

Chapter 9AA

FAIR HOUSING CODE

Section 9AA-1. Definitions. [Ord. No. 598, §1; Ord. No. 634, §2; Ord. No. 1035 §1, 9-15-1992]

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

CHAIRMAN — The chairman of the Planning and Zoning Commission, functioning here as the chairman of the fair housing commission and human rights commission of the city.

CODE — The city Fair Housing Code.

COMMISSION — The City Planning and Zoning Commission, functioning here as the Fair Housing Commission and Human Rights Commission of the City.

DISCRIMINATORY HOUSING PRACTICE — An act that is unlawful under section 9AA-2.

DWELLING — Any building, structure or portion thereof located within the city which is occupied as, or designed or intended for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure or portion thereof.

FAMILY — Includes a single individual.

TO RENT — Includes to lease, to sublease, to let and otherwise to grant for a consideration the right to occupy premises not owned by the occupant.

Section 9AA-2. Discrimination in Sale or Rental of Housing and on the Basis of Handicapped Status — Unlawful Practices Enumerated. [Ord. No. 598, §1; Ord. No. 1035 §2, 9-15-1992]

Except as exempted by section 9AA-3, it shall be unlawful for any person to:

- (a) Refuse to sell or rent after the making of a bona fide offer or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, national origin or sex.
- (b) Discriminate against any person in the terms, conditions or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, religion, national origin or sex.
- (c) Make, print or publish, or cause to be made, printed or published any notice, statement or advertisement with respect to the sale or rental of a dwelling that

indicates any preference, limitation or discrimination based on race, color, religion, national origin or sex, or an intention to make any such preference, limitation or discrimination.

- (d) Represent to any person because of race, color, religion, national origin or sex that any dwelling is not available for inspection, sale or rental when such dwelling is in fact so available.
- (e) For profit, induce or attempt to induce any person to sell or rent any dwelling by representation regarding the entry or prospective entry into the neighborhood of a person of a particular race, color, religion, national origin or sex.
- (f) Discriminate on the basis of handicapped status in the admission of or access to or employment in the programs or activities of the City.

Section 9AA-3. Same — Exemptions. [Ord. No. 598, §1]

Nothing in this Code shall prohibit a religious organization, association or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association or society from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion or from giving preference to such persons, unless membership in such religion is restricted on account of race, color, national origin or sex. Nor shall anything in this Code prohibit a private club not in fact open to the public which, as an incident to its primary purpose, provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members.

Section 9AA-4. Discrimination in Financing of Housing. [Ord. No. 598, §1]

It shall be unlawful for any bank, building and loan association, insurance company or other corporation, association, firm or enterprise whose business consists in whole or in part in the making of commercial real estate loans, to deny a loan or other financial assistance to a person applying therefor for the purpose of purchasing, constructing, improving, repairing or maintaining a dwelling, or to discriminate against him in the fixing of the amount, interest rate, duration or other terms or conditions of such loan or other financial assistance because of the race, color, religion, national origin or sex of such person or of any person associated with him in connection with such loan or other financial assistance or the purposes of such loan or other financial assistance, or of the present or prospective owners, lessees, tenants or occupants of the dwelling in relation to which such loan or other financial assistance is to be made or given.

Section 9AA-5. Discrimination in Provision of Brokerage Services. [Ord. No. 598, §1]

It shall be unlawful for any person to deny any person access to or membership or participation in any multiple-listing service, real estate broker's organization or other service, organization or facility relating to the business of selling or renting dwellings, or to discriminate against him in the terms or conditions of such access, membership or participation on account of race, color, religion, national origin or sex.

Section 9AA-6. Administration of Chapter. [Ord. No. 598, §1]

The authority and responsibility for administering this Code shall be in the commission. The commission shall administer this Code in a manner affirmatively to further the policies of this Code and to prevent or eliminate discriminatory housing practices. The commission shall cooperate with and render technical assistance to federal, state, local or other public or private agencies, organizations and institutions which are formulating or carrying out programs to prevent or eliminate discriminatory housing practices.

Section 9AA-7. Complaint Procedure. [Ord. No. 598, §1]

- (a) Any person claiming to be aggrieved or injured by a discriminatory practice prohibited by this chapter or who believes that he will be irrevocably aggrieved or injured by a discriminatory practice prohibited by this chapter which is about to occur may file a complaint with the commission. All complaints shall be in writing, shall be signed by the complainant on his oath, shall state the facts upon which the complaint is based and shall contain such other information and shall be in such form as the commission may require. All complaints may be reasonably and fairly amended at any time with leave of the commission. All complaints shall be filed within sixty days after occurrence of the alleged discriminatory practice. A copy of a complaint and all amendments thereto shall be given to the person who allegedly has committed or who allegedly is about to commit a discriminatory practice. The commission shall investigate and determine, within thirty days after receiving a complaint, if cause exists for the allegations made in the complaint. If the commission finds cause for complaint, it shall have thirty days in which to eliminate or correct the alleged discriminatory practice by informal methods of conference, conciliation and persuasion. If the commission finds no cause for complaint, it shall dismiss the complaint.
- (b) The commission or any member may issue a complaint against any person who it has reason to believe has engaged in a discriminatory practice prohibited by this chapter.
- (c) An answer to a complaint may be filed by the person who allegedly has committed or who allegedly is about to commit a discriminatory practice. Answers shall be in writing, shall be signed by each respondent on his oath, shall state the facts upon which the answer is based and shall contain such other information and shall be in such form as the commission may require. All answers shall be filed within five days prior to any hearing of the matters alleged in the complaint; except, that when requested in writing and for good cause shown, the commission may permit the filing of an answer at any time. Answers may be reasonably and fairly amended at any time with leave of the commission. A copy of an answer and all amendments thereto shall be given to the complainant.
- (d) If informal methods of conference, conciliation and persuasion fail, the commission shall set a date for hearing of the matters alleged in the complaint, which date shall be within thirty days after expiration of the period established for such informal methods or after earlier determination by the commission that such informal methods have failed. The commission shall give written notice to the complainant

and respondent as to the day, hour, place and purpose of the hearing and shall supply them with a copy of the commission's rules of procedure. Written notice of the hearing shall be given to each complainant and respondent at least fifteen days prior to the date of hearing. The hearing shall be open to the public.

- (d) Hearings shall be conducted in a fair and impartial manner according to the commission's rules of procedure. Each complainant and respondent may appear with legal counsel and shall have the right to present proof, examine witnesses and in all manner be fully heard in all matters relating to the complaint and subsequent related occurrences. With the consent of the complainant, the commission may appoint as its legal counsel the city prosecuting attorney's office to present the case in support of the complaint.
- (e) Within twenty days after a hearing, if upon all the evidence a majority of the members of the commission in attendance at the hearing find that a respondent has engaged in or is about to engage in a discriminatory practice prohibited by this chapter, the commission shall issue its findings of fact and determination and its order to cease and desist, or other appropriate order, and shall cause such order to be served upon each complainant and respondent.
- (f) Within twenty days after a hearing, if upon all the evidence a majority of the members of the commission in attendance at the hearing do not find that a respondent had engaged in or is about to engage in a discriminatory practice prohibited by this chapter, the commission shall issue its findings of fact and determination and its order dismissing the complaint, and any other appropriate order, and shall cause such order to be served upon each complainant and respondent.

Section 9AA-8. Rehearings. [Ord. No. 598, §1]

Within ten days following the issuance by the commission of its findings of fact and determination and order or orders, any complainant or respondent may file with the commission a written motion for rehearing which shall be granted upon the affirmative vote of at least a majority of the members of the commission in attendance at the hearing.

No rehearing shall be had except in cases where a material fact becomes known subsequent to the hearing and where such material fact was not known or could not have been known to the party requesting the rehearing either before or during the hearing by the application of reasonable diligence.

Section 9AA-9. Enforcement by City Prosecuting Attorney. [Ord. No. 598, §1]

The commission shall certify the entire case to the city prosecuting attorney for appropriate action in cases of noncompliance with its order to cease and desist or other appropriate order.

Section 9AA-10. Penalties. [Ord. No. 598, §1]

- (a) Any person who shall commit a discriminatory practice in violation of this chapter shall, upon conviction therefor, be punished for each such violation by a fine of not less than fifty dollars nor more than five hundred dollars.
- (b) In addition to the above penalties, the city prosecuting attorney shall take such other actions at law or in equity as may be required to correct or eliminate any violations of this chapter.