



Grant D. Kerber, Law Director  
City of Troy  
215 W. Water Street  
Troy, Ohio 45373  
Fax: (937) 339-8601

*June 9, 2010- Sent via facsimile and U.S. Mail*

Dear Mr. Kerber:

As you may know, the American Civil Liberties Union of Ohio ("ACLU") is a non-profit, non-partisan membership organization that is committed to the defense and preservation of rights and liberties guaranteed under the United States Constitution. It is for this reason that we are concerned relative to the policy of the City of Troy Aquatic Park that has the potential to discriminate based upon marital or familial status.

As we understand the situation, the Troy Aquatic Park sells both daily admission tickets and season passes to the public. In addition to the regular rates, the city provides family membership season passes at a discount. However, according to the Troy Aquatic Park website, the definition of "family" is comprised only of a mother and father "who are legally married and their children age 3-18 who reside in the same household." This definition of "family" is incredibly narrow and has the potential to discriminate against many families.

It is important to recognize that not all families are comprised of a married husband and wife and their biological children. Families come in all shapes and sizes. Troy's current policy allows for discrimination against parents that are widowed, divorced, single, unmarried, or same sex. By its language, Troy's policy would even exclude a family where one parent has died. In addition, families with step-parents and children being cared for by older siblings, grandparents, or other relatives would not be allowed to benefit from the family membership pass. It is not the government's place to define what is or is not a "family." To do so is discriminatory and sends a poor message to those children whose families do not fit into the government's narrow definition.

Discrimination based upon marital and familial status is illegal in Ohio in the context of employment or housing. These laws illustrate that the State of Ohio frowns upon such discrimination. Furthermore, marital and familial status discrimination in a public accommodations context is wrong. Under your definition of "family", if a father or mother dies while serving in the military leaving a single parent at home to take care of the children, that single parent could not purchase a discounted family pool pass.

Some Ohio cities, such as Cincinnati, have passed laws that prohibit owners of public accommodations from discriminating based upon marital or familial status. Many cities, for purposes of administering recreation programs, recognize families as

AMERICAN CIVIL  
LIBERTIES UNION  
OF OHIO FOUNDATION  
4506 CHESTER AVENUE  
CLEVELAND, OH 44103-3621  
T/216.472.2220  
F/216.472.2210  
WWW.ACLUOHIO.ORG  
contact@acluohio.org





any relations residing together in the same household. Such laws are commendable given that in today's society the definition of family has become increasingly diverse. Moreover, because the city itself owns and runs the aquatic park, it is crucial to be watchful of rules and regulations that can have either a discriminatory intent or a discriminatory effect. Troy residents pay the taxes that help to fund the aquatic center. It is inappropriate to take taxpayer money and then use that money in a discriminatory way.

Under these circumstances, we would request that you give serious consideration to changing the park's rules in such a way as to avoid discrimination against those families who, for a number of legitimate reasons, may not have a married mother and father. Of course, if you have any questions regarding these matters or if you would like to discuss any of these issues further please feel free to contact me. Otherwise, we trust that you will consider this letter in the spirit in which it was intended so that either intentional or unintentional discrimination can be eliminated.

AMERICAN CIVIL  
LIBERTIES UNION  
OF OHIO FOUNDATION  
4506 CHESTER AVENUE  
CLEVELAND, OH 44103-3621  
T/216.472.2220  
F/216.472.2210  
WWW.ACLUOHIO.ORG  
contact@acluohio.org



Sincerely,

James L. Hardiman  
Legal Director  
Phone: 216-472-2220