

CHAPTER 113

Fair Housing

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CROSS REFERENCES

Interfering with civil rights - see GEN. OFF. 525.13

Ethnic intimidation - see GEN. OFF. 541.08

113.01 POLICY.

It is hereby designated to be the continuing policy of the City to do all things necessary and proper to secure for all citizens their right to equal housing opportunities regardless of their race, color, creed, sex, religion, family status, disability or national origin, ancestry, military status, sexual orientation, gender identity or source of income.

(Ord. 2012-072. Passed 5-15-12.)

113.02 SCOPE.

The provisions of this chapter shall apply to all housing located within the territorial limits of the City.

(Ord. 2012-072. Passed 5-15-12.)

113.03 DEFINITIONS.

As used in this chapter certain terms are defined as follows:

- (a) "Director" means the Building Commissioner for the City of Warrensville Heights.
- (b) "Dwelling" means any building, structure or portion thereof 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.
- (c) "Family" includes a single individual.
- (d) "Person" includes one or more individuals, corporations, partnerships, associates, labor organizations, legal representatives, mutual companies, joint stock companies, trusts, unincorporated organizations, trustees in bankruptcy, receivers and fiduciaries. It also includes, but is not limited to any owner, lessor, assignor, builder, manager, broker, salesman, agent, employee, lending institution, and the City, the State and all authorities, agencies, boards and commissions thereof.
- (e) "Discrimination" means to render any difference in treatment to any person in the sale, lease, rental or financing of a dwelling or housing unit because of a person's race, color, creed, sex, religion, family status, disability or national origin.
- (f) "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 occupants.
- (g) "Discriminatory housing practice" means any act that is unlawful as designated by this chapter.
- (h) "Discrimination complaint service" means that service established by this chapter. (Ord. 2012-072. Passed 5-15-12.)

113.04 DISCRIMINATION IN SALE OR RENTAL OF HOUSING.

It shall be unlawful 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, creed, sex, religion, family status, disability or national origin, ancestry, military status, sexual orientation, gender identity or source of income.
- (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, creed, sex, religion, family status, disability or national origin, ancestry, military status, sexual orientation, gender identity or source of income.
- (c) Make, print, 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, creed, sex, religion, family status, disability or national origin, ancestry, military status, sexual orientation, gender identity or source of income, or an intention to make any such preference, limitation or discrimination.
- (d) Represent to any person because of race, color, creed, sex, religion, family status, disability or national origin, ancestry, military status, sexual orientation, gender identity or source of income. that any dwelling is not available for inspection, sale or rental when such dwelling is in fact so available.
- (e) For profit, to induce or attempt to induce any person to sell or rent any dwelling by representatives regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, creed, sex, religion, family status, disability or national origin, ancestry, military status, sexual orientation, gender identity or source of income.

(Ord. 2012-072. Passed 5-15-12.)

113.05 DISCRIMINATION IN FINANCING OF HOUSING.

It shall be unlawful to:

- (a) Refuse to lend money, whether or not secured by mortgage or otherwise, for the acquisition, construction, rehabilitation, repair or

maintenance of housing or otherwise withhold financing of housing from any persons because of the race, color, creed, sex, religion, family status, disability or national origin, ancestry, military status, sexual orientation, gender identity or source of income of a present or prospective owner, occupant or user of such housing provided such person, whether an individual, corporation or association of any type, lends money as one of the principal aspects or incident to his principal business and not only as part of the purchase price of an owner-occupied residence he is selling nor merely casually or occasionally to a relative or a friend.

- (b) Discriminate against any person in the terms and conditions of selling, transferring, assigning, renting, leasing or subleasing any housing or in furnishing facilities, services or privileges in connection with the ownership, occupancy or use of any housing because of the race, color, creed, sex, religion, family status, disability or national origin, ancestry, military status, sexual orientation, gender identity or source of income of any present or prospective owner, occupant, or user of such housing.
- (c) Discriminate against any person in the terms and conditions of any loan of money, whether or not secured by mortgage or otherwise, for the acquisition, construction, rehabilitation, repair or maintenance of housing because of race, color, creed, sex, religion, family status, disability or national origin, ancestry, military status, sexual orientation, gender identity or source of income of any present or prospective owner, occupant or user of such housing.
- (d) Make any inquiry, elicit any information, make or keep any record or use any form of application containing questions or entries concerning race, color, creed, sex, religion, family status, disability or national origin, ancestry, military status, sexual orientation, gender identity or source of income in connection with the sale or lease of housing or the loan of any money, whether or not secured by mortgage or otherwise, for the acquisition, construction, rehabilitation, repair or maintenance of housing.

(Ord. 2012-072. Passed 5-15-12.)

113.06 DISCRIMINATION IN 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, creed, sex, religion, family status, disability or national origin, ancestry, military status, sexual orientation, gender identity or source of income.

(Ord. 2012-072. Passed 5-15-12.)

113.07 ADMINISTRATION, DISCRIMINATION COMPLAINT SERVICE AND ENFORCEMENT.

(a) This chapter shall be administered by the Building Commissioner, and the Commissioner shall also be responsible for the establishment and administration of a discrimination complaint service.

(b) The discrimination complaint service shall be available to any person who alleges that his rights have been denied relative to housing and/or financing for housing because of race, color, creed, sex, family status, religion, disability or national origin, ancestry, military status, sexual orientation, gender identity or source of income.

(c) Any person who claims to have been subjected to a discriminatory housing practice shall file a complaint in writing within 180 days of the alleged violation with the Director. The complaint shall contain such information and will be in such form as the Director may require.

(d) If the Director determines that there are reasonable grounds to believe a violation has occurred, he shall attempt to conciliate the matter within five working days of the filing of the complaint by utilizing conciliation conferences with all interested parties and such representatives as the parties may choose to assist them. These conferences shall be informal, and nothing shall be made public by the Director, regarding the conferences unless all parties agree thereto in writing. During the period the Director shall make such investigation as he deems appropriate.

(e) If the Building Commissioner and the Law Director determine that the person complained against has violated this chapter, the Law Director shall prepare and issue a directive requiring that person to cease and desist from such unlawful conduct and within fifteen calendar days take such affirmative action as will effectuate the purpose of this chapter. If after the fifteenth day, the situation has not been rectified, the Director of Community Development shall initiate the proper legal action through the Law Department of the City or through the complainant's legal counsel, or the U.S. Department of Housing and Urban Development, whatever the Director deems appropriate.

(f) If at the conclusion of the informal hearing, the Building Commissioner and Law Director determine upon the preponderance of the evidence presented that the person complained against has not violated this chapter, the Director shall issue an order dismissing the complaint.

(g) The Director is advised to seek at any time the cooperation and aid of the U.S. Department of Housing and Urban Development and any other person or group regarding any matter before the Director as he deems appropriate.

(Ord. 2012-072. Passed 5-15-12.)

113.08 OTHER LEGAL ACTIONS.

Nothing contained in this chapter shall prevent any person from exercising any right or seeking any remedy to which he or she might otherwise be entitled or from filing any complaint with any other agency or court of law.

(Ord. 2012-072. Passed 5-15-12.)

113.99 PENALTY.

Whoever violates any provision of this chapter is guilty of a misdemeanor of the third degree. (Ord. 2012-072. Passed 5-15-12.)
