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**Subdivision II. - Housing Civil Rights**

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**Sec. 46-51. - Discrimination in the sale or rental of housing.**

Except as provided in this section it shall be unlawful:

- (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, age, religion, sex, national origin, marital status or handicap.
- (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, age, religion, sex, national origin, height, weight, familial status, marital status or handicap.
- (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, age, religion, sex, national origin, height, weight, familial status, marital status or handicap.
- (4) To represent to any person because of race, color, age, religion, sex, national origin, height, weight, familial status, marital status, or handicap that any dwelling is not available for inspection, sale, or rental when such dwelling is in fact so available.
- (5) For profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person of a particular race, color, age, religion, sex, national origin, height, weight, familial status, marital status or handicap.

*(Ord. No. 371, § 1(6.352), 10-6-81)*

**Sec. 46-52. - Discrimination in the financing of housing.**

It shall be unlawful 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 therefor 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 loan or other financial assistance, because of the race, color, age, religion, sex, national origin, height, weight, familial status, marital status or handicap of such person or of any person associated with him in connection with such loan or other financial assistance, or of the present or prospective owners, lessees, tenants, or occupants of the dwelling in relation to which such loan or other financial assistance is to be made or given; provided, however, that nothing contained in this section shall impair the scope or

effectiveness of the exception contained in [section 46-54\(b\)](#).

(Ord. No. 371, § 1(6.353), 10-6-81)

### **Sec. 46-53. - 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 broker's 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, age, religion, sex, national origin, height, weight, familial status, marital status or handicap.

(Ord. No. 371, § 1(6.354), 10-6-81)

### **Sec. 46-54. - Exemptions.**

(a) Except for subsection (3) of [section 46-51](#) nothing in [section 46-51](#) shall apply to:

- (1) Any single-family home 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 that in the cause 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 is 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 24-month period; provided further that such bona fide private individual owner does not own any interest in, nor is there owned or reserved on his behalf, under any express or voluntary agreement, title to 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 that the sale or rental of any such single-family house shall be excepted from the application of this division only if such house is sold or rented:
  - a. Without the use in 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;
  - b. Without the publication, posting or mailing, after notice, of any advertisement or written notice in violation of [section 46-51\(3\)](#).

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.

- (2) Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than two families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his residence.
- (b) For the purposes of subsection (a) of this section, a person shall be deemed to be in the business of selling or renting a dwelling if:
- (1) He has within the preceding 12 months participated as principal in three or more transactions involving the sale or rental of any dwelling or any interest thereof;
  - (2) He has, within the preceding 12 months, participated as agent, other than in the sale of his own personal residence, in providing sales or rental facilities or sales or rental services in two or more transactions involving the sale or rental of any dwelling or any interest therein; or
  - (3) He is the owner of any dwelling designed or intended for occupancy by, or occupied by, five or more families.
- (c) 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, age, sex, national origin, height, weight, familial status, marital status or handicap, nor shall anything in this division prohibit a private club not in fact open to the public, which as an incident to its primary 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.

- (d) Nothing in this division shall require anyone owning or possessing an interest in real property to offer the property to the public at large before selling or renting such interest, nor shall this division prohibit the owner, lessor, lessee, sublessee, real estate broker, or financial or lending institution or the agents of the foregoing, from refusing to enter into a real estate transaction with a person who does not have the legal capacity to enter into a self-binding contract.

*(Ord. No. 371, § 1(6.355), 10-6-81)*

**Secs. 46-55—46-65. - Reserved.**