alcohol;	328 329
(vii) Whether the respondent has been convicted of or pleaded guilty to an offense of violence since the issuance of the protection order or approval of the consent agreement;	330 331 332
(viii) Whether any other protection orders, consent agreements, restraining orders, or no contact orders have been issued against the respondent pursuant to this section, section 2919.26 of the Revised Code, any other provision of state law, or the law of any other state;	333 334 335 336 337
(ix) Whether the respondent has participated in any domestic violence treatment, intervention program, or other counseling addressing domestic violence and whether the respondent has completed the treatment, program, or counseling;	338 339 340 341
(x) The time that has elapsed since the protection order was issued or since the consent agreement was approved;	342 343
(xi) The age and health of the respondent;	344
(xii) When the last incident of abuse, threat of harm, or commission of a sexually oriented offense occurred or other relevant information concerning the safety and protection of the petitioner or other protected parties.	345 346 347 348
(d) If a protection order or consent agreement is modified or terminated as provided in division (E)(8) of this section, the court shall issue copies of the modified or terminated order or agreement as provided in division (F) of this section. A petitioner may also provide notice of the modification or termination to the judicial and law enforcement officials in any	349 350 351 352 353 354

county other than the county in which the order or agreement is 355  
modified or terminated as provided in division (N) of this 356  
section. 357

(e) If the respondent moves for modification or termination 358  
of a protection order or consent agreement pursuant to this 359  
section, the court may assess costs against the respondent for the 360  
filing of the motion. 361

(F)(1) A copy of any protection order, or consent agreement, 362  
that is issued, approved, modified, or terminated under this 363  
section shall be issued by the court to the petitioner, to the 364  
respondent, and to all law enforcement agencies that have 365  
jurisdiction to enforce the order or agreement. The court shall 366  
direct that a copy of an order be delivered to the respondent on 367  
the same day that the order is entered. 368

(2) Upon the issuance of a protection order or the approval 369  
of a consent agreement under this section, the court shall provide 370  
the parties to the order or agreement with the following notice 371  
orally or by form: 372

"NOTICE 373

As a result of this order or consent agreement, it may be 374  
unlawful for you to possess or purchase a firearm, including a 375  
rifle, pistol, or revolver, or ammunition pursuant to federal law 376  
under 18 U.S.C. 922(g)(8). If you have any questions whether this 377  
law makes it illegal for you to possess or purchase a firearm or 378  
ammunition, you should consult an attorney." 379

(3) All law enforcement agencies shall establish and maintain 380  
an index for the protection orders and the approved consent 381  
agreements delivered to the agencies pursuant to division (F)(1) 382  
of this section. With respect to each order and consent agreement 383  
delivered, each agency shall note on the index the date and time 384  
that it received the order or consent agreement. 385

(4) Regardless of whether the petitioner has registered the order or agreement in the county in which the officer's agency has jurisdiction pursuant to division (N) of this section, any officer of a law enforcement agency shall enforce a protection order issued or consent agreement approved by any court in this state in accordance with the provisions of the order or agreement, including removing the respondent from the premises, if appropriate.

(G) Any proceeding under this section shall be conducted in accordance with the Rules of Civil Procedure, except that an order under this section may be obtained with or without bond. An order issued under this section, other than an ex parte order, that grants a protection order or approves a consent agreement, that refuses to grant a protection order or approve a consent agreement that modifies or terminates a protection order or consent agreement, or that refuses to modify or terminate a protection order or consent agreement, is a final, appealable order. The remedies and procedures provided in this section are in addition to, and not in lieu of, any other available civil or criminal remedies.

(H) The filing of proceedings under this section does not excuse a person from filing any report or giving any notice required by section 2151.421 of the Revised Code or by any other law. When a petition under this section alleges domestic violence against minor children, the court shall report the fact, or cause reports to be made, to a county, township, or municipal peace officer under section 2151.421 of the Revised Code.

(I) Any law enforcement agency that investigates a domestic dispute shall provide information to the family or household members involved regarding the relief available under this section and section 2919.26 of the Revised Code.

(J) Notwithstanding any provision of law to the contrary and

regardless of whether a protection order is issued or a consent 418  
agreement is approved by a court of another county or a court of 419  
another state, no court or unit of state or local government shall 420  
charge any fee, cost, deposit, or money in connection with the 421  
filing of a petition pursuant to this section or in connection 422  
with the filing, issuance, registration, or service of a 423  
protection order or consent agreement, or for obtaining a 424  
certified copy of a protection order or consent agreement. 425

(K)(1) The court shall comply with Chapters 3119., 3121., 426  
3123., and 3125. of the Revised Code when it makes or modifies an 427  
order for child support under this section. 428

(2) If any person required to pay child support under an 429  
order made under this section on or after April 15, 1985, or 430  
modified under this section on or after December 31, 1986, is 431  
found in contempt of court for failure to make support payments 432  
under the order, the court that makes the finding, in addition to 433  
any other penalty or remedy imposed, shall assess all court costs 434  
arising out of the contempt proceeding against the person and 435  
require the person to pay any reasonable attorney's fees of any 436  
adverse party, as determined by the court, that arose in relation 437  
to the act of contempt. 438

(L)(1) A person who violates a protection order issued or a 439  
consent agreement approved under this section is subject to the 440  
following sanctions: 441

(a) Criminal prosecution for a violation of section 2919.27 442  
of the Revised Code, if the violation of the protection order or 443  
consent agreement constitutes a violation of that section; 444

(b) Punishment for contempt of court. 445

(2) The punishment of a person for contempt of court for 446  
violation of a protection order issued or a consent agreement 447  
approved under this section does not bar criminal prosecution of 448

the person for a violation of section 2919.27 of the Revised Code. 449  
However, a person punished for contempt of court is entitled to 450  
credit for the punishment imposed upon conviction of a violation 451  
of that section, and a person convicted of a violation of that 452  
section shall not subsequently be punished for contempt of court 453  
arising out of the same activity. 454

(M) In all stages of a proceeding under this section, a 455  
petitioner may be accompanied by a victim advocate. 456

(N)(1) A petitioner who obtains a protection order or consent 457  
agreement under this section or a temporary protection order under 458  
section 2919.26 of the Revised Code may provide notice of the 459  
issuance or approval of the order or agreement to the judicial and 460  
law enforcement officials in any county other than the county in 461  
which the order is issued or the agreement is approved by 462  
registering that order or agreement in the other county pursuant 463  
to division (N)(2) of this section and filing a copy of the 464  
registered order or registered agreement with a law enforcement 465  
agency in the other county in accordance with that division. A 466  
person who obtains a protection order issued by a court of another 467  
state may provide notice of the issuance of the order to the 468  
judicial and law enforcement officials in any county of this state 469  
by registering the order in that county pursuant to section 470  
2919.272 of the Revised Code and filing a copy of the registered 471  
order with a law enforcement agency in that county. 472

(2) A petitioner may register a temporary protection order, 473  
protection order, or consent agreement in a county other than the 474  
county in which the court that issued the order or approved the 475  
agreement is located in the following manner: 476

(a) The petitioner shall obtain a certified copy of the order 477  
or agreement from the clerk of the court that issued the order or 478  
approved the agreement and present that certified copy to the 479  
clerk of the court of common pleas or the clerk of a municipal 480

court or county court in the county in which the order or 481  
agreement is to be registered. 482

(b) Upon accepting the certified copy of the order or 483  
agreement for registration, the clerk of the court of common 484  
pleas, municipal court, or county court shall place an endorsement 485  
of registration on the order or agreement and give the petitioner 486  
a copy of the order or agreement that bears that proof of 487  
registration. 488

(3) The clerk of each court of common pleas, the clerk of 489  
each municipal court, and the clerk of each county court shall 490  
maintain a registry of certified copies of temporary protection 491  
orders, protection orders, or consent agreements that have been 492  
issued or approved by courts in other counties and that have been 493  
registered with the clerk. 494

Sec. 4113.80. As used in this section and sections 4113.81 to 495  
4113.84 of the Revised Code: 496

(A) "Domestic violence" has the same meaning as in section 497  
3113.31 of the Revised Code. 498

(B) "Employee" has the same meaning as in section 4113.51 of 499  
the Revised Code. 500

(C) "Employer" includes both of the following: 501

(1) The state or any agency or instrumentality of the state, 502  
and any municipal corporation, county, township, school district, 503  
or other political subdivision or any agency or instrumentality 504  
thereof; 505

(2) Any person, firm, corporation, agent, manager, or 506  
representative not described in division (C)(1) of this section 507  
that has control or custody of twenty-five or more employees. 508

(D) "Stalking" means a pattern of conduct that section 509  
2903.211 of the Revised Code prohibits. 510

Sec. 4113.81. No employer shall knowingly do any of the 511  
following: 512

(A) Discharge, fail to hire, or otherwise discriminate or 513  
retaliate against an individual or an employee of the employer 514  
because the individual or employee is perceived to be or is a 515  
victim of domestic violence or stalking; 516

(B) Take an adverse employment action against an employee 517  
based on any disruption or threatened disruption in the workplace 518  
caused by another individual who has committed or threatens to 519  
commit domestic violence or stalking against the employee; 520

(C) Take an adverse employment action against an employee 521  
because the employee made a written request for a reasonable 522  
accommodation regardless of whether the employer granted that 523  
request; 524

(D) Discharge or otherwise discriminate or retaliate against 525  
an employee who uses unpaid leave in accordance with section 526  
4113.83 of the Revised Code. 527

Sec. 4113.82. (A)(1) Except as otherwise provided in division 528  
(A)(2) of this section, an employer shall make reasonable 529  
accommodations for an employee who is known to be a victim of 530  
domestic violence when necessary to enable that employee to 531  
perform the essential functions of the employee's job without 532  
posing a significant risk of substantial harm to the safety of the 533  
employee or others. 534

(2) An employer is not required to make a reasonable 535  
accommodation pursuant to division (A)(1) of this section if the 536  
employer demonstrates that the accommodation would impose an undue 537  
hardship. As used in this division, an accommodation that imposes 538  
undue hardship means an accommodation that is unduly difficult to 539  
make or imposes a significant expense on the employer. 540

(B) Except to the extent that an employer reasonably believes it is necessary to share information for the safety of an employee or other persons, an employer shall hold as confidential any information that the employer receives from an individual or employee under sections 4113.80 to 4113.84 of the Revised Code unless the individual or the employee gives written consent to allow the employer to share the information. If the employer is a public office, such records are not public records for purposes of section 149.43 of the Revised Code. 541  
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(C) An employer is not liable for any good faith violation of the confidentiality requirement this section establishes. 550  
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**Sec. 4113.83.** (A)(1) An employer shall grant an employee leave related to incidents of domestic violence or stalking as described in division (B)(1) of this section in the same manner and pursuant to the same procedures as under the "Family and Medical Leave Act of 1993," Pub. L. No. 103-3, 107 Stat. 6, 29 U.S.C. 2601. Leave provided pursuant to sections 4113.80 to 4113.83 of the Revised Code is deemed to be the equivalent of family medical leave pursuant to the Family and Medical Leave Act of 1993. 552  
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(2) The director of commerce shall adopt rules in accordance with Chapter 119. of the Revised Code governing leave for purposes related to domestic violence and stalking. The rules shall treat such leave in a manner equivalent to medical leave under the "Family and Medical Leave Act of 1993" and consistent with sections 4113.80 to 4113.84 of the Revised Code. 561  
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(B)(1) Subject to division (D) of this section, an employee who is a victim of domestic violence or stalking may take a maximum of ten days per year of unpaid leave without the approval of the employee's employer to do any of the following: 567  
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(a) Attend a court proceeding concerning a civil protection 571

order under section 2903.214 or 3113.31 of the Revised Code, or 572  
other injunctive relief for the employee's self or the employee's 573  
child; 574

(b) Seek emergency medical attention related to an incident 575  
of domestic violence or stalking; 576

(c) Obtain a temporary protection order or a no-contact order 577  
issued under section 2919.26 of the Revised Code, a criminal 578  
protection order issued under section 2903.213 of the Revised 579  
Code, or a protection order or no-contact order issued under any 580  
substantially similar law of another state or a substantially 581  
similar municipal ordinance of this state or another state. 582

(2) An employee shall provide the employee's employer with as 583  
much advance notice as practicable before taking any unpaid leave 584  
that division (B)(1) of this section allows. 585

(C)(1) To the extent that it is impossible for an employee to 586  
schedule appointments outside the employee's working hours, with 587  
notice to the employer that is reasonable in light of the 588  
employer's workplace needs, an employee may take unpaid leave to 589  
do any of the following: 590

(a) Seek nonemergency medical attention related to the 591  
incident of domestic violence or stalking; 592

(b) Meet with law enforcement officers with respect to an 593  
incident of domestic violence or stalking; 594

(c) Seek legal assistance or other assistance from a 595  
counselor, social worker, victim advocate, health care provider, 596  
or other professional who assists persons in dealing with an 597  
incident of domestic violence or stalking; 598

(d) Attend a criminal court proceeding relating to the 599  
prosecution of the incident of domestic violence or stalking. 600

(2) An employee who takes unpaid leave pursuant to division 601

(C)(1) of this section shall provide the employer as much advance notice of that leave as possible. The employee shall make reasonable efforts when possible to address matters related to domestic violence or stalking during non-work hours. The employee shall provide notice as soon as the employee knows of the need for the leave and when an appointment for that leave has been scheduled. In no case shall the employee provide notice any later than the start of the employee's shift or the beginning of the employee's work day. 602  
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(D)(1) An employer may require an employee who takes unpaid leave pursuant to this section to provide documentation of the domestic violence or stalking. The employee may satisfy the documentation requirement by providing the employer with any of the following: 611  
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(a) If the leave is to attend a court proceeding described in division (B)(1)(a) or (C)(1)(d) of this section, documentation of that proceeding from the court, the docket, pleadings, subpoenas, the prosecutor, the victim's attorney, or a registered victim advocate; 616  
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(b) If the leave is for medical purposes, documentation supporting the fact of treatment by the health care provider; 621  
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(c) If the leave is to meet with a law enforcement officer or a prosecutor, documentation of that meeting from the officer or prosecutor; 623  
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(d) If the leave is to meet with counsel, an attorney, or other person providing assistance or services, documentation of that meeting from the counsel, attorney, or person providing the assistance or services. 626  
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(2) An employer who requires documentation of domestic violence or stalking shall grant the employee a reasonable period of time to provide the documentation. If an employee fails to 630  
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supply the documentation within that time period, the employer may 633  
discharge or otherwise discipline the employee for taking the 634  
unpaid leave without the approval of the employer. 635

**Sec. 4113.84.** (A) An employee who is injured by an employer's 636  
violation of section 4113.81 of the Revised Code or an individual 637  
who was not hired or otherwise was discriminated against by an 638  
employer in violation of division (A) of section 4113.81 of the 639  
Revised Code may bring a civil action in a court of competent 640  
jurisdiction and may be awarded any relief that the Ohio civil 641  
rights commission could order under division (G)(1) of section 642  
4112.05 of the Revised Code for an unlawful discriminatory 643  
practice in employment. Each violation constitutes a separate 644  
violation. 645

(B) An individual or employee may receive relief under this 646  
section only for an adverse employment action arising from the 647  
employer's violation of section 4113.81 of the Revised Code. This 648  
section creates no new liability to the employer for the conduct 649  
by another who commits or threatens to commit domestic violence or 650  
stalking against the employee or any other person. 651

(C) An individual or an employee does not need to demonstrate 652  
that another individual has been charged with or convicted of a 653  
violation that would constitute domestic violence or stalking, a 654  
violation of section 2903.211 or 2911.211 of the Revised Code, a 655  
substantially similar law of another state, or a substantially 656  
similar municipal ordinance of this state or another state to 657  
bring an action under this section. 658

**Sec. 5321.171.** (A) As used in this section and sections 659  
5321.172 and 5321.173 of the Revised Code: 660

(1) "Stalking" has the same meaning as in section 4113.80 of 661  
the Revised Code. 662

(2) "Domestic violence" has the same meaning as in section 3113.31 of the Revised Code. 663  
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(3) "Household member" means an individual who meets both of the following requirements: 665  
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(a) The individual is one of the following: 667

(i) The tenant's parent, child, spouse, or person living as a spouse. 668  
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(ii) The parent or child of the tenant's spouse or former spouse; 670  
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(iii) The parent or child of a person living as a spouse of the tenant. 672  
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(iv) An individual otherwise related by consanguinity or affinity to the tenant. 674  
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(b) The individual is a minor, was a minor child of the tenant previously residing in the household, or an adult who notified the landlord within thirty days after entering the tenant's household that the individual is occupying the tenant's housing unit as the individual's usual place of residence. 676  
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(B)(1) A tenant may terminate a rental agreement or have the tenant's name removed from the rental agreement as a cotenant if that tenant, or a household member of that tenant, is a victim of domestic violence. To terminate a rental agreement or to remove the tenant's name as a cotenant from the agreement, the tenant shall notify the landlord in writing that the tenant or household member is a victim of domestic violence and shall supply the landlord with any of the following: 681  
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(a) A civil protection order issued after a full hearing under section 2903.214 or 3113.31 of the Revised Code or a consent agreement approved under section 3113.31 of the Revised Code; 689  
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(b) A temporary protection order or a no-contact order issued 692

under section 2919.26 of the Revised Code, a criminal protection 693  
order issued under section 2903.213 of the Revised Code, or a 694  
protection order or no-contact order issued under any 695  
substantially similar law of another state or a substantially 696  
similar municipal ordinance of this state or another state; 697

(c) Medical documentation describing the incident of domestic 698  
violence; 699

(d) A sworn, notarized statement provided by a counselor, 700  
social worker, victim advocate, health care provider, or other 701  
professional who assists or has assisted the tenant or household 702  
member in dealing with the incident of domestic violence. 703

(2) A tenant shall give the landlord the written notice this 704  
section requires within ninety days after the incident of domestic 705  
violence. The tenant and landlord shall terminate the rental 706  
agreement, or the landlord shall remove the tenant's name from the 707  
rental agreement, by a mutually agreed upon date, not to exceed 708  
thirty days after the date the tenant gives the required notice. 709  
If the tenant and landlord do not agree on a date to terminate the 710  
rental agreement or remove the tenant's name from the agreement, 711  
the rental agreement shall terminate or the landlord shall remove 712  
the tenant's name from the rental agreement thirty days after the 713  
tenant gives the required notice. 714

(3) At any time within thirty days after a tenant having the 715  
tenant's name removed from a rental agreement for which there is 716  
at least one cotenant, the landlord may terminate the rental 717  
agreement as to any or all cotenants. 718

(4) A tenant who terminates a rental agreement or removes the 719  
tenant's name from a rental agreement is liable for the tenant's 720  
share of rent, prorated up to the date of the termination of the 721  
rental agreement or the removal of the tenant's name from the 722  
rental agreement, and is entitled to the return of the tenant's 723

share of any security deposit as section 5321.16 of the Revised Code provides. 724  
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(C) In response to a request to terminate a rental agreement or remove the tenant's name from a rental agreement pursuant to division (B) of this section, a landlord may offer the tenant an opportunity to rent another unit at the location that is sufficiently distant from the tenant's current unit. Whether to accept that offer is at the tenant's discretion. 726  
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(D) No landlord shall knowingly terminate a tenancy because of the status of a tenant or household member as a victim of domestic violence or stalking, because the tenant or a household member requested emergency services as such a victim, or because the tenant previously terminated a rental agreement in accordance with this section. 732  
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(E) A tenant who is injured by a landlord's violation of division (D) of this section may recover damages in the amount of five hundred dollars or a greater amount if the tenant demonstrates that the actual expenses incurred by the tenant are higher than five hundred dollars, plus reasonable attorney's fees. 738  
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(F) A landlord does not incur any additional duty of care for a tenant the landlord accommodates pursuant to this section and section 5321.172 of the Revised Code, and the landlord gains no new or additional liability for any third party act that occurs after an accommodation the landlord makes pursuant to those sections. 743  
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**Sec. 5321.172.** (A) A landlord of a tenant who is a victim of domestic violence or stalking shall change the lock to the dwelling unit where the tenant resides upon receipt of a written request from the tenant. If the tenant and the alleged perpetrator are cotenants in the dwelling unit, the written request shall be accompanied by a copy of a court order or protection order that 749  
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orders the respondent or defendant named in the order to stay away 755  
from the tenant. Within forty-eight hours after receiving the 756  
notice and a copy of the order, the landlord shall change the lock 757  
and give the key to the new lock to the tenant. The tenant shall 758  
reimburse the landlord for the actual expense the landlord incurs 759  
in changing the lock. If the landlord fails to change the lock 760  
within the forty-eight-hour time period as this section requires, 761  
the tenant may change the lock without the landlord's permission. 762  
If the tenant changes the lock, the tenant shall do so in a 763  
competent and workmanlike manner with locks of similar or better 764  
quality than the original lock, and shall make a good faith offer 765  
to provide a key to the landlord and any remaining cotenant not 766  
later than twenty-four hours after the tenant changes the lock. If 767  
within thirty days after the landlord changes the lock the tenant 768  
does not reimburse the landlord for the expenses the landlord 769  
incurs in changing the locks, the landlord may deduct that amount 770  
from the security deposit or assess that amount as a charge to the 771  
tenant. 772

(B)(1) A landlord who receives a request and copy of an order 773  
under this section shall not, by any act, provide the respondent 774  
named in the order access to the dwelling unit for which the 775  
landlord or tenant has changed the locks unless the order allows 776  
the respondent to return to the dwelling unit to retrieve the 777  
respondent's personal possessions and the respondent is 778  
accompanied by a law enforcement escort. 779

(2) A respondent who is a tenant of the dwelling unit remains 780  
liable under the rental agreement for rent or any damage to the 781  
dwelling unit as provided in the rental agreement, unless the 782  
respondent can demonstrate that the tenant who changed the lock or 783  
had the lock changed intentionally damaged the dwelling unit. 784

(C) A landlord who changes a lock to a dwelling unit in 785

accordance with this section is not liable for excluding from the dwelling unit a respondent named in an order the landlord receives from a tenant under this section or for loss of use or damage to the respondent's personal property while that property is in the dwelling unit after the lock has been changed.

(D)(1) If a landlord takes action to prevent a tenant who has complied with this section from changing a lock, the tenant may seek a temporary restraining order, preliminary injunction, or permanent injunction ordering the landlord to refrain from preventing the tenant from changing the lock. A tenant who successfully brings such an action may be awarded reasonable attorney's fees and costs.

(2) A tenant who changes the locks and does not make a good faith effort to provide a copy of the key to the landlord within forty-eight hours after changing the locks is liable for any damages to the dwelling unit or the building in which it is located that could have been prevented had the landlord been able to access the dwelling unit in the event of an emergency.

(3) A landlord who changes the locks and does not make a good faith effort to provide a copy of the key to the tenant within forty-eight hours after the landlord changes the locks is liable for any damages the tenant incurs as a result of not having access to the dwelling unit.

(4) The remedies provided under division (D) of this section are the exclusive remedies for violations of this section.

**Sec. 5321.173.** (A) A victim of domestic violence or stalking who is a tenant in a unit owned or operated by a metropolitan housing authority as described in section 3735.27 of the Revised Code, may request that the housing authority transfer the tenant to another location. A tenant may make any such request only if the tenant has made not more than one other such request during

the previous five years. The tenant shall make any such request 817  
for transfer in writing, informing the housing authority that the 818  
tenant or a household member is a victim of domestic violence or 819  
stalking and affirming that the tenant has made not more than one 820  
other such request during the previous five years. The tenant 821  
shall supply the housing authority with any one or more of the 822  
following as evidence of the need for the transfer: 823

(1) A civil protection order issued after a full hearing 824  
under section 2903.214 or 3113.31 of the Revised Code or a consent 825  
agreement approved under section 3113.31 of the Revised Code; 826

(2) A temporary protection order or a no-contact order issued 827  
under section 2919.26 of the Revised Code, a criminal protection 828  
order issued under section 2903.213 of the Revised Code, or a 829  
protection order or no-contact order issued under any 830  
substantially similar law of another state or a substantially 831  
similar municipal ordinance of this state or another state; 832

(3) Medical documentation describing the incident of domestic 833  
violence or stalking; 834

(4) A sworn, notarized statement provided by a counselor, 835  
social worker, victim advocate, health care provider, or other 836  
professional who assists or has assisted the tenant or household 837  
member in dealing with the incident of domestic violence or 838  
stalking. 839

(B) Upon receipt of a request made pursuant to this section, 840  
and if the tenant has not made more than one other such request 841  
during the previous five years, the housing authority shall move 842  
the tenant as soon as practicable to another location if the 843  
authority has a unit available in another location. 844

(C) A housing authority does not incur any additional duty of 845  
care for a tenant it transfers or fails to transfer pursuant to 846

this section, and the authority gains no new or additional 847  
liability for any third party act that occurs after a transfer. 848

(D) If a metropolitan housing authority wrongfully fails to 849  
comply with division (B) of this section, the tenant may recover 850  
actual damages resulting from the failure to transfer, obtain 851  
injunctive relief, and obtain a judgment for reasonable attorney's 852  
fees. 853

**Sec. 5321.174.** (A) Except to the extent that a landlord 854  
reasonably believes it is necessary to share information for the 855  
safety of any tenant or any other person, any information a 856  
landlord receives from a tenant under section 5321.171, 5321.172, 857  
or 5321.173 of the Revised Code is confidential. A landlord shall 858  
not share any confidential information with any other past, 859  
current, or prospective landlord, and a landlord shall not share 860  
any information with respect to a tenant's status as a victim of 861  
domestic violence or stalking with any other past, current, or 862  
prospective landlord. If the tenant shares any information that 863  
the tenant provides to a landlord under this section, that sharing 864  
does not waive the confidentiality of the information or the 865  
nature of the privileged communication. 866

(B) A landlord is not liable for any good faith violation of 867  
the confidentiality requirement this section establishes. 868

**Section 2.** That existing section 3113.31 of the Revised Code 869  
is hereby repealed. 870

**Section 3.** Sections 5321.171, 5321.172, 5321.173, and 871  
5321.174 of the Revised Code, as enacted by this act, apply to 872  
rental agreements entered into or renewed on or after the 873  
effective date of this act. 874

**Section 4.** (A) A reasonable accommodation includes actions 875

such as providing a safer parking place or a different phone 876  
extension, moving the employee to a different physical location 877  
within the employer's facility or to a different facility, or 878  
making other changes that permit the employee to perform essential 879  
job functions without posing a significant risk of harm to the 880  
safety of the employee or others. 881

(B) In determining whether an accommodation imposes an undue 882  
hardship, factors to be considered include all of the following: 883

(1) The nature and net cost of the accommodation needed, 884  
taking into consideration the availability of tax credits, 885  
deduction, and outside funding; 886

(2) The overall financial resources of the facility involved 887  
in the provision of the reasonable accommodation, the number of 888  
persons employed at the facility, and the effect on expenses and 889  
resources; 890

(3) The overall financial resources of the employer, the 891  
overall size of the employer's business with respect to the number 892  
of employees, and the number, type, and location of its 893  
facilities; 894

(4) The type of operation of the employer, including the 895  
composition, structure, and functions of the workforce of the 896  
employer and the geographic separateness and administrative or 897  
fiscal relationship of the facility in question to the employer; 898

(5) The impact of the accommodation on the operation of the 899  
facility, including the impact on the ability of other employees 900  
to perform their duties and the impact on the facility's ability 901  
to conduct business. 902