

## TABLE OF CONTENTS

CHAPTER 17: FAIR HOUSING.....	17-1
17.0100    DECLARATION OF POLICY .....	17-1
17.0200    DEFINITIONS.....	17-1
17.0201    Definitions.....	17-1
17.0300    UNLAWFUL PRACTICES .....	17-1
17.0400    EXEMPTIONS .....	17-3
17.0500    PROCEDURE.....	17-4
17.0600    PENALTIES.....	17-4



## **CHAPTER 17: FAIR HOUSING**

### **17.0100 DECLARATION OF POLICY**

It is hereby declared to be the policy of the City of Marinette to assure equal opportunity to all persons to live in decent housing facilities regardless of race, color, religion, ancestry, national origin, sex, handicap, marital status of person maintaining a household, lawful source of income, place of birth or age and, to that end, to prohibit discrimination in housing by any persons.

### **17.0200 DEFINITIONS**

#### **17.0201 Definitions**

The following definitions are used in this Chapter:

- A. "Dwelling" shall mean any building, structure, or portion thereof which is occupied as, or designed for occupancy as, a residence by one (1) or more families, and any vacant land which is offered for sale or lease for the construction thereon of any such buildings or structure.
- B. "Person" includes a single individual.
- C. "Family" includes one (1) or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, and receivers.
- D. "To Rent" includes to lease, sublease, to let and otherwise grant for a consideration the right to occupy premises not owned by the occupant.
- E. "Discrimination" or "Discriminatory Housing Practice" means any difference in treatment based upon race, color, religion, ancestry, national origin, sex, handicap, marital status of the person maintaining a household, lawful source of income, place of birth, or age; or any fact that is unlawful under this ordinance.

### **17.0300 UNLAWFUL PRACTICES**

In connection with any of the transactions set forth in this Section which affect any housing accommodation on the open market or in connection with any public sale, purchase, rental, financing, or lease of any housing accommodation, it shall be unlawful within the City of Marinette for a person, owner, financial institution, real estate broker or real estate salesman, or any representative of the above, to:

- A. Refuse to sell, purchase, rent, or lease, or deny to or withhold any housing accommodation from a person because of his race, color, religion, ancestry, national origin, sex, handicap, marital status of the person maintaining a household, lawful source of income, place of birth, or age.

- B. Discriminate against any person in the terms, conditions, or privileges of the sale, purchase, rental, or lease of any housing accommodation, in the furnishing of facilities or services in connection therewith.
- C. Represent to a person that any housing accommodation is not available for inspection, sale, purchase, rental, or lease when, in fact, it is so available, or to refuse to permit a person to inspect any housing accommodation, because of his race, color, religion, ancestry, national origin, sex, handicap, marital status of the person maintaining a household, lawful source of income, place of birth, or age.
- D. Make, publish, print, circulate, post, or mail, or cause to be made, published, printed, circulated, posted or mailed, any notice, statement or advertisement, or to announce a policy, or to sign or to use a form of application for the sale, purchase, rental, lease, or financing of any housing accommodation, or to make a record of inquiry in connection with the prospective sale, purchase, rental, lease, or financing of any housing accommodation, which indicates any discrimination or any intent to discriminate.
- E. Induce directly or indirectly or attempt to induce directly or indirectly the sale, purchase, rental, or lease for the listing for any of the above, of any housing accommodation by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, or national origin.
- F. Retaliate or discriminate in any manner against a person because he has opposed a practice declared unlawful by this article, or because he has filed a complaint, testified, assisted in, or participated in, any manner in any investigation, proceeding, hearing, or conference under this ordinance.
- G. 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 purchase, 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 loans or other financial assistance because of the race, color, religion, ancestry, national origin, sex, handicap, marital status, lawful source of income, place of birth, or age of such person or any person associated with him in the connection of such loan or other financial assistance or the purpose of such loan or other financial assistance or of the present or prospective owners, lessees, tenants, or occupants of the dwelling or dwellings in relation to which such loan or other financial assistance is to be made or given.
- H. Deny any qualified person access or membership or participation in any multiple service, real estate brokers 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 participating, on account of race, color, religion, ancestry, national origin, sex, handicap, marital status, lawful source of income, place of birth, or age.

## **17.0400 EXEMPTIONS**

This ordinance does not apply to:

- A. A religious organization, association, or society, or any non-profit institution or organization operating, supervised, or controlled by or in conjunction with the religious organization, association, or society, which limits the sales, 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, national origin, sex, handicap or lawful source of income, place of birth or age.
- B. A private club not in fact open to the public, which as an incident to its primary purpose or purposes, provides lodging 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.
- C. Any single-family house sold or rented by an owner; provided that such private individual owner does not own more than three (3) 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 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 a twenty-four (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, titled to or any right to all or a portion of the proceeds from the sale or rental of any such single-family house shall be excepted from the application of this ordinance only if such house is sold or rented:
  1. 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; and
  2. Without the publication, posting, or mailing, after notice, of any advertisement or written notice in violation of the provisions of 42 United States Code Section 3604(c) or of Section 3 of this ordinance; 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 title; or

- D. Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four (4) families living independently of each other, or if the owner actually maintains and occupies one (1) of such living quarters as his residence.

**17.0500 PROCEDURE**

Any person aggrieved by an unlawful practice prohibited by this ordinance may file a complaint with the Marinette Housing Authority thirty (30) days after the aggrieved person becomes aware of the alleged unlawful practice and in no event more than sixty (60) days after the alleged unlawful practice has occurred. The Marinette Housing Authority shall receive each complaint and attempt to resolve each complaint. Failure to achieve a resolution acceptable to both parties and compliance with this ordinance shall cause the chairperson of the Marinette Housing Authority to forward the complaint and findings to appropriate State and Federal agencies. In addition, violation hereof may at the discretion of the City Attorney, be prosecuted in Municipal Court.

**17.0600 PENALTIES**

Any person violating any provision of this ordinance shall, upon conviction thereof, be subject to the applicable penalty provisions of this Municipal Code.