

**FAIR HOUSING CODE
CHAPTER 20**

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ARTICLE I. TITLE AND POLICY

Sec. 20-101 Title.

This Chapter shall be known as, and may be cited as, the Fair Housing Code of the City of Ottawa, Kansas.

REVISED: (*Ord. No. 3054-93, 01-06-93*)

Sec. 20-102 Policy.

It is the policy of the City of Ottawa, Kansas, to provide, within constitutional limitations, fair housing throughout the City.

REVISED: (*Ord. No. 3054-93, 01-06-93*)

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ARTICLE II. DEFINITIONS

Sec. 20-201 Definitions.

As used in this Chapter, unless the context otherwise requires:

Discriminatory housing practice- means:

- A. Discrimination in the sale or rental of housing. Subject to the provisions of 20-301, it shall be unlawful to:
 1. Represent to any person because of race, religion, color, sex, disability, familial status, national origin or ancestry that any dwelling is not available for inspection, sale, or rental when such dwelling is in fact so available.
 2. Make, print or publish or cause to be made, printed or published any notice, statement or advertisement with respect to the sale or rental of a dwelling that indicates or intends to make any preference, limitation or discrimination based on race, religion, color, sex, disability, familial status, national origin or ancestry.
 3. Refuse to sell or rent a dwelling after a bona fide offer is made, fail to transmit a bona fide offer, refuse to negotiate or fail to negotiate in good faith for the sale or rental of a dwelling, or to otherwise make a dwelling unavailable to any person because of race, religion, color, sex, disability, familial status, national origin or ancestry.
 4. Offer less favorable terms, conditions or privileges or provide reduced services or facilities in the sale or rental of a dwelling, because of a person's race, religion, color, sex, disability, familial status, national origin or ancestry.
 5. Induce or attempt to induce for profit the sale or rental of any dwelling by making representations regarding the entry or prospective entry into the neighborhood of a person of a particular race, religion, color, sex, disability, familial status, national origin or ancestry.
 6. Discrimination in the financing of housing. It shall be unlawful for any person or entity whose business includes engaging in "real estate related transactions", to discriminate against any person in making available such a transaction, or in the terms or conditions of such a transaction, because of race, religion, color, sex, disability, familial status, national origin or ancestry of such person or any person associated with such person in connection with any real estate related transaction.
 7. Discrimination in the provision of brokerage services. It shall be unlawful to deny any person membership, participation or access to any service, organization, or facility designed to assist in the selling, or renting of dwellings; or to impose less favorable terms or conditions on said membership, participation or access because of a person's race, religion, color, sex, disability, familial status, national origin or ancestry.

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.

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Familial status- means a household having one or more individuals less than eighteen (18) years of age domiciled with:

- A. A parent or another person having legal custody of such individual or individuals.
- B. The designee of such parent or other person having such custody, with the written permission of such parent or other person.

Housing for older persons- means housing communities:

- A. Intended for, and at least ninety (90) percent occupied by, at least one person fifty-five (55) years of age or older per unit and providing significant facilities and services specifically designed to meet the physical or social needs of such persons.
- B. Intended for and occupied solely by persons sixty-two (62) years of age or older.

Person- means an individual, corporation, partnership, association, labor organization, legal representative, mutual company, joint-stock company, trust, unincorporated organization, trustee, trustee in bankruptcy, receiver and fiduciary.

Person aggrieved- means any person who claims to have been injured by a discriminatory housing practice or believes that such person will be injured by a discriminatory housing practice that is about to occur.

Person in the business of selling or renting dwellings- means that the person:

- A. Has, within the preceding twelve (12) months, participated as principal in three (3) or more transactions involving the sale or rental of any dwelling or any interest therein.
- B. Has, within the preceding twelve (12) months, participated as an agent, other than in the sale of his or her own personal residence, in providing sales or rental services in two (2) or more transactions involving the sale or rental of any dwelling or any interest therein.
- C. Is the owner of any dwelling designed or intended for occupancy by or occupied by five (5) or more families.

Real estate related transaction- means any of the following:

- A. The making or purchasing of loans or providing other financial assistance:
 - 1. For purchasing, constructing, improving, repairing or maintaining a dwelling.
 - 2. Secured by real property.
- B. The selling, brokering or appraising of real property.

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Real property- means and includes:

- A. All vacant or unimproved land.
- B. Any building or structure which is occupied or designed or intended for occupancy or any building or structure having a portion thereof which is occupied or designed or intended for occupancy.

To rent- means to lease, sublease, let, and otherwise grant for a consideration the right to occupy premises not owned by the occupant.

REVISED: (*Ord. No. 3054-93, 01-06-93*)

Cross reference-Definitions and rules of construction generally, § 1-101;1-102.

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ARTICLE III. UNLAWFUL PRACTICE

Sec. 20-301 Unlawful practice.

- A. The prohibitions against discrimination in the sale or rental of housing set forth in Section 20-201(a) shall apply to:
 - 1. All dwellings, except as exemption by subsection (B), (C), and (D).
- B. Nothing in this article, other than the prohibitions against discriminatory advertising described in Section 20-201(A), shall apply to:
 - 1. The sale or rental of any single-family dwelling by an owner, provided the following conditions are met:
 - a. Such owner owns or has an interest in three (3) or fewer single-family dwellings at any one time.
 - b. The dwelling is sold or rented without the use of a real estate broker, agent or salesperson or the facilities of any person in the business of selling or renting dwellings. This exemption applies to only one sale in any 24-month period if the owner selling the dwelling does not reside in the dwelling at the time of the sale or was not the most recent resident of the dwelling prior to the sale.
 - 2. Rooms or units in buildings containing living quarters occupied or intended to be occupied by no more than four (4) families living independently of each other, if the owner actually maintains and occupies one of such living quarters as the owner's residence.
- C. No provision of this article regarding familial status shall apply to dwellings provided under any state or federal program specifically designed and operated to assist elderly persons, as defined in the state or federal program, or to housing for older persons.
- D. Nothing in this article 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 real property which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, religion, color, sex, disability, familial status, national origin or ancestry.
- E. Nothing in this article shall prohibit a nonprofit private club in fact not 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.
- F. Nothing in this article shall prohibit conduct against a person because such person has been convicted two (2) or more times by any court of competent jurisdiction of the illegal manufacture or distribution of a controlled substance as defined in 21 U.S.C. 802 of the Federal Controlled Substances Act.

REVISED: (*Ord. No. 3054-93, 01-06-93*)

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ARTICLE IV. ADMINISTRATION, ENFORCEMENT AND PENALTY

Sec. 20-401 Administration.

- A. The authority and responsibility for administering this article shall be in the City Manager.
- B. The City Manager may delegate to employees of the City or to boards of such employees the right to investigate, conciliate, hear, determine, order, certify, report or otherwise implement the provisions of this article.

REVISED: (*Ord. No. 3054-93, 01-06-93*)

Sec. 20-402 Enforcement procedure.

- A. Any person aggrieved shall file a verified complaint with the City Manager within one hundred eighty (180) days of the occurrence of the alleged discriminatory housing practice. Complaints shall be in writing and shall state the facts upon which the allegation is based. A complaint may be reasonably and fairly amended at any time.
- B. Upon receipt of such a complaint, the City Manager or designee shall furnish a copy of the complaint to the person who allegedly committed or is about to commit the alleged discriminatory housing practice, hereinafter referred to as the respondent.
- C. A respondent may file a verified answer to the complaint made against such respondent and may amend the answer at any time when it would be reasonable and fair as determined by the City Manager or designee.
- D. Within thirty (30) days of receiving a complaint, the City Manager or designee shall investigate the complaint to determine whether probable cause exists that discrimination has occurred or is about to occur. Based on this finding, the City Manager or designee shall give notice in writing whether s/he intends to attempt resolution of the complaint to the person aggrieved and the respondent. If the City Manager or designee attempts resolution, it shall be by informal methods of conference and conciliation.
- E. If, within thirty (30) days after a complaint is filed with the City Manager, the City Manager has either notified the person aggrieved that s/he does not intend to attempt resolution since probable cause does not exist or the City Manager or designee has been unable to obtain voluntary compliance with this article through informal means, the person aggrieved may, within thirty (30) days thereafter:
 - 1. File a complaint with the U.S. Secretary of the Department of Housing and Urban Development.
 - 2. File a complaint with the State Human Rights Commission.
 - 3. Commence a civil action in any appropriate court.

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If the person aggrieved chooses to proceed as described in Subsection (1), (2) or (3) of this subsection, the City Manager shall immediately terminate all efforts to obtain voluntary compliance.

REVISED: (*Ord. No. 3054-93, 01-06-93*)

Cross reference-Administration, Ch. 2.

Sec. 20-403 Penalty.

Any person who threatens, intimidates or interferes with or attempts to intimidate or interfere with a person who has engaged, is engaging or plans to engage in selling, purchasing, renting, financing, occupying or negotiating or contracting for the sale, purchase, rental, financing or occupation of any dwelling or applying for or participating in any service, organization or facility relating to the business of selling or renting dwelling, because of race, religion, color, sex, disability, financial status, national origin or ancestry shall, upon conviction, be fined not more than one thousand dollars (\$1,000.00).

REVISED: (*Ord. No. 3054-93, 01-06-93*)