

TITLE IX: GENERAL REGULATIONS

Chapter

90. FAIR HOUSING

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§ 90.01 DECLARATION OF FAIR HOUSING POLICY.

Discrimination with regard to housing on the basis of race, sex, creed, religion, marital status, or disability adversely affects the health, welfare, peace, and safety of the community. Persons subject to such discrimination suffer depressed living conditions and create conditions which endanger the public peace and order. The public policy of the City is declared to be to foster equal opportunity for all to obtain decent, safe and sanitary housing without regard to their race, creed, color, national origin, marital status, disability status, sex and strictly in accord with their individual merits as human beings. It is also the policy of the City to protect all persons from all unfounded charges of discrimination.

§ 90.02 DEFINITIONS.

For the purpose of this Chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

(A) **DISCRIMINATE or DISCRIMINATION.** Includes segregate or separate.

(B) **DISABILITY.** A mental or physical condition which constitutes a handicap. Nothing in this Section shall be construed to prohibit any program, service, facility, or privilege afforded to a person with a disability which is intended to habitate, rehabilitate, or accommodate that person.

(C) **MARITAL STATUS.** The standing, state, or condition of one as single or married person.

§ 90.03 PROHIBITED ACTS IN REGARD TO HOUSING.

It is an unlawful discriminatory practice:

(A) For any person to discriminate on grounds of race, creed, religion, color, sex, marital status, status with regard to public assistance, national origin, age or disability in the sale, lease or rental of any housing unit or units;

(B) For any broker, agent, salesperson, or other person acting in behalf of another to so discriminate in the sale, lease, or rental of any housing unit or units belonging to such other person;

(C) For any person engaged in the business of financing the purchase, rehabilitation, remodeling or repair of housing units, or in the business of selling insurance with respect to housing units to refuse to provide the financing or insurance or to discriminate with regard to the terms or conditions thereof by reason of the race, color, sex, religion, creed, national origin, marital status, status with regard to public assistance, age or disability of the applicant, or because of the location of the unit or units in areas of the City occupied by persons of a particular race, color, sex, religion, creed, national origin, marital status, status with regard to public assistance, age or disability, or to discriminate by treating differently any person or group of persons who desire to purchase, lease, acquire, construct, rehabilitate, repair or maintain real property in a specific urban area because of social, economic, or environmental conditions of the area in the granting, withholding, extending, modifying, or renewing or in the rates, terms, conditions or privileges of any such financial assistance or in the extension of services in connection therewith. The bona fide programs of federal, state, or local governmental units or agencies, however structured or authorized to upgrade or improve in any manner a specific urban area, shall not be deemed to be a violation of this Section;

(D) For any person having sold, leased, or rented a housing unit or units to any person, to discriminate with respect to facilities, services or privileges of occupancy by reason of race, color, sex, creed, religion, national origin, age, disability, marital status or status with regard to public assistance;

(E) For any person to make or publish any statement evidencing an intent to discriminate on grounds of race, creed, religion, color, sex, national origin or ancestry, marital status, status with regard to public assistance, age or disability in the sale, lease or rental of a housing unit or units;

(F) For any person to make an inquiry regarding race, color, sex, creed, religion, national origin, marital status, status with regard to public assistance, age or disability or to keep any record or use any form of application designed to elicit such information in connection with the sale, lease, rental or financing of a business unit or units;

(G) For any person, for the purpose of inducing a real estate transaction from which they may benefit financially:

(1) To represent that a change has occurred or will or may occur in the composition of the block, neighborhood or area in which the property is located in respect of the race, color, sex, creed, religion, national origin, marital status, status with regard to public assistance, age or disability of those living there; or

(2) To represent that this change will or may result in the lowering of property values, an increase in crime or antisocial behavior or a decline in the quality of schools in the block, neighborhood, or area concerned.

(H) Nothing in this Section shall be construed to require any person or group of persons selling, renting, or leasing property to modify the property in any way or exercise a higher degree of care for a person having a disability than for a person who does not have a disability; nor shall this Section be construed to relieve any person or persons of any obligations generally imposed on all persons regardless of any disability in a written lease, rental agreement, or contract of purchase or sale or to forbid distinctions based on the inability to fulfill the terms and conditions, including financial obligations of the lease, agreement, or contract;

(I) The provisions of this Section shall not apply to:

(1) The rental of a portion of a dwelling containing accommodations for two families, one of which is occupied by the owner; or

(2) The rental by an owner or occupier of a one-family accommodation in which the owner or occupier rents a room or rooms in such accommodation to another person or persons if the discrimination is by sex, marital status, status with regard to public assistance or disability. Nothing in this Section shall be construed to require any person or group of persons selling, renting, or leasing property to modify the property in any way or exercise a higher degree of care for a person having a disability than for a person who does not have a disability; nor shall this Section be construed to relieve any person or persons of any obligations generally imposed on all persons regardless of any disability in a written lease, rental agreement or contract of purchase or sale or to forbid distinctions based on the inability to fulfill the terms and conditions, including financial obligations, of the lease agreement or contract.

§ 90.04 ENFORCEMENT PROCEDURES.

The Community Development Division is designated as the enforcement agency for this Section and shall have the power to receive, hear, and determine complaints as provided herein. The Community Development Director shall promptly investigate, upon complaint or upon the Community Development Director's own motion, any violations of this Section. If, after investigation, the Community Development Director shall have reason to believe a violation has occurred, the Community Development Director may refer the matter to the City Attorney for criminal prosecution, initiate civil enforcement procedures as herein provided, or enter into a settlement agreement which, when approved by the Council, shall have the same force as a Council order.

§ 90.05 STATUTE OF LIMITATIONS.

No action may be brought for civil enforcement or criminal prosecution unless the charge of alleged discriminatory practice was filed with the City within 180 days from the occurrence of the practice.

§ 90.06 CIVIL ENFORCEMENT PROCEDURE.

Civil enforcement procedures shall be prosecuted by the Community Development Director before the Council in the following manner:

(A) The Community Development Director shall serve upon the respondent by certified mail a complaint, signed by the Community Development Director, which shall set forth a clear and concise statement of the facts constituting the violation, set a time and place for hearing and advise the respondent of the respondent's right to file an answer to appear in person or by an attorney and to examine and cross-examine witnesses;

(B) The hearing shall not be less than 20 days after service of the complaint. Any time prior to the hearing the respondent may file an answer. Facts not denied by answer shall be deemed admitted. If the answer sets out new matter, it shall be deemed denied by the Community Development Director;

(C) The complaint or answer may be amended at any given time prior to the hearing with the consent of the opposing party;

(D) Hearings shall be before the Council;

(E) The Community Development Director may obtain subpoenas from the District Court to compel the attendance of witnesses and the production of documents at any hearing; and

(F) If, after the hearing, the panel shall conclude that a violation has occurred, it shall prepare an order which may contain any provision deemed desirable to do justice to the complainant or to prevent further violations. It may include provisions which require the respondent to rent, sell, or lease particular housing to the complainant or to do any other thing as may be just. The panel's findings of fact and order shall be served on the respondent and each member of the Housing and Redevelopment Authority (hereinafter referred to as the HRA) by mail and shall become the findings and order of the HRA unless, within ten days after mailing of the findings and order, HRA shall revoke or amend the order, but any order of a panel may be modified by the HRA at any time.