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Sec. 14-5. - Declaration of policy.

It is hereby declared to be the policy of the city in the exercise of its police power for the protection of the public safety, health and general welfare, for the maintenance of business and good government, and for the promotion of the city's trade, commerce and manufacture, to assure equal opportunity to all persons to live in adequate housing facilities, regardless of religion, race, color, national origin, age, sex, marital status or source of income and to that end to prohibit discrimination in housing.

Sec. 14-6. - Definitions.

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Commission. The human relations commission of the city.

Financial institution. Any association or corporation regularly engaged in the business of lending money, guaranteeing loans or acting as a broker for the purpose of obtaining money for loans.

Housing accommodation. The term "housing accommodation" includes any improved or unimproved real property, or part thereof, which is used or occupied, or is intended, arranged or designed to be used or occupied, as the home or residence of one (1) or more individuals.

Person. An individual, association, corporation, joint apprenticeship, committee, joint stock company, labor union, legal representative, mutual company, partnership, receiver, trust, trustee, trustee in bankruptcy, unincorporated organization, any other legal or commercial entity, the state or any governmental entity or agency.

Real estate broker or salesman. A person, whether licensed or not, who for or with the expectation of receiving a consideration, lists, sells, purchases, exchanges, rents or leases real property, or who negotiates or attempts to negotiate any of these activities, or who holds himself out as engaged in these activities, or who negotiates or attempts to negotiate a loan secured or to be secured by mortgage or other encumbrance upon real property, or who is engaged in the business of listing real property in a publication, or a person employed by or acting on behalf of any of these.

Real estate transaction. The term "real estate transaction" includes the sale, exchange, rental or

lease of real property.

Real property. Buildings, structures, real estate, lands, tenements, leaseholds, interests in real estate cooperatives, condominiums and hereditaments, corporeal and incorporeal, or any interest therein.

Source of income. Source of income shall mean any legal source from which a person obtains money. This section shall not prevent reasonable inquiry regarding a person's source of income or the ability to meet the financial obligations of housing. This definition shall not be construed to prevent a good faith business determination relating to a person's ability to meet the financial burdens involved.

(Ord. No. 1341, 7-17-02)

Sec. 14-7. - Unfair housing practices—Real estate transactions generally.

It shall be an unfair housing practice and unlawful for an owner, real estate broker or real estate salesman, or any other person as defined in this article:

- (a) To refuse to negotiate for a real estate transaction with a person because of religion, race, color, national origin, age, sex, marital status or source of income.
- (b) To refuse to engage in a real estate transaction with a person because of religion, race, color, national origin, age, sex, marital status or source of income.
- (c) To discriminate against a person in the terms, conditions, or privileges of a real estate transaction or in the furnishing of facilities or services in connection therewith because of religion, race, color, national origin, age, sex, marital status or source of income.
- (d) To refuse to receive from, or to fail to transmit to, a person a bona fide offer to engage in a real estate transaction because of religion, race, color, national origin, age, sex, marital status or source of income.
- (e) To represent to a person that real property is not available for inspection, sale, rental or lease when in fact it is so available, or to fail to bring a property listing to his attention, or to refuse to permit him to inspect real property, under reasonable conditions, because of religion, race, color, national origin, age, sex, marital status or source of income.
- (f) To publish or advertise, directly or indirectly, an intent to make a limitation, specification or discrimination based on religion, race, color, national origin, age, sex, marital status or source of income.
- (g) To use a form of application for a real estate transaction for the purpose of making a limitation, specification or discrimination based on religion, race, color, national origin, age, sex, marital status or source of income.
- (h) To make a record or inquiry in connection with a prospective real estate transaction which indicates the religion, race, color, national origin, age, sex, marital status or source of income.
- (i) To offer, solicit, accept, use or retain in listing of real property with the understanding that a person may be discriminated against in a real estate transaction or in the furnishing of facilities or services in connection therewith with respect to religion, race, color, national origin, age, sex, marital status or source of income.

(Ord. No. 1341, 7-17-02)

Sec. 14-8. - Same—Pinching.

It is an unfair housing practice and unlawful for a person to whom application is made for financial assistance in connection with a real estate transaction or for the construction, rehabilitation, repair, maintenance or improvement of real property, or a representative of such a person:

- (a) To discriminate against the applicant because of religion, race, color, national origin, age, sex, marital status or source of income.

- (b) To use a form of application for financial assistance or to make or keep a record or inquiry in connection with applications for financial assistance which indicates, directly or indirectly, the religion, race, color, national origin, age, sex, marital status or source of income.

(Ord. No. 1341, 7-17-02)

Sec. 14-9. - Same—Inducing of transactions.

It is an unfair housing practice and unlawful for a person, for the purpose of inducing a real estate transaction from which he may benefit financially:

- (a) To initiate, instigate or participate in a series of representations, advertisements or contacts within a block, neighborhood or area designed to promote real estate transactions in the block, neighborhood or area based on the implication, directly or indirectly, that changes have occurred or will or may occur in the composition with respect to religion, race, color, national origin, age, sex, marital status or source of income of the owners or occupants in the block, neighborhood or area in which the real property is located, or that the changes will or may result in the lowering of property values, or an increase in criminal or antisocial behavior or a decline in the quality of the schools in the block, neighborhood or area in which the real property is located.
- (b) To solicit the sale or listing for sale of real property, by telephone, mail or personally, after the property owner has expressly requested the solicitor or the company he represents to cease such solicitation.

(Ord. No. 1341, 7-17-02)

Sec. 14-10. - Same—Retaliation; discrimination; coercion; interference with commission; preventing compliance.

It is an unfair housing practice and unlawful:

- (a) To retaliate or discriminate against a person because he has opposed an unfair housing practice, or because he has made a charge, filed a complaint, testified, assisted or participated in an investigation, proceeding or hearing under this article.
- (b) To coerce a person to engage in an unfair housing practice.
- (c) To interfere willfully with the performance of a duty or the exercise of a power by the commission or one (1) of its members or representatives under this article.
- (d) To obstruct or prevent willfully a person from complying with the provisions of this article.

(Ord. No. 1341, 7-17-02)

Sec. 14-11. - Exemptions from article.

This article shall not apply:

- (a) To the rental of a housing accommodation in a building which contains housing accommodations for not more than two (2) families living independently of each other, if the owner or lessor or a member of his family resides in one (1) of the housing accommodations.
- (b) To the rental of one (1) or more rooms in a single-family dwelling by the owner or lessor if he or a member of his family resides therein.
- (c) To the sale or rental by the owner or lessor of a housing accommodation in a building which contains housing accommodations for not more than two (2) families living independently of each other which was not in any manner listed or publicly advertised for sale or rental.
- (d) To the rental of a housing accommodation for not to exceed twelve (12) months by the owner or lessor where it was occupied by him and maintained as his home for at least three (3)

months immediately preceding occupancy by the tenant and is temporarily vacated while maintaining legal residence.

(Ord. No. 1341, 7-17-02)

Sec. 14-12. - Enforcement procedure.

- (a) *Complaints.* The commission may receive complaints from any person concerning violations or possible violations of any provision of this article. Such complaint shall be in writing, under oath, stating that an unfair housing practice has been committed, setting forth the facts upon which the complaint is based, and setting forth facts sufficient for the commission to identify the person charged. The complaint shall further state under oath that the complaint is made in good faith and not for the purpose of harassment or entrapment. Such complaint shall be filed with the commission within ninety (90) days after the alleged unfair housing practice occurred.
- (b) *Investigation.* The commission shall cause a prompt and full investigation of each complaint; such investigation to be undertaken by such agent or committee of the commission as the commission shall from time to time appoint and determine.
- (c) *Conciliation proceedings.* If the commission determines, after investigation, that probable cause exists for the complaint, it shall attempt to eliminate the unlawful practice by means of conciliation and persuasion. The commission shall not make public the details of any conciliation proceedings until the conditions have been satisfactorily adjusted or no further action is deemed advisable.
- (d) *Public hearing; statement of charges.* In any case of failure to eliminate the unlawful housing practice charged in the complaint by means of conciliation or persuasion, the commission shall hold a public hearing to determine whether or not an unlawful housing practice has been committed. The commission shall serve upon the person charged with having engaged in the unlawful housing practice a statement of the charges made in the complaint and a notice of the time and place of the hearing. The hearing shall be held not less than ten (10) days after the service of the statement of charges. The respondent shall have the right to file an answer to the statement of charges, to appear at the hearing in person, or to be represented by an attorney or by any other person, and to participate in the hearing.
- (e) *Decisions and action by commission—Statement of findings of fact; dismissal of unjustified complaint.* If, upon the evidence presented, the commission finds that the respondent has not engaged in any unlawful housing practice, it shall state its findings of fact and the complaint shall be considered dismissed. If, upon all the evidence presented, the commission finds that the person has engaged or is engaging in an unlawful housing practice, it shall state its findings of fact.
- (f) *Same—Action when person fails to cease unfair housing practice.* In the event that the person charged with having engaged in the unlawful housing practice fails to cease such practice, the commission shall either:
 - (1) Certify the case and the entire record of its proceedings to the city attorney, who shall thereupon investigate evidence and shall take such legal course as the necessities of the case require, or
 - (2) Shall transfer jurisdiction of such matter to the state civil rights commission as provided in Act 112 of the Public Acts of 1968.

(Ord. No. 1341, 7-17-02)

Sec. 14-13. - Violations and penalties.

The violation of any provision of this article shall be punishable by the penalties set forth in [section 1-10](#).

(Ord. No. 1341, 7-17-02)