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**ARTICLE 6. - FAIR HOUSING** [66]

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**Sec. 74-201. - Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Discrimination, discriminating and discriminate* mean 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, creed, color, sex, marital status, religious belief, age, height, weight, national origin, disability or source of income.

*Housing* includes any building, facility or structure, or portion thereof, which is used or occupied, or is intended, arranged or designed to be used or occupied, as the home, residence or sleeping place of one or more persons, groups or families and any vacant land offered for sale or lease for the construction or location thereon of such building, facility or structure.

*Lending institution* means any bank, building and loan association, savings and loan association, insurance company or other persons whose business consists, in whole or in part, of the lending of money or guaranteeing loans.

*Real estate agent* includes any real estate salesman, or an agent thereof, or any other person, partnership, association or corporation who, for a consideration, sells, purchases, exchanges, rents, leases, negotiates, offers or attempts to negotiate the sale, purchase, exchange, rent or otherwise transfer of any interest in real property.

(Comp. Ords. 1987, § 18.102)

**Cross reference**— Definitions generally, § 1-2.

**Sec. 74-202. - Designation of policy.**

It is hereby designated to be the continuing policy of the City to do those things necessary and proper to secure for all its citizens their right to equal housing opportunities regardless of their race, creed, color, sex, marital status, religious belief, age, height, weight, national origin, disability or source of income.

(Comp. Ords. 1987, § 18.101)

### **Sec. 74-203. - Applicability.**

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

(Comp. Ords. 1987, § 18.107)

### **Sec. 74-204. - Exemptions.**

This article shall not apply to:

- (1) A religious organization, association or society, or any nonprofit institution or organization operating, supervised or controlled by, or in conjunction with, a religious organization, association or society, which limits the sale, rental or occupancy of dwellings which it owns or operates for other than commercial purposes to persons of the same religion, or which gives preference to such persons, unless membership in such a religion is restricted on account of race, color, sex or national origin.
- (2) 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, and which limits the rental or occupancy of such lodgings to its members or gives preference to its members.
- (3) Any single-family house 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 case 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 was 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 served on his behalf, under any express or voluntary agreement, title to or any right to all or a portion of the proceeds from the sale or rental of more than three 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 article 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 any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, agent, salesman or person; and
  - b. Without the publication, posting or mailing after notice of any advertisement or written notice in violation of [section 74-206](#), but 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; or
- (4) Rooms or units in dwellings containing living quarters occupied, or intended to be occupied, by no more than four families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his residence.

(Comp. Ords. 1987, § 18.104)

### **Sec. 74-205. - Unlawful housing practices.**

It shall be an unlawful housing practice and a violation of this article:

- (1) For any person or real estate agent to:
  - a. Discriminate against any person in the selling, leasing, subleasing, renting, assigning or otherwise transferring of any interest in housing.
  - b. Discriminate against any person by refusing to negotiate, refusing to transmit a bona fide offer, making false representations of the availability of, or withdrawing from the

- market, a housing unit which is for sale, lease, sublease or rent.
- c. Include in their terms, conditions or privileges of any sale, lease, sublease, rental, assignment or other transfer of any housing, any clause, condition or restriction discriminating against any person in the use or occupancy of such housing.
  - d. Discriminate in the furnishing of any facility, repair, improvement or service or in the terms, conditions, privileges, or tenure or occupancy of any person.
- (2) For any lending institution to:
- a. Discriminate in lending money, guaranteeing loans, accepting a deed, trust or mortgage, or otherwise making available funds for purchasing, constructing, improving, altering, repairing, rehabilitating or maintaining any housing or to discriminate against in the fixing of the amount, interest rate, duration or other terms, conditions or provisions of any such financial assistance.
  - b. Discriminate in the lending of money, guaranteeing loans, accepting a deed, trust or mortgage, or otherwise making funds available on the basis of the geographic location.
- (3) For any person, real estate agent or lending institution, with respect to any prohibited act specified in this article, to publish or circulate, or cause to be published or circulated, any notice, statement, listing or advertisement, or to announce a policy or make any record in connection with the prospective sale, lease, sublease, rental or financing of any housing which indicates reliance, determination or decision based on race, creed, color, sex, marital status, religious belief, age, height, weight, national origin, disability or source of income.
- (4) For any person or real estate agent to assist in, compel or coerce the doing of any act declared to be an unlawful housing practice under this article, or obstruct or prevent endorsement or compliance with provisions of this article, or attempt, directly or indirectly, to commit any act declared by this article to be an unlawful housing practice.
- (5) For any person, real estate agent or lending institution to:
- a. Induce, or attempt to induce, the sale, transfer of interest or listing for sale of any housing by making representations regarding the existing or potential proximity of real property owned, used or occupied by any person of any particular race, creed, color, sex, marital status, religious belief, age, height, weight, national origin, disability or source of income by direct or indirect methods.
  - b. Make any representation to a prospective purchaser or lessee that any housing in a particular block, neighborhood or area may undergo, is undergoing or has undergone a change with respect to race, creed, color, sex, marital status, religious belief, age, height, weight, national origin, disability or source of income of such block, neighborhood or area.
  - c. Induce, or attempt to induce, the sale or listing for sale of any housing by representing that the presence or anticipated presence of persons of any particular race, creed, color, sex, marital status, religious belief, age, height, weight, national origin, disability or source of income in the block, neighborhood or area will or may result in:
    1. The lowering of property values.
    2. A change in the racial, color, religious, nationality or ethnic composition of the block, neighborhood or area in which the property is located.
    3. An increase in criminal or antisocial behavior in the area.
    4. A decline in the quality of the schools serving the area.
- (6) For any person or real estate agent to:
- a. Cause or coerce, or attempt to cause or coerce, retaliation against any person because such person has lawfully opposed any act or failure to act that is a violation of this article or has, in good faith, filed a complaint, testified, participated or assisted in any way in any proceeding under this article or prevent any person from complying with this article.

- b. 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 housing or discriminate against a person in the terms or conditions of such access, membership or participation.
- c. Do any other thing or engage in conduct which would otherwise make unavailable equal housing opportunities.

*(Comp. Ords. 1987, § 18.103)*

### **Sec. 74-206. - Complaint procedures.**

- (a) Any person subjected to an unlawful housing practice may file, within 180 days of the alleged violation, with the Mayor or his designee, a written complaint, sworn to or affirmed, which shall state the name and address of the person aggrieved; the name and address against whom the complaint is filed; a description and the address of the dwelling which involves the alleged discriminatory housing practice; and a concise statement of the facts, including pertinent dates, times, individuals involved and other such facts constituting the alleged discriminatory housing practice as may be required by the Mayor or his designee. The complaint may be reasonably and fairly amended.
- (b) Upon the filing of any written complaint, the Mayor or his designee shall make a prompt investigation in connection therewith. If he determines after such investigation that no probable cause exists in connection with the alleged unlawful housing practice, he shall so advise the complainant. If he determines after such investigation that probable cause exists in connection with the unlawful housing practice, he shall immediately endeavor to eliminate the alleged practice by conference, conciliation and persuasion.
- (c) The Mayor or his designee shall strive to reduce the terms of conciliation to writing and incorporate them into a consent agreement signed by both parties, which agreement is for conciliation purposes only and does not constitute an admission by any party that the law has been violated. Consent agreements shall be approved as to form by the City Attorney and signed by the Mayor on behalf of the City.
- (d) If the Mayor or his designee is unable to conciliate a complaint, he shall refer the complaint to the City Attorney, who shall thereupon review the file and recommend to the City whether or not the City should take further action with reference thereto.

*(Comp. Ords. 1987, § 18.106)*

### **Sec. 74-207. - Posting of notices.**

- (a) Every real estate agent shall purchase and post in a conspicuous location in that portion of his place of business normally used by him for negotiating the terms of a sale or lease of housing, and each person who operates a multiunit residential building containing more than two units shall post at all times when prospective tenants are being interviewed, in a conspicuous location in that portion of his housing business normally used by him for negotiating the rental of a housing unit therein, a notice prepared by the City, which contains the following language, printed in black on a light-colored background in not less than 14-point type:

"It is a violation of the fair housing ordinance of the City of Kentwood, State of Michigan, for any real estate agent, or any person owning or managing a multiunit apartment dwelling unit, to:

- (1) Deny housing to any person because of race, creed, color, sex, marital status, religious belief, age, height, weight, national origin, disability or source of income.
- (2) Discriminate against any person because of race, creed, color, sex, marital status, religious belief, age, height, weight, national origin, disability or source of income to the terms, conditions or privileges of housing accommodations or in the furnishing of facilities or services in connection therewith."

"IF YOU BELIEVE YOU HAVE BEEN DISCRIMINATED AGAINST, CONTACT THE CITY OF

KENTWOOD, THE MICHIGAN DEPARTMENT OF CIVIL RIGHTS OR THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT."

- (b) Failure to comply with this section shall constitute a violation of this article.  
(*Comp. Ords. 1987, § 18.105*)

**Sec. 74-208. - Violations; penalties; relief.**

- (a) Every person convicted of a violation of this article shall be guilty of a misdemeanor.  
(b) Further, to the extent permitted by law, the court in any civil case arising under this section may award damages to the aggrieved party and injunctive relief, if the circumstances so require.  
(*Comp. Ords. 1987, § 18.110*)

**Sec. 74-209. - Other legal action.**

Nothing contained in this article shall prevent any person from exercising any right or seeking any remedy to which he might otherwise be entitled or from filing any complaint with any other agency or court.  
(*Comp. Ords. 1987, § 18.108*)

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FOOTNOTE(S):

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<sup>(66)</sup> **State Law reference**— *Fair housing, MCL 37.2501 et seq.* ([Back](#))