

Division 2. Fair Housing*

Sec. 1.04.031 Declaration of policy

(a) It is hereby declared to be the policy of the city to bring about, through fair, orderly and lawful procedures, the opportunity for each person to obtain housing without regard to race, color, religion, national origin, sex, handicap or familial status.

(b) It is further declared that this policy is based upon a recognition of the right of every person to have access to adequate housing of a person's own choice without regard to race, color, religion, national origin, handicap or familial status; and, further, that the denial of such right through considerations based upon race, color, religion, national origin, sex, handicap or familial status is detrimental to the health, safety and welfare of the inhabitants of the city and constitutes an unjust denial or deprivation of such rights which is within the power and proper responsibility of government to prevent.

(Ordinance 89-86, sec. 1, adopted 12/12/89; 1978 Code, sec. 14-30)

Sec. 1.04.032 Definitions

As used in this division, the following terms shall have the respective meanings ascribed to them:

Administrator. The fair housing administrator as designated in this division, and any authorized representatives.

Discriminatory housing practice. An act that is unlawful under [section 1.04.035](#), [1.04.036](#) or [1.04.037](#).

Dwelling. Any building, structure or portion thereof which is occupied as, or designed and intended for occupancy as, a residence by one (1) 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.

(Ordinance 89-86, sec. 1, adopted 12/12/89; 1978 Code, sec. 14-31)

Sec. 1.04.033 Fair housing administrator

(a) The city manager shall act as administrator or appoint some other competent person as the fair housing administrator, who shall have the responsibility for implementing this division.

(b) The fair housing administrator shall be provided with sufficient staff to perform the duties as required by this division.

(Ordinance 89-86, sec. 1, adopted 12/12/89; 1978 Code, sec. 14-32)

 **Sec. 1.04.034 Exemptions and exclusions**

(a) There shall be exempted from the application of [section 1.04.035](#):

(1) Any single-family house sold or rented by an owner; provided that such private individual owner does not own more than three (3) single-family houses, wherever located, at any one time; provided further that, in the case of the sale of any such single-family house by a private individual owner not residing in such house at the time of such sale or who was not the most recent resident of such house prior to such sale, the exemption granted by this subsection shall apply only with respect to one such sale within any twenty-four-month period; provided further that such bona fide private individual owner does not own any interest in, nor is there owned or reserved on such owner's behalf, under any express or voluntary agreement, title to or any right to all or a portion of the proceeds from the sale or rental of more than three (3) such single-family houses at any one time; provided further, the sale or rental of any such single-family house shall be excepted from the application of [section 1.04.035](#) only if such house is sold or rented:

(A) Without the use in any manner of the sale or rental facilities or services of any real estate broker, agent or salesman, or of such facilities or services of any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, agent, salesman or person; and

(B) Without the publication, posting or mailing of any advertisement or written notice in violation of [section 1.04.035](#)(3);

but nothing in this section shall prohibit the use of attorneys, escrow agents, abstractors, title companies and other such professional assistance as necessary to perfect the transfer of title.

(2) The rental of rooms 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 if the owner actually maintains and occupies one of such living quarters as the owner's residence.

(b) Nothing in this division 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, sex, handicap or familial status.

(c) Nothing in this division shall prohibit a private club, not in fact open to the public, which, as an incident to its primary purpose or purposes, 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.

(Ordinance 89-86, sec. 1, adopted 12/12/89; 1978 Code, sec. 14-34; Ordinance 07-038, sec. 2, adopted 4/3/07)

 **Sec. 1.04.035 Discrimination in the sale or rental of housing**

Except as exempted by [section 1.04.034](#), it shall be unlawful for any person:

(1) To 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, sex, handicap or familial status.


(2) To 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, sex, handicap or familial status.

(3) To 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, sex, handicap or familial status or an intention to make any such preference, limitation or discrimination.

(4) To represent to any person because of race, color, religion, national origin, sex, handicap or familial status that any dwelling is not available for inspection, sale or rental when such dwelling is in fact so available.

(5) To profit, or with the hope or expectation of profit, by inducing or attempting to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, national origin, sex, handicap or familial status.

(Ordinance 89-86, sec. 1, adopted 12/12/89; 1978 Code, sec. 14-33)

 **Sec. 1.04.036 Discrimination in the provision of brokerage services**

It shall be unlawful to deny any person access to or membership or participation in any multiple listing service, real estate brokers' organization or other service, organization or facility relating to the business of selling or renting dwellings, or to discriminate against a person in the terms or conditions of such access, membership or participation, on account of race, color, religion, national origin, sex, handicap or familial status. (Ordinance 89-86, sec. 1, adopted 12/12/89; 1978 Code, sec. 14-35)

 **Sec. 1.04.037 Discrimination in financing**

It shall be unlawful for any bank, savings 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 any person 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, sex, handicap or familial status of such person or of any person associated with such [person] in connection with such loan or other financial assistance, or of the present or prospective owners, lessees, tenants or occupants of the dwelling or a dwelling in relation to which such loan or other financial assistance is to be made or given. (Ordinance 89-86, sec. 1, adopted 12/12/89; 1978 Code, sec. 14-36)

 **Sec. 1.04.038 Complaints**

(a) Any person who claims to have been injured by a discriminatory housing practice or who believes that an irrevocable injury resulting from a discriminatory housing practice is about to occur (hereafter referred to as "person aggrieved") may file a complaint with the administrator. Any complaints shall be in writing and shall identify the person alleged to have committed or

alleged to be about to commit the discriminatory housing practice and shall set forth the particulars thereof. The administrator is directed to prepare and adopt from time to time standard complaint forms and to furnish them upon request, without charge, to any person aggrieved. The administrator and employees of that office may assist in the clerical preparation of such complaints.

(b) The administrator shall receive and accept notification and referral of complaints from the Secretary of the United States Department of Housing and Urban Development pursuant to the provisions of Title VIII, Fair Housing Act of 1968, Public Law 90-284, and shall treat such complaints in the same manner as complaints filed directly by the person aggrieved.

(c) If, in the course of any investigation of a complaint filed with or referred to the administrator, credible evidence is received and the administrator has probable cause to believe that the person or persons named in such complaint have committed a discriminatory housing practice not stated in such complaint, the administrator may prepare and file a supplementary complaint and such supplementary complaint shall thereafter be treated in the same manner as an original complaint filed by a person aggrieved.

(d) If at any time the administrator shall receive or discover credible evidence and shall have probable cause to believe that any person has committed a discriminatory housing practice as to which no complaint has been filed or is about to be filed, the administrator may prepare and file a complaint, and such complaint shall thereafter be treated in the same manner as a complaint filed by a person aggrieved.

(e) Upon the filing or referral of any complaint, the administrator shall furnish a copy of the same to the persons named in the complaint.

(f) A complaint under subsections (a), (c), (d), and (e) of this section shall be filed within one hundred eighty (180) days after the alleged discriminatory housing practice occurred. Complaints shall state the facts upon which the allegations of a discriminatory housing practice are based. Complaints may be reasonably or fairly amended at any time. A respondent may file an answer to the complaint and, with the leave of the administrator, which shall be granted whenever it would be reasonable and fair to do so, may amend the answer at any time. A copy of any amendment to a complaint or an answer shall be furnished to the opposing party. Both complaints and answers shall be signed by the persons making them.

(Ordinance 89-86, sec. 1, adopted 12/12/89; 1978 Code, sec. 14-37)

Sec. 1.04.039 Investigation

(a) Upon the filing of a complaint valid on its face as herein provided, the administrator shall cause to be made a prompt investigation of the matter stated in the complaint.

(b) In connection with such investigation, the administrator may question and take and record testimony and statements of such persons who appear, and may examine, record and copy documents which are produced.

(c) During or after the investigation, the administrator shall, if it appears that a discriminatory housing practice has occurred, or is about to occur, attempt by informal endeavors to effect conciliation, including voluntary discontinuance or rectification of the discriminatory housing practice and voluntary compliance and adequate assurance of future voluntary compliance with the provisions of this division.

(d) In the event conciliation is effected, the administrator shall disclose nothing said or done in the course of such conciliation in such a way as to make public identification of the persons named in the complaint without the written consent of the person concerned.

(Ordinance 89-86, sec. 1, adopted 12/12/89; 1978 Code, sec. 14-38)

Sec. 1.04.040 Certificate to city attorney

Upon completion of the investigation and informal endeavors at conciliation by the administrator, but within thirty (30) days of the filing of the complaint with the administrator, and if the administrator has concluded that a discriminatory housing practice has occurred, and the efforts of the administrator to secure voluntary compliance have been unsuccessful, the administrator may certify in writing to the city attorney that such discriminatory housing practice has occurred and request the city attorney to forthwith prosecute such violation in municipal court. (Ordinance 89-86, sec. 1, adopted 12/12/89; 1978 Code, sec. 14-39)

Sec. 1.04.041 Legal procedures

(a) Upon certification by the administrator, the city attorney may institute a charge in municipal court and prosecute the same to final conclusion as rapidly as practicable.

(b) It is the intent of this division to increase the available remedies which citizens may have to insure their rights under federal, state or local statutory or case law. Therefore nothing in this division shall be construed as an administrative prerequisite to a citizen pursuing rights under any other federal, state or local statute, case decision or administrative ruling.

(Ordinance 89-86, sec. 1, adopted 12/12/89; 1978 Code, sec. 14-40)

Sec. 1.04.042 Education and public information

In order to further the objectives of this division, the administrator may conduct educational and public information programs designed to acquaint the general public with the provisions and objectives of this division. (Ordinance 89-86, sec. 1, adopted 12/12/89; 1978 Code, sec. 14-41)

Sec. 1.04.043 Cooperation with Secretary of Housing and Urban Development

The administrator is authorized and encouraged to cooperate with the Secretary of the United States Department of Housing and Urban Development pursuant to the provisions of Title VIII, Fair Housing Act of 1968, Public Law 90-284, and may render such service to the secretary as he shall deem appropriate to further the policies of this division; the city manager may accept reimbursement from the Secretary for services rendered to assist in carrying out the provisions of the above-cited federal law. (Ordinance 89-86, sec. 1, adopted 12/12/89; 1978 Code, sec. 14-42)

 **Sec. 1.04.044 Unlawful intimidation**

It shall be unlawful for any person by force or threat of force willfully to injure, intimidate or interfere [interfere] with any person because of race, color, religion, national origin, sex, handicap or familial status, and because the person is or has been selling, purchasing, renting, financing, occupying or contracting or negotiating for the sale, purchase, rental, financing or occupation of any dwelling, or applying for or participating in any service, organization or facility relating to the business of selling or renting dwellings. (Ordinance 89-86, sec. 1, adopted 12/12/89; 1978 Code, sec. 14-43)