

CHAPTER 28

FAIR HOUSING

The United States Congress has adopted a national policy of providing, within constitutional limitations, for fair housing throughout our country.

The Village of Folsom finds that discriminatory acts and unfair housing practices violate such national policy and the personal dignity of individuals.

The Village of Folsom further finds that the general welfare and economic stability of Folsom benefit from a stable, racially integrated community.

The Village of Folsom further finds that without special outreach efforts, individuals of some minority and majority groups are less likely to consider dwellings in developments in all areas of Folsom, and, as a result, its residents might be deprived of the benefits of a stable, racially integrated community.

The Village of Folsom further finds any additional desired findings including, for example, specific facts concerning the municipality's experience with adverse impacts from unfair housing practices.

NOW, THEREFORE, BE IT ORDAINED by the Board of Alderpersons of the Village of Folsom that the following provisions of this chapter are adopted to provide for fair housing, to prescribe fair housing practices, to define and eliminate discriminatory acts and unfair housing practices, and to promote a stable, racially integrated community.

FAIR HOUSING ORDINANCE

Section 1. POLICY

It is the policy of the Village of Folsom to provide, within constitutional limitations, for fair housing throughout the Village,

Section 2. DEFINITIONS

(a) "Dwelling means any building, structure, or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof.

(b) "Family" includes a single individual.

(c) "Person" includes one or more individuals, corporation, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees, in bankruptcy, receivers, and judiciaries.

(d) "To rent" includes to lease, to sublease, to let and otherwise to grant for a consideration the right to occupy premises owned by the occupant.

(e) "Discriminatory housing practice" means an act that is unlawful under sections 4, 5, or 6.

Section 3. UNLAWFUL PRACTICE

Subject to the provisions of subsection (b) and section 7, the prohibitions against discrimination in the sale or rental of housing set forth in section 3 shall apply to:

(a) All dwellings except as exempted by subsection (b).

(b) Nothing in Section 4 shall apply to:

(1) 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 a 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 twenty-four month period: Provided further, That such bonafide private individual owner does not own any interest in, nor is there owned or reserved on his behalf, under any express

Section 5. 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 therefore 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, on the basis of the race, color, religion, national origin of such person, or because he has children or is handicapped, 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 or dwellings in relation to which such loan or other financial assistance is to be made or given: Provided, that nothing contained in this section shall impair the scope or effectiveness of the exception contained in section 3(b).

Section 6. 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 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 participation, on the basis of race, color, religion, national origin, or because he has children or is handicapped.

Section 7. EXEMPTION

Nothing in this ordinance 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 on account of race, color, national origin, handicapped, or has children. Nor shall anything in this ordinance prohibit a private club not in fact open to the public, which, as an incident to its primary purpose or 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.

Section 8. ADMINISTRATION

(a) The authority and responsibility for administering this Act shall be in the Chief Executive Officer of the City of West Linn.

Chief Executive Officer who shall make public any information in violation of this provision shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than \$1,000 or imprisoned not more than one year.

(b) A complain under subsection (a) shall be filed within one hundred and eighty days after the alleged discriminatory housing practice occurred. Complaints shall be in writing and shall state the facts upon which the allegations of a discriminatory housing practice are based. Complaints may be reasonably and fairly amended at any time. A respondent may file an answer to the complaint against him and with the leave of the Chief Executive Officer, which shall be granted whenever it would be reasonable and fair to do so, may amend his answer at any time. Both complaints and answers shall be verified.

(c) If within thirty days after a complaint is filed with the Chief Executive Officer, the Chief Executive Officer has been unable to obtain voluntary compliance with this ordinance, the person aggrieved may, within one year thereafter, file a complaint with the Secretary of the Department of Housing and Urban Development. The Chief Executive Officer will assist in this filing.

(d) If the Chief Executive Officer has been unable to obtain voluntary compliance within thirty days of the complaint, the person aggrieved may, within two years hereafter commence a civil action in any appropriate court, against the respondent named in the complaint, to enforce the rights related to the subject of the complaint. If the court finds the rights related to the subject of the complaint. If the court finds that a discriminatory housing practice has occurred or is about to occur, the court may enjoin the respondent from engaging in such practice or order such affirmative action as may be appropriate.

(e) In any proceeding brought pursuant to this section, the burden of proof shall be on the complainant.

(f) Whenever an action filed by an individual shall come to trial, the Chief Executive Office shall immediately terminate all efforts to obtain voluntary compliance.


Section 11. INVESTIGATIONS; SUBPOENA; GIVING OF EVIDENCE

(a) In conducting an investigation the Chief Executive Officer shall have access at all reasonable times to premises, records, documents, individuals, and other evidence or possible sources of evidence and may examine, record, and copy such materials and take and records, and copy such materials and take and record the testimony or statement of such persons as are reasonably necessary for the furtherance of the investigation: Provided, however, that the Chief Executive Officer first complies with the provision so the Fourth Amendment relating to unreasonable searches and seizures. The Chief Executive Officer may issue subpoenas to compel his access to or the production of such

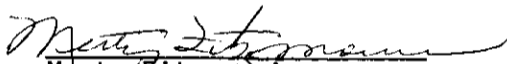
This ordinance having been read by section and having been considered in the same manner, the vote thereon was:

YEAS: Alderwoman McIntyre
Alderwoman Willie
Alderman Brumfield
NAYS: 0
ABSENT: 0
ABSTAINED: 0

Adopted this _____ 11th _____ day of _____ September _____, 1989.


Ray B. Willie, Jr., Mayor

ATTEST:


Merty Fitzmorris
Municipal Clerk