

Chapter 9.16
Housing Discrimination

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9.16.010 Title.

This chapter shall be known as the fair housing ordinance. (Ord. dated 1/13/88 § 5)

9.16.020 Definitions.

“Developmental disability” means a disability attributable to mental retardation, cerebral palsy, epilepsy, autism, or another neurological condition closely related to mental retardation, or requiring treatment similar to that required for mental retardation, which has continued, or can be expected to continue indefinitely and constitutes a substantial handicap to the afflicted individual. Development disability does not include senility, which is primarily caused by the process of aging, or the infirmities of aging.

“Discriminate” and “discrimination” means to segregate, separate, exclude, or treat any person or class of persons, unequally, because of age, sex, race, color, handicap, religion, national origin, marital status of the person maintaining a household, lawful source of income or ancestry. The factors set forth herein shall be the sole basis for prohibiting discrimination.

“Handicap” means any physical disability or developmental disability.

“Housing” means any building, structure or part thereof which is used or occupied, or is intended, arranged or designed to be used or occupied, as a residence, home or place of

habitation of one or more human beings, including mobile homes as defined in Section 66.058 of the Wisconsin Statutes, and any land or sale, lease or use as a site for a building, structure or part thereof intended or designed to be used or occupied as a residence, home or place of habitation of one or more human beings, including a mobile home park as defined in Section 66.058 of the Wisconsin Statutes.

“Person” means one or more individuals, partnerships, associations, corporations, legal representatives, trustees, receivers of others fiduciaries, or the agent or agents thereof.

“Transfer” shall not mean nor include the transfer of property by will or gift.

“Unimproved residential lot” means any residential lot upon which no permanent building or structure, containing living quarters, has been constructed. (Ord. dated 1/13/88 § 1)

9.16.030 Housing.

It is unlawful for any person to discriminate against any person or class of persons:

A. By refusing to sell, lease, finance or contract to construct housing or by refusing to discuss the terms thereof; in addition, by denying a person access to or membership in or participation in real estate organizations, sales agencies or multiple listing services or any entity providing services with relationship to housing. It is unlawful to induce or attempt to induce any person to sell, rent or lease any dwelling by representations regarding the present or prospective entry into the neighborhood of a person or persons of a particular race, color, handicap, religion, national origin, marital status of the person maintaining a household, lawful source of income or ancestry or by representatives to the effect that such present or prospective entry may or will result in:

1. The lowering of real estate taxes in the area concerned, or

2. A deterioration in the character in the area concerned, or

3. An increase in antisocial behavior in the area concerned, or

4. A decline in the quality of the schools or other public facilities serving the area.

B. By refusing to permit inspection or exacting different or more stringent price terms or conditions for the sale, lease, financing or rental of housing;

C. By refusing to finance or sell an unimproved residential lot or to construct a home or residence upon such lot;

D. By publishing, circulating, issuing or displaying or causing to be published, circulated, issued or displayed any communication, notice, advertisement or sign in connection with the sale, financing, lease or rental of housing which states or indicates any discrimination in connection with housing;

E. For a person in the business of insuring against hazards by refusing to enter into or privileges with respect to the contract of insurance against hazards to a dwelling;

F. By refusing to renew a lease, causing the eviction of a tenant from rental housing or engaging in the harassment of a tenant;

G. Nothing shall prohibit the development of housing designed specifically for persons with a handicap and discrimination on the basis of handicap in relation to such housing;

H. Nothing shall be deemed to prohibit an owner or agent from requiring that any person who seeks to buy, rent or lease housing, to supply information concerning family, financial and business status. (Ord. dated 1/13/88§ 2)

9.16.040 Unlawful to Aid Discriminatory Acts.

No person shall aid, abet, incite, compel or coerce the doing of any act which violates this chapter or obstructs or prevents any person from complying with the

provisions of this chapter. (Ord. dated 1/13/88 § 3)

9.16.050 Housing Committee.

The village president, subject to confirmation by the village board, may appoint a fair housing committee consisting of three members, one of whom shall be designated chairman of the committee by the members of the committee. One member shall be a Village board member who shall be a member of the committee only as long as he holds office as a village board member. The other two members shall be appointed from residents of the village and shall be representative of all races, creeds, colors or organizations and fields of endeavor.

A. Members of the committee shall receive no compensation for their services.

B. The term of office for the members of the committee shall be for three years.

C. The duties of the committee shall be as follows:

1. The committee may promulgate such rules and guidelines as are necessary for it to carry out its duties and in this regard may hold hearings, subpoena witnesses, take testimony and make independent investigations. The committee may upon its own motion test and investigate for the purpose of establishing violations and may make, sign and initiate studies to carry out their duties.

2. The committee shall study the existence, character, cause and extent of the denial of fair housing because of age, sex, race, color handicap, religion, national origin, marital status of the person maintaining a household, lawful source of income or ancestry.

3. The committee shall informally recommend solutions to individual problems that may arise which involve the denial of fair housing because of age, sex, race, color, handicap, religion, national origin, marital status of the person maintaining a household, or lawful source of income or ancestry.

4. The committee shall disseminate information and provide technical assistance, consultation training programs and other techniques to educate the residents of the Village and to aid both private and public agencies to use their resources to promote fair housing for all persons.

5. The committee shall receive complaints alleging violations of this chapter and to attempt to eliminate or remedy any violations by means of conciliation, persuasion, education, or any other means to make the complaint whole again. In the case agreement is reached, a conciliation agreement in writing shall be signed by the complainant and respondent and by the chairman of the fair housing committee. In the case where the committee obtains compliance with the chapter before a public hearing is held, or where the committee upon investigation finds that the complaint is without foundation, no public disclosure shall be made by the committee of the name of the person or persons named in the complaint, and the complainant. Nothing herein shall prohibit confidential communications and exchange of information, including but not limited to the names of the people involved and the results of any investigation, between the fair housing committee and other official government agencies.

6. The committee shall periodically, but not less than once per year, submit a written report of its activities and recommendations to the village board.

D. The fair housing committee shall follow the following procedure in acting on complaints of discrimination:

1. The committee may receive and investigate a complaint charging an alleged discrimination of the complaint is filed with the committee no more than three hundred (300) days after the alleged discrimination occurred.

A complaint shall be a written statement of the essential facts constituting the discrimination charged, and shall be verified.

The committee may upon its own knowledge, test and investigate for the purpose of establishing violations and may thus make, sign and file complaints alleging violations.

2. If the committee finds probable cause to believe that any discrimination has been, or is being committed, it shall immediately endeavor to eliminate the practice by conference, conciliation or persuasion.

If in the cause of failure to eliminate the alleged discrimination, the committee shall issue and serve a written notice of a hearing, specify the nature of the discrimination which is alleged to have been committed, and require the respondent to answer the complaint in writing within ten calendar days after receipt of the written notice of hearing and to appear at the hearing on the appointed date and time.

The notice shall specify a date and time of the hearing not less than thirty (30) calendar days after service of the notice of the hearing. All testimony at the hearing shall be recorded.

3. If after the hearing the committee finds that the respondent is engaged in discrimination it shall make written findings and order such action by the respondent as will redress the injury done to the complainant in violation of this chapter, bring respondent into compliance with its provisions and generally effectuate the purpose of this chapter.

4. The committee shall serve a certified copy of its finding and orders on the respondent.

5. If the committee finds that the respondent has not engaged in discrimination as alleged in the complaint, it shall serve a certified copy of its findings on the complainant together with an order dismissing the complaint.

6. The committee shall monitor, in such manner as it shall determine appropriate, compliance with its conciliation agreements and orders.

7. Whenever in the judgment of the committee, the judicial enforcement of this chapter is necessary, the committee shall in writing request the village to enforce this chapter in the name of the Village of Oakfield.

8. Upon receipt of a request from the committee by the village board, the Village attorney shall have the power and duty to seek enforcement of this chapter in a court of competent jurisdiction.

9. All orders of the equal opportunity committee shall be final administrative determination and shall be subject to review in court as by law may be provided.

E. The equal opportunity committee shall use the following procedures in acting on complaints of discrimination filed against the village of Oakfield. (Ord. dated 1/13/88 § 4)

9.16.060 Violation—Penalty.

A. Any person violating any of the provisions of this chapter shall upon conviction be subject to a forfeiture of no less than one hundred dollars (\$100.00) and not more than one thousand dollars (\$1,000.00). In no case, however, shall the forfeiture required by WSA Section 101.22.

B. Any person who shall fail or neglect to comply with any lawful order of the fair housing committee issued pursuant to the provisions of this chapter, and every day or fraction thereof on which such person shall fail or neglect to comply with such orders, shall be deemed a separate offense. (Ord. dated 1/13/88 § 7)