

CHAPTER 97: FAIR HOUSING STANDARDS

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§ 97.01 STATEMENT OF POLICY.

(A) It is hereby designated to be the continuing policy of the city to do all things necessary and proper to secure for all its citizens their right to equal housing opportunities regardless of their race, color, creed, sex, marital status, religious belief, national origin or handicap, age or familial status.

('97 Code, § 100.01)

(B) The provisions of this chapter shall apply to all housing located within corporate limits of the city.

('97 Code, § 100.04) (Am. Ord. 6-94, passed 2-7-94)

§ 97.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply, unless the context clearly indicates or requires a different meaning:

DISCRIMINATION, DISCRIMINATING or DISCRIMINATE. To render any differences in treatment to any person in the sale, lease, rental or financing of a dwelling or housing unit because of a person's race, color, creed, sex, marital status, religious belief, national origin or handicap, age or familial status.

FAMILIAL STATUS. One or more individuals (who have not attained the age of 18 years) being domiciled with:

- (1) A parent or another person having legal custody of the individual or individuals;
- (2) The designee of a parent or other persons having custody, with the written permission of the parent or other person.
- (3) Any person who is pregnant, or is in the process of securing legal custody of any individual who has not attained the age of 18.

HANDICAP. With respect to a person:

- (1) A physical or mental impairment which substantially limits one or more of the person's major life activities;
- (2) A record of having an impairment, or;
- (3) Being regarded as having an impairment, but this term does not include current, illegal use of, or addiction to a controlled substance, as defined in section 102 of the Controlled Substance Act, 21 USC 802.

HOUSING. 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 thereof of any building, facility or structure.

LENDING INSTITUTION. Any bank, building and loan association, savings and loan association, insurance company or other persons whose business consists in whole or in part in the lending of money or guaranteeing of loans.

PERSON. One or more individuals, corporations, partnerships, associations, firms or enterprises, labor organizations, legal representatives, mutual companies, joint stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers and fiduciaries.

REAL ESTATE AGENT. Any real estate broker, real estate salesperson or an agent thereof, or any other person, partnership, association or corporation who, for consideration, sells, purchases, exchanges, rents, negotiates, offers or attempts to negotiate the sale, purchase, exchange or rental of real property or holds himself or herself out as engaged in the business of selling, purchasing, exchanging, renting or otherwise transferring any interest in real property.

('97 Code, § 100.02) (Am. Ord. 6-94, passed 2-7-94)

§ 97.03 UNLAWFUL HOUSING PRACTICES.

It shall be an unlawful housing practice and a violation of this chapter to do the following:

(A) For any person or real estate agent:

(1) To discriminate against any person or family in the selling, leasing, subleasing, renting, assigning or otherwise transferring of any interest in housing;

(2) To discriminate against any person or family by refusing to negotiate, refusing to transmit a bona fide offer, making false representations on the availability of the housing unit for inspection, sale or rental, or withdrawing from the market a housing unit which is for sale, lease sublease or rental;

(3) To include in the 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 that housing.

(4) To discriminate in the furnishing of any facilities, repairs, improvements or services or in the terms, conditions, privileges or tenure of occupancy of any person.

(B) For any lending institution:

(1) To discriminate in lending money, guaranteeing loans, accepting a deed of trust or mortgage or otherwise making available funds for purchasing, constructing, improving, altering, repairing, rehabilitating or maintaining any housing or to discriminate against the fixing of the amount, interest rate, duration or other terms conditions or provisions of any financial assistance;

(2) To discriminate in the lending of money, guaranteeing loans, accepting a deed of trust or mortgage or otherwise making funds available on the basis of the geographic location.

(C) For any person, real estate agent or lending institution with respect to any prohibited act specified in this chapter to publish, circulate or cause to be published or circulated any notice, statement, listing or advertisement, or to announce a policy or to 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, color, creed, sex, marital status, religious belief, national origin, age, handicap or familial status.

(D) 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 chapter, or to obstruct or prevent endorsement or compliance with provisions of this chapter, or to attempt directly or indirectly to commit any act declared by this chapter to be an unlawful housing practice.

(E) For any person, real estate agent or lending institution:

(1) To 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 a particular race, color, creed, sex, marital status, religious belief, national origin or handicap by direct or indirect methods;

(2) To 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, color, creed, sex, marital status, religion, national origin or handicap of the block, neighborhood or area.

(3) To 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, color, creed, sex, marital status, religion, national origin, or handicap, age or familial status in the block, neighborhood or area will or may result in:

(a) The lowering of property values;

(b) A change in the racial, color, religious, nationality or ethnic composition of the block, neighborhood or area in which the property is located;

(c) An increase in criminal or antisocial behavior in the area;

(d) A decline in the quality of the schools serving the area.

(F) For any person or real estate agent to cause or coerce or attempt to cause or coerce retaliation against any person because that person has lawfully opposed any act or failure to act that is a violation of this chapter or has, in good faith, filed a complaint, testified, participated or assisted in any way, proceedings under this chapter or to prevent any person from complying with this chapter.

(G) To do any other thing or engage in conduct which would otherwise make unavailable equal housing opportunities.

(H) Nothing in this chapter shall bar any religious or denominational institution or organization, or any charitable or educational organization that is operated, supervised or controlled by or in connection with a religious organization or any bona fide private or fraternal organization, from giving preference to persons of the same religion or denomination, or to members of such private or fraternal organization, or from making such selection as is calculated by such organization to promote the religious principles or the aims, purposes or fraternal principles for which it is established or maintained.

('97 Code, § 100.03) Penalty, see § 98.99

§ 97.04 POSTING OF NOTICES.

(A) Every real estate agent shall post in a conspicuous location in that portion of the agent's business normally used by the agent for negotiating the terms of a sale or lease of housing, and each person who operates a multi-unit 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 this housing business normally used by him or her for negotiating the rental of a housing unit therein, a notice prepared by the Miami County Fair Housing Committee, 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 Title VIII of the Civil Rights Act of 1968, which includes the Fair Housing Amendments Act of 1988, for any real estate agent or for any person owning or managing a multi-unit apartment dwelling to:

- (1) Deny housing to any person because of race, color, creed, sex, marital status, religious belief, national origin, handicap, age or familial status;
- (2) Discriminate against any person because of that person's race, color, creed, sex, marital status, religious belief, national origin, handicap, age or familial status with respect to the terms, conditions, or privileges of housing accommodation or in the furnishing of facilities or services in connection therewith.

IF YOU BELIEVE YOU HAVE BEEN DISCRIMINATED AGAINST, CONTACT THE MIAMI COUNTY FAIR HOUSING COORDINATOR, THE OHIO CIVIL RIGHTS COMMISSION, OR THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.

('97 Code, § 100.05) (Am. Ord. 6-94, passed 2-7-94) Penalty, see § 97.99

§ 97.05 MIAMI COUNTY FAIR HOUSING COMMITTEE.

This chapter does hereby permit the Miami County Fair Housing Committee to assist with the implementation of the stated policies herein established by this chapter. The Miami County Fair Housing Committee is charged with the following duties.

- (A) To investigate all complaints involving unlawful discriminatory practices in the city which are filed with the Fair Housing Officer.
- (B) As the results of any investigations and where investigations merit consideration, the Committee shall:
 - (1) Endeavor by conciliation to resolve complaints;
 - (2) Dismiss complaints that are unfounded;
 - (3) Recommend that the parties involved file a complaint with the Civil Rights Commission of Ohio as provided in R.C. § 4112.05.
 - (4) Take any other action as it deems necessary in reference to the facts presented;
 - (5) Make recommendations to the Law Director for proper action on the complaint.

('97 Code, § 100.06) (Am. Ord. 6-94, passed 2-7-94)

§ 97.06 ADDITIONAL LEGAL ACTION.

Nothing contained in this chapter shall prevent any person from exercising any right or seeking any remedy to which he or she might otherwise be entitled, or from filing any complaint with any other agency or court of law.

('97 Code, § 100.07) (Am. Ord. 6-94, passed 2-7-94)

§ 97.99 PENALTY.

Any violation of this chapter may subject the person to a court action for compensatory damages and court costs. The court may also order other relief as it deems necessary.

('97 Code, § 100.08) (Am. Ord. 6-94, passed 2-7-94)