

CHAPTER 13

ABANDONED MOTOR VEHICLES (1185,1635,2132)

(Repealed by 2568)

CHAPTER 14

FAIR HOUSING

SECTION:

- 6-14-1: DEFINITIONS**
- 6-14-2: ESTABLISHMENT OF A FAIR HOUSING POLICY**
- 6-14-3: PROHIBITED ACTIONS**
- 6-14-4: PENALTY**

6-14-1: DEFINITIONS:

Except where otherwise indicated by the context, the following definitions shall apply in the interpretation and enforcement of this Chapter: (1278,1635,2671)

DISCRIMINATE OR DISCRIMINATION: Shall mean to make, directly or indirectly, any distinction prohibited under state or federal law with respect to any person or persons based on sex, race, color, religion, national origin, familial status, or handicap. (1278,1635,2671)

FAMILIAL STATUS: Shall be defined as provided in the Fair Housing Amendments Act of 1988. (2671)

HANDICAP: Shall be defined as provided in the Americans with Disabilities Act of 1990. (2671)

HOUSING: Shall mean (a) any parcel or parcels of real property or lands, or any interest therein, whether contiguous or noncontiguous, located in the City used for the building or the placing of one (1) or more housing or rooming units owned by, or otherwise subject to the control of, one (1) or more persons; and/or (b) any real property, or any interest therein, located in the City; and/or (c) any single-family dwelling or multiple-family dwelling or trailer house or trailer space, or any portion thereof, including a housing unit or rooming unit, or any interest therein, located in the City which is used or occupied or intended, arranged, assigned, or designated to be used or occupied as the home, home site, residence, or sleeping place of one (1) or more persons; and/or (d) a single room, suite of rooms, or apartment, with or without cooking and kitchen facilities, occupied or intended for occupancy as living quarters by a person, by a family, or by a group of persons living together. (1278,1635)

OWNER: Shall include a lessee, sublessee, co-tenant, assignee, managing agent, or other person having the right of ownership or possession or the right to sell, rent, or lease any housing. (1278,1635)

REAL ESTATE BROKER OR REAL ESTATE SALESPERSON: Shall mean an individual, whether licensed or not, who for a fee, commission, salary, or other valuable consideration or who, with the intention or expectation of receiving or collecting same, lists, sells, purchases, exchanges, rents, or leases any housing accommodations, including options thereupon; or who negotiates or attempts to negotiate such activities; or who advertises or holds himself out as engaged in such activities; or who negotiates or attempts to negotiate a loan, secured by a mortgage or other encumbrance, upon transfer to any housing accommodation; or who is engaged in the business of charging an advance fee or contracting for collection of a fee in connection with a contract whereby he undertakes to promote the sale, purchase, exchange, rental, or lease of any housing accommodation through its listing in a publication issued primarily for such purpose; or an individual employed by or acting on behalf of any of these. (1278,1635)

6-14-2: ESTABLISHMENT OF A FAIR HOUSING POLICY:

It is hereby declared to be among the civil rights of the people of the City to be free from discrimination in the occupancy and provision of housing. Accordingly, it shall be contrary to the policy of the City and unlawful to discriminate against individuals or families because of race, color, sex, religion, ancestry, national origin, familial status, or handicap in the purchase, lease, rental, exchange, advertising, display, promotion, or financing of housing within the City. The foregoing policy shall be interpreted in light of applicable federal and state laws, regulations, and judicial decisions and shall be subject to the following restrictions and exemptions: (1278,1635,2671,3712)

(A) Certain groups may be restrictive:

1. Religious organizations and private clubs may limit the sale, rental, or occupancy of noncommercial units to their members unless membership is limited by race, color, or national origin and handicap; (2671)
2. Governmental agencies may impose limits to the numbers of people permitted to occupy a structure; and/or (2671)
3. Governmental or private agencies which address the conduct of a person(s) convicted of the illegal manufacture or distribution of a controlled substance. (2671)

(B) Exemptions exist for: (2671)

1. Federal and/or state projects for the elderly; (2671)
2. Projects where one hundred percent (100%) of the residents are at least sixty-two (62) years old after September 13, 1989; and/or (2671)
3. Projects where eighty percent (80%) of the units have at least one (1) inhabitant at least fifty-five (55) years old; (2671,3712)
4. A room or units in dwellings containing living quarters occupied or intended to be occupied by no more than four (4) families living independently of each other and if the owner occupies one (1) such living quarter as his residence (four- [4-] plex or less). (Discriminatory advertising is not exempted.) (2671)

- (C) Except for discriminatory advertising, the sale or rental of a single-family home is exempted, provided: (2671)
1. The owner does not own or have any interest in more than three (3) single-family houses at one time; (2671)
 2. A real estate professional or a property manager is not involved in the transaction; and/or (2671)
 3. If the dwelling is not owner occupied or most recently occupied by the owner prior to the transaction, then the exemption applies only if there is only one (1) sale per any twenty-four- (24-) month period. (2671)

6-14-3: PROHIBITED ACTIONS:

It is hereby declared to be unlawful: (1278,1635,2671)

- (A) For any person, including but not limited to, owners, lessees, agents, real estate brokers, real estate salespersons, trustees, mortgagees, financial institutions, title companies, or insurance companies, except as exempted under Section 6-14-2: (1278,1635,2671)
1. To discriminate against any person because of sex, race, color, religion, ancestry, national origin, familial status, or handicap in the sale, lease, rental, or other transfer of interest in housing. (1278,1635,2671)
 2. To so discriminate in the extension of loans, credit, insurance, or other services relating to the transfer of interest in housing. (1278,1635)
 3. To print or circulate or cause to be printed or circulated any publication or to use any form of application or to make any inquiry in connection with prospective sales, leases, rentals, or other transfers of interest in housing or the extension of credit, loans, insurance, or other services relating to the transfer of interest in housing which expresses, directly or indirectly, any limitation, specification, or discrimination as to race, color, religion, ancestry, national origin, familial status, or handicap or expresses intent to make any such limitation, specification, or discrimination. (1278,1635,2671)
- (B) To refuse to receive or transmit a bona fide offer to sell, purchase, exchange, rent, or lease any housing from or to a person because of his sex, race, color, religion, national origin or place of birth, familial status, or handicap. (1278,1635,2671)
- (C) To refuse to negotiate for the sale, purchase, exchange, rental, or lease of any housing to a person because of his sex, race, color, religion, national origin or place of birth, familial status, or handicap. (1278,1635,2671)
- (D) To represent to a person that any housing is not available for inspection, sale, purchase, exchange, rental, or lease when in fact it is available or to refuse to permit a person to inspect any housing because of his sex, race, color, religion, ancestry, national origin or place of birth, familial status, or handicap. (1278,1635,2671)
- (E) To induce or attempt to induce for profit any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of any person or persons of a particular race, color, religion, national origin, familial status, or handicap. (1278,1635,2671)
- (F) For any person to aid, abet, incite, compel, or coerce the doing of any of the acts forbidden under this Chapter or attempt to do so. (1278,1635)

6-14-4: PENALTY:

Any person convicted of a violation of any provision of this Chapter shall be guilty of a misdemeanor and shall be punished by a fine not to exceed two thousand five hundred dollars (\$2,500.00) or by imprisonment not to exceed six (6) months, or by both fine and imprisonment. Each violation shall constitute a separate offense. The imposition of any sentence shall not exempt the offender from compliance with the requirements of this Chapter. (1635,2466,2671)

THIS PAGE INTENTIONALLY LEFT BLANK