

ARTICLE II. - FAIR HOUSING

Sec. 50-26. - 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:

Housing accommodation means improved or unimproved real property, or a 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 or more persons.

Real estate broker or salesman means 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; who negotiates or attempts to negotiate any of those activities; who holds himself out as engaged in those activities; who negotiates or attempts to negotiate a loan secured or to be secured by a mortgage or other encumbrance upon real property; who is engaged in the business of listing real property in a publication; or a person employed by or acting on behalf of a real estate broker or salesman.

Real estate transaction means the sale, exchange, rental or lease of real property, or an interest therein.

Real property means a building, structure, mobile home, real estate, land, mobile home park, trailer park, tenement, leasehold, or an interest in a real estate cooperative or condominium.

(Code 1965, § 9.191)

Cross reference— Definitions generally, § 1-2.

Sec. 50-27. - Real estate transactions—Brokers; salesmen; prohibited conduct.

A person engaging in a real estate transaction, or a real estate broker or salesman, shall not on the basis of religion, race, color, national origin, age, sex, height, weight, familial status, marital status, or handicap of a person or a person residing with that person:

- (1) Refuse to engage in a real estate transaction with a person.
- (2) 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.
- (3) Refuse to receive from a person or transmit to a person a bona fide offer to engage in a real estate transaction.
- (4) Refuse to negotiate for a real estate transaction with a person.
- (5) Represent to a person that real property is not available for inspection, sale, rental, or lease when in fact it is so available, or knowingly fail to bring a property listing to a person's attention, or refuse to permit a person to inspect real property.
- (6) Print, circulate, post, mail, or otherwise cause to be published a statement, advertisement, notice, or sign, or use a form of application for a real estate transaction, or make a record of inquiry in connection with a prospective real estate transaction, which indicates, directly or

indirectly, an intent to make a preference, limitation, specification, or discrimination with respect thereto.

- (7) Offer, solicit, accept, use, or retain a 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.

(Code 1965, § 9.192)

Sec. 50-28. - Same—Exclusions.

(a) The provisions of section 50-27 shall not apply:

- (1) To the rental of a housing accommodation in a building which contains housing accommodations for not more than two families living independently of each other if the owner or a member of the owner's immediate family resides in one of the housing accommodations, or to the rental of a room in a single-family dwelling by a person if the lessor or a member of the lessor's immediate family resides therein.
- (2) To the rental of a housing accommodation for not more than 12 months by the owner or lessor where it was occupied by him and maintained as his home for at least three months immediately preceding occupancy by the tenant and is temporarily vacated while maintaining legal residence.
- (3) With respect to the age provision only, to the sale, rental, or lease of housing accommodations meeting the requirements of federal, state, or local housing programs for senior citizens, or accommodations otherwise intended, advertised, designed or operated, bona fide, for the purpose of providing housing accommodations for persons 50 years of age or older.

(b) As used in subsection (a) of this section, the expression "immediate family" means a spouse, parent, child or sibling.

(c) Information relative to the marital status of an individual may be obtained when necessary for the preparation of a deed or other instrument of conveyance.

(Code 1965, § 9.193)

Sec. 50-29. - Financing; prohibited conduct.

(a) A person to whom application is made for financial assistance or financing in connection with a real estate transaction or in connection with the construction, rehabilitation, repair, maintenance, or improvement of real property, or a representative of that person, shall not:

- (1) Discriminate against the applicant because of the religion, race, color, national origin, age, sex, height, weight, familial status, marital status or handicap of the applicant or a person residing with the applicant.
- (2) Use a form of application for financial assistance or financing or make or keep a record or inquiry in connection with an application for financial assistance or financing which indicates, directly or indirectly, a preference, limitation, specification, or discrimination as to the religion, race, color, national origin, age, sex, height, weight, familial status, marital status or handicap of the applicant or a person residing with the applicant.

(b) Subsection (a)(2) of this section shall not apply to a form of application for financial assistance prescribed for the use of a lender regulated as a mortgagee under the National Housing Act, as amended, being 12 USC 1701—1750G, supplement 1973, or by a regulatory board or officer acting under the statutory authority of this state or the United States.

(Code 1965, § 9.194)

Sec. 50-30. - Limitation on use or occupancy void; exception for religious or charitable institution.

- (a) A condition, restriction, or prohibition, including a right of entry or possibility of reverter, which directly or indirectly limits the use or occupancy of real property on the basis of religion, race, color, national origin, age, sex, height, weight, familial status, marital status or handicap is void, except a limitation of use on the basis of religion relating to real property held by a religious institution or organization, or by a religious or charitable organization operated, supervised, or controlled by a religious institution or organization.
- (b) A person shall not insert in a written instrument relating to real property a provision that is void under this section or honor such a provision in the chain of title.

(Code 1965, § 9.195)

Sec. 50-31. - Inducing of transactions.

A person shall not represent, for the purpose of inducing a real estate transaction from which the person may benefit financially, that a change has occurred or will or may occur in the composition with respect to religion, race, color, national origin, age, sex, height, weight, familial status, marital status or handicap of the owners or occupants in the block, neighborhood, or area in which the real property is located, or represent that this change will or may result in the lowering of property values, an increase in criminal or antisocial behavior, or a decline in the quality of schools in the block, neighborhood, or area in which the real property is located.

(Code 1965, § 9.196)

Sec. 50-32. - Violation of article as municipal civil infraction.

A person who violates any provision of this article is responsible for a municipal civil infraction.

(Ord. No. 491, § 28(9.197), 7-24-95)