

CHAPTER 91: HUMAN RELATIONS

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FAIR HOUSING

§ 91.01 DISCRIMINATION IN SALE, LEASE, OR RENTAL.

It shall be unlawful for an owner, lessee, or sublessee of real property, or any agent or representative thereof, to refuse to sell, exchange, rent, or lease any housing accommodation or living quarters of any sort within the city because of race, color, religion, sex, sexual orientation or preference, national origin, or ancestry.

(1995 Code, § 40-41) (Ord. 69, passed 8-4-1980; Am. Ord. 69-A, passed 12-29-1994) Penalty, see § 91.99

§ 91.02 DISCRIMINATION IN LENDING.

It shall be unlawful for any person to discriminate in the lending of money, guaranteeing of loans, accepting of mortgages, or otherwise making available funds for the purchase, acquisition, construction, rehabilitation, repair, or maintenance of any housing accommodations or living quarters of any sort within the city because of race, color, religion, sex, sexual orientation or preference, national origin, or ancestry.

(1995 Code, § 40-42) (Ord. 69, passed 8-4-1980; Am. Ord. 69-A, passed 12-29-1994) Penalty, see § 91.99

§ 91.03 DISCRIMINATION BY REAL ESTATE BROKERS OR SALESPERSONS.

It shall be unlawful for any real estate broker or salesperson to refuse to make available for inspection or to refuse to accept offers to purchase, offers to lease, or any other proposed agreements with reference to sale, exchange, or lease of real property because of race, color, religion, sex, sexual orientation or preference, national origin, or ancestry.

(1995 Code, § 40-43) (Ord. 69, passed 8-4-1980; Am. Ord. 69-A, passed 12-29-1994) Penalty, see § 91.99

§ 91.04 DISCRIMINATION IN TERMS AND PRIVILEGES.

It shall be unlawful for any owner, lessee, or sublessee of real property or any other person concerned with transactions in real property to discriminate because of race, color, religion, sex, sexual orientation or preference, national origin, or ancestry with reference to the terms, conditions, or privileges of the sale, rental, or lease of any housing accommodations or living quarters of any sort within the city, or in the furnishing of facilities or services in connection therewith.

(1995 Code, § 40-44) (Ord. 69, passed 8-4-1980; Am. Ord. 69-A, passed 12-29-1994) Penalty, see § 91.99

§ 91.05 PUBLICATIONS INDICATING CERTAIN PREFERENCES.

It shall be unlawful for any person to publish, circulate, issue, or display, or cause to be published, circulated, issued, or displayed, any communication, notice, advertisement, or sign of any kind relating to the sale, rental, or lease of real property within the city indicating exclusion of or preference for any person or group of persons based upon color, race, religion, sex, sexual orientation or preference, national origin, or ancestry.

(1995 Code, § 40-45) (Ord. 69, passed 8-4-1980; Am. Ord. 69-A, passed 12-29-1994) Penalty, see § 91.99

§ 91.06 FALSE OR SUBSTANTIALLY MISLEADING STATEMENTS.

It shall be unlawful for any person to knowingly or unintentionally present false or substantially misleading statements to the authorities charged with enforcement of this subchapter or to sign a complaint for violation of this subchapter based upon false or substantially misleading information.

(1995 Code, § 40-46) (Ord. 69, passed 8-4-1980) Penalty, see § 91.99

§ 91.07 INDUCING OTHERS TO VIOLATE SUBCHAPTER PROVISIONS.

It shall be unlawful for any person, by threats, intimidation, coercion, extortion, or conspiracy, to induce or attempt to induce any person owning an interest in real property in the city to violate the provisions of this subchapter.

(1995 Code, § 40-47) (Ord. 69, passed 8-4-1980) Penalty, see § 91.99

§ 91.08 EXCLUSIONS FROM SUBCHAPTER PROVISIONS.

(A) This subchapter shall not be construed as barring any religious or denominational institution or organization, or any charitable or educational organization which is operated, supervised, or controlled by or in connection with a religious organization, from limiting admission to or giving preference to persons of the same religion or denomination, or from making selections for the purpose of promoting the religious principles for which it is established or maintained.

(B) The provisions of this subchapter shall not apply to the owner of a dwelling house, apartment building, or multiple housing facility of any sort in which the owner or members of his or her immediate family reside, who rents or leases five or less housing units in the dwelling house, apartment building, or multiple housing facility.

(1995 Code, § 40-48) (Ord. 69, passed 8-4-1980)

§ 91.09 PERMISSIBLE TRANSACTIONS.

Nothing in this subchapter shall be construed as prohibiting any person from imposing any and all conditions and requirements relative to any of the transactions hereinabove described, provided the conditions do not concern race, color, religion, sex, sexual orientation or preference, national origin, or ancestry. Nothing in this subchapter shall be construed as prohibiting the owner, lessee, or sublessee of real property or any person concerned in real estate transactions from exercising absolute discretion in establishing the terms and conditions of the sale, exchange, lease, or rental of real property, provided the terms and conditions do not concern race, color, religion, sex, sexual orientation or preference, national origin, or ancestry. Nothing in this subchapter shall be construed as requiring an owner, lessee, or sublessee of real property to offer the property to the public at large before selling or renting the same.

(1995 Code, § 40-49) (Ord. 69, passed 8-4-1980; Am. Ord. 69-A, passed 12-29-1994)

CIVIL RIGHTS

§ 91.20 FINDING OF NECESSITY.

(A) The city has declared that for any person to deny any other person the enjoyment of his or her civil rights or for any person to discriminate against any other person in the exercise of his or her civil rights because of race, color, religion, sex, marital status, national origin, sexual orientation, age, height, weight, or handicap is contrary to keeping peace, good order, and harmony among its citizens.

(B) Nothing herein contained shall be construed to prohibit any affirmative action or handicap laws passed by any level of government.

(1995 Code, § 40-71) (Ord. 139, passed 7-10-1995)

§ 91.21 DEFINITIONS.

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

AGE. Chronological age, except as otherwise provided by law.

CIVIL RIGHTS. Includes rights to employment, housing, and public accommodations as defined in this section.

COLOR. Skin pigmentation.

DISCRIMINATE. To make a decision, offer to make a decision, or refrain from making a decision based in whole or in part on the race, color, religion, sex, marital status, national origin, sexual orientation, age, or handicap of another person or that person's relatives or associates. Discrimination based on sex includes sexual harassment, which means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct or communication of a sexual nature when concerning employment, housing, or public accommodation.

EMPLOYMENT. Includes the opportunity to obtain employment without discrimination because of race, color, religion, sex, marital status, national origin, sexual orientation, age, or handicap is hereby recognized and declared to be a civil right.

HANDICAP. A limitation of physical and/or mental capabilities. **HANDICAP** includes, but is not limited to, blindness or partial sightedness, deafness or hearing impairment, muteness, partial or total absence of a physical member, speech impairment and motor impairment, and mental impairment. **HANDICAP** does not include current use of nonprescription drugs or substances.

HOUSING. The opportunity to purchase, lease, sell, hold, use, and convey dwelling houses or dwelling units without discrimination because of race, color, religion, sex, marital status, national origin, sexual orientation, age, or handicap is hereby recognized and declared to be a civil right. It shall not be a violation of the public policy declared by this subchapter for the owner of an owner-occupied one-family or two-family dwelling to restrict occupancy.

MARITAL STATUS. Includes the state of being married, single, separated, divorced, or widowed.

NATIONAL ORIGIN. Includes the national origin of an ancestor.

PERSON. An individual, agent, association.

PUBLIC ACCOMMODATIONS. The opportunity to enjoy full and equal access to all goods and services, accommodations, advantages, and facilities in all places of public accommodation, service, amusement, and recreation, including, but not limited to, inns, hotels, motels, government housing, restaurants and eating places, barber shops, stores, public transportation and conveyances, theaters, and educational institutions without discrimination because of race, color, religion, sex, marital status, national origin, sexual orientation, age, height, weight, or handicap is hereby recognized and declared to be a civil right.

RACE. A division of humankind possessing traits that are transmissible by descent and sufficient to characterize it as a distinct human type.

RELIGION. A personal set or institutionalized system of religious attitudes, beliefs, and practices.

SEX. Gender. **SEX** includes, but is not limited to, pregnancy, childbirth, and medical conditions related to pregnancy or childbirth.

SEXUAL ORIENTATION. Male or female heterosexuality, homosexuality, or bisexuality, by conduct or preference.

(1995 Code, § 40-72) (Ord. 139, passed 7-10-1995)

§ 91.22 COMMUNITY RELATIONS COMMISSION.

There is hereby created a commission to be known as the Community Relations Commission, consisting of three members to be appointed by the City President, with the approval of the Council. The members of the Commission shall be city residents chosen so as to be broadly representative of the community at large. The members shall serve without compensation, but shall be reimbursed for expenses necessarily incurred in connection with their duties as members of the Commission. All terms of members of the Commission shall be for three years. In the event of death or resignation of any member, his or her successor shall be appointed to serve for the unexpired term for which the member has been appointed.

(1995 Code, § 40-73) (Ord. 139, passed 7-10-1995)

§ 91.23 INVESTIGATION.

Upon complaint the police will investigate and report to the designated Community Relations Commission as appointed by the City President with consent of Council. The appointed Commission will review the alleged violation and, if deemed necessary, hold a mediation hearing to seek a resolution satisfactory to all parties. Mediation hearings shall be public, unless either party requests a particular hearing be private.

(1995 Code, § 40-74) (Ord. 139, passed 7-10-1995)

§ 91.24 VIOLATIONS.

A violation of this subchapter shall not constitute a misdemeanor, but shall be subject to the provisions of § 91.23.

(1995 Code, § 40-75) (Ord. 139-A, passed 9-25-1995)

§ 91.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99.

(B) Any person violating any of the provisions of §§ 90.01*et seq.* shall, upon conviction thereof, be sentenced to pay a fine of not exceeding \$300 or to imprisonment for not more than 90 days in the County Jail, or both fined and imprisoned, in the discretion of the court.

(1995 Code, § 40-50) (Ord. 69, passed 8-4-1980)