

ORDINANCE NO. 21 - FAIR HOUSING ORDINANCE

AN ORDINANCE PROHIBITING DISCRIMINATION ON THE BASIS OF RACE, COLOR, RELIGION, ANCESTRY, NATIONAL ORIGIN, SEX OR PLACE OF BIRTH IN REGARD TO HOUSING ACCOMMODATIONS WITH DE SOTO DECLARING THE POLICY OF THE VILLAGE TO BE THAT OF ENSURING EQUAL OPPORTUNITY TO ALL PERSONS TO LIVE IN DECENT HOUSING FACILITIES; DEFINING THE TERMS USED; PROHIBITING CERTAIN PRACTICES WHICH WOULD CONSTITUTE DISCRIMINATION ON THE BASIS OF RACE, COLOR, RELIGION, ANCESTRY, NATIONAL ORIGIN, SEX OR PLACE OF BIRTH IN CONNECTION WITH THE SALE, PURCHASE, LEASING OR FINANCING OF HOUSING FACILITIES; CONTAINING EXEMPTIONS AND EXCEPTIONS TO THE APPLICATION OF THE ORDINANCE FOR CERTAIN GROUPS AND PERSONS; PROVIDING FOR PROCEDURE, OTHER REMEDIES, AND PENALTIES; REPEALING CONFLICTING COUNTY ORDINANCES, LAWS AND RESOLUTIONS; PROVIDING FOR SEVERABILITY OF INVALID SECTIONS OR SUBSECTIONS; AND PROVIDING FOR AN EFFECTIVE DATE:

THE VILLAGE OF DE SOTO DO ORDAIN AS FOLLOWS:

Section 1. DECLARATION OF POLICY

It is hereby declared to be the policy of the Village of De Soto to assure equal opportunity to all persons to live in decent housing facilities regardless of race, color, religion, sex or national origin and, to that end, to prohibit discrimination in housing by any persons.

Section 2. DEFINITIONS as used in this ordinance:

(A) "Dwelling" shall mean any building, structure, or portion thereof which is occupied as or designated for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction thereon of any such buildings or structure,

(B) "Person" includes a single individual.

(C) "Family" includes one or more individuals, corporation, partnerships, associations, labor organizations, legal representatives, mutual companies, joint stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy and receivers.

(D) "To rent" includes to lease, sublease, to let and otherwise grant for consideration the right to occupy premises not owned by the occupant.

(E) "Discrimination" or "discriminatory housing practice" means any difference in treatment based upon race, color, religion, sex or national origin; or any act that is unlawful under this ordinance.

SECTION 3. UNLAWFUL PRACTICES in this ordinance:

In connection with any of the transactions set forth in this section which affect any housing accommodation on the open market or in connection with any public sale, purchase, rental or lease of any housing accommodation, it shall be unlawful within the County of Crawford for a person, owner, financial institution, real estate broker or real estate salesman, or any representative of the above, to:

(1) Refuse to sell, purchase, rent or lease, or deny to or withhold any housing accommodation from a person because of his race, color, religion, ancestry, national origin, sex or place of birth; or

(2) To discriminate against any person in the terms, conditions or privileges of the sale, purchase, rental or lease of any housing accommodation, or in the furnishing of facilities or services in connection therewith; or

(3) To represent to a person that any housing accommodation is not available for inspection, sale, purchase, rental or lease when, in fact, it is so available, or to refuse to permit a person to inspect any housing accommodation, because of his race, color, religion, national origin, sex or place of birth; or

(4) To make, publish, print, circulate, post or mail, or cause to be made, published, printed, circulated, posted or mailed, any notice, statement or advertisement, or to announce a policy or to sign or to use a form of application for the sale, purchase, rental, lease or financing of any housing accommodation, or to make a record of inquiry in connection with the prospective sale, purchase, rental, lease or financing of any housing accommodation, which indicates any discrimination or any intent to make a discrimination.

(5) To induce directly or indirectly or attempt to induce directly or indirectly the sale, purchase, rental or lease for the listing of any of the above, of any housing accommodation by representations the presence or anticipated presence of persons of any particular regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, or national origin.

(2) Fair Housing

(6) To retaliate or discriminate in any manner against a person because he has opposed a practice declared unlawful by this article, or because he has filed a complaint, testify, assisted in or participated in any manner in any investigation, proceeding, hearing or conference under this ordinance; or

(7) 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 therefore 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 loans or other financial assistance because of the race, color, religion, sex or national origin of such person or any person associated with him in the connection of such loan or other financial assistance or the purpose of such loan or other financial assistance or of the present or prospective owners, lessees, tenants, or occupants of the dwelling or dwellings in relation to which such loan or other financial assistance is to be made or given ; or

(8) To deny any qualified person access 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 him in the terms or conditions of such access, membership, or participation, on account of race, color, religion, sex or nation origin.

SECTION 4. EXEMPTIONS

This ordinance shall not apply to:

(1) A religious organization, association, or society or any nonprofit institution or organization operating, supervised, or controlled by or in conjunction with the religious organization, association, or society, which limits the sale, rental, or occupancy of dwellings which it owns or operates for other than commercial purposes to persons of the same religion, or which gives preference to such persons, unless membership in such a religion is restricted on account of race, color, sex or national origin.

(2) 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, and which limits the rental or occupancy of such lodgings to its members or give preference to its members.

(3) Any single-family house sold or rented by an owner: Provided, that such private individual owner does not own more than three such single-family houses at any one time: Provided further, than 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 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 a 24-month period: Provided further that such bona fide private individual owner does not own any interest in, nor is there owned or served on his behalf, under any express or voluntary agreement, titled to or any right to all or a portion of the proceeds from the sale or rental of, more than three such single-family houses at any one time: Provided further, the sale or rental of any such single-family house shall be accepted from the application of this ordinance only if such house is sold or rented:

(A) Without the use of any manner of the sales or rental facilities or the sales or rental 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, after notice, of any advertisement or written notice in violation of the provisions of 42 United States Code Section 3604(c) or of Section 3 of this ordinance; but nothing in this provision shall prohibit the use of attorneys, escrow agents, abstractors, title companies, and other such professional assistance as necessary to perfect or transfer the title; or

(4) Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently of each other, or if the owner actually maintains and occupies one of such living quarters as his residence.

(3) Fair Housing Ordinance

SECTION 5. PROCEDURE

Any person aggrieved by an unlawful practice prohibited by this ordinance may file a complaint with the chairperson of the Vernon or Crawford County Housing Authority 30 days after the aggrieved person becomes aware of the alleged unlawful practice and in no event more than 60 days after the alleged unlawful practice has occurred. The chairperson of the Vernon or Crawford County Housing Authority shall receive each complaint and attempt to resolve each complaint. Failure to achieve a resolution acceptable to both parties and compliance with this ordinance shall cause the chairperson of the Vernon or Crawford County Housing Authority to forward the complaint and findings to appropriate state and federal agencies.

SECTION 6. PENALTIES

Any person who willfully violates this section or any lawful order issued under this ordinance shall, for each such violation forfeit not less than \$10 nor more than \$200. Payment of any such forfeiture shall be stayed during the period in which any appeal may be taken and during the pendency of any appeal.

SECTION 7. EFFECTIVE DATE

This ordinance shall take effect as of March 23, 1981.