

ORDINANCE NO. 512

An Ordinance To Amend Chapter Twenty Nine (29) of The General Ordinances of The Village of River Hills Regarding Fair Housing.

The Village Board of the Village of River Hills, Milwaukee County, Wisconsin does ordain as follows:

SECTION I. That Chapter 29 of the Village Code of Ordinances is hereby amended to read as follows:

Chapter 29

FAIR HOUSING

Section 29.01	Declaration of Policy
Section 29.02	Definitions
Section 29.03	Discrimination Prohibited
Section 29.04	Exemptions and Exclusions
Section 29.05	Enforcement Provisions

Section 29.01 Declaration of Policy

It is hereby declared to be the policy of the Village of River Hills, pursuant to the United States and Wisconsin Constitutions, and by virtue of its power and authority to protect the public health, safety, and promote the general welfare, that all persons, regardless of sex, race, color, sexual orientation, religion, national origin, marital status, status as a victim of domestic abuse, sexual assault, or stalking, lawful source of income, age, ancestry, disability or family status shall be accorded fair and equal access to housing in the Village of River Hills.

The provisions of Section 106.50 entitled "Open Housing" of Wisconsin Statutes 2007 - 2008, and as hereinafter amended, are hereby incorporated by reference and made a part hereof as if fully set forth herein. In case of conflict, the provisions of said state law shall govern.

Section 29.02 Definitions

- A. HOUSING means any improved property which is used or occupied or intended, arranged or designed to be used or occupied as a home or residence. "Housing" includes any vacant land that is offered for sale or rent for the construction of any building that is intended, arranged or designed to be used or occupied, as a home or residence.
- B. ACCOMMODATION shall include any room, apartment, house, building or structure, any part of which is used for human habitation on a temporary or permanent basis.
- C. DISCRIMINATE, DISCRIMINATION, DISCRIMINATING shall mean to segregate,

orientation, religion, national origin, marital status, status as a victim of domestic abuse, sexual assault, or stalking, lawful source of income, age, ancestry, disability or family status, and shall refer to any type of act or refusal to act prohibited by Section 29.03, but shall not include and shall exempt herefrom, acts exempted or excluded by Section 29.04 under this article.

- D. FAMILY STATUS means any of the following conditions that apply to a person seeking to rent or purchase housing or to a member or prospective member of the person's household regardless of the person's marital status:
1. A person is pregnant.
 2. A person is in the process of securing sole or joint legal custody, periods of physical placement or visitation rights of a minor child.
 3. A person's household includes one or more minor or adult relatives.
 4. A person's household includes one or more adults or minor children in his or her legal custody or physical placement or with whom he or she has visitation rights.
 5. A person's household includes one or more adults or minor children placed in his or her care under a court order, under a guardianship or with the written permission of a parent or other person having legal custody of the adult or minor child.
- E. PERSON shall include any individual, partnership, labor or other association, corporation, legal representative, receiver, trustee, trustee in bankruptcy or other fiduciary, or the lessee, proprietor, manager, employee or any other agent of any such person.
- F. OWNER-OCCUPIED DWELLING shall mean a building used for human habitation in which the owner thereof maintains his permanent living quarters.
- G. DWELLING UNIT shall mean that portion of a residential dwelling or building which is used or intended to be used as a residence by one person or by 2 or more persons who are maintaining a common household, to the exclusion of all others.

Section 29.03 Discrimination Prohibited

- A. It shall be a prohibited discriminatory practice for any person to:
1. Print, publish, circulate, issue, display, post, mail or communicate in any other way any announcement, statement, advertisement, publication or sign, the import of which indicates a decision, or purpose to impair in any way the access of any person, on the basis of his sex, race, color, sexual orientation, religion, national origin, marital status, status as a victim of domestic abuse, sexual assault, or stalking, lawful source of income, age, ancestry, disability or family status, to any transferable interest in any housing or housing accommodation;
 2. Refuse to sell, lease, sublease, rent, or in any other manner deny, withhold or impair

the transfer of title, leasehold or any other interest in any part of any housing or housing accommodation, when such refusal is based on a consideration of sex, race, color, sexual orientation, religion, national origin, marital status, status as a victim of domestic abuse, sexual assault, or stalking, lawful source of income, age, ancestry, disability or family status of the person refused;

3. Refuse to lend money or security, guarantee any loan, accept any mortgage or in any other manner make available any other funds or resources for the construction, acquisition, purchase, rehabilitation, repair or maintenance of any housing or housing accommodation, when such refusal is based on a consideration of sex, race, color, sexual orientation, religion, national origin, marital status, status as a victim of domestic abuse, sexual assault, or stalking, lawful source of income, age, ancestry, disability or family status of the person refused.

- B. It shall be a violation of this ordinance for any person to do, or refuse to do, any act which accomplishes the objectives of any activity prohibited by this ordinance.

Section 29.04 Exemptions and Exclusions

- A. Nothing in this ordinance prohibits an owner or agent from requiring that a person who seeks to buy or rent housing supply information concerning family status, and marital, financial and business status, but not concerning race, color, disability, sexual orientation, ancestry, national origin, religion, creed, status as a victim of domestic abuse, sexual assault, or stalking, or subject to subparagraph B below, age.
- B. Notwithstanding subparagraph A. above, an owner or agent may require that a person who seeks to buy or rent housing for older persons supply information concerning his or her age for the purpose of verifying compliance with respect to housing for older persons and nothing in this ordinance prohibits discrimination based on age or family status with respect to housing for older persons as set forth in Section 106.50 (1m) (m) Wis. Stats.
- C. Nothing in this ordinance shall prohibit the development of housing designed specifically for persons with disabilities and preference in favor of persons with disabilities in relation to such housing.
- D. Notwithstanding that discrimination based on family status is prohibited it is not discrimination to comply with any reasonable federal, state or local government ~~restrictions~~ relating to the maximum number of occupants permitted to occupy a dwelling unit.

Section 29.05 Enforcement Provisions

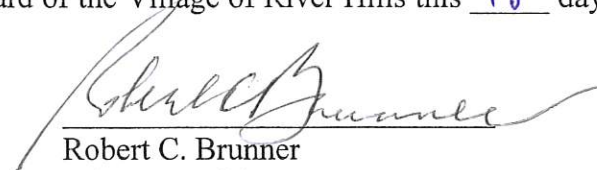
The provisions of this ordinance shall be administered and enforced by the Village Manager. In addition to or as an alternative to local enforcement, the Village Manager is hereby authorized to

refer complaints of violations of the provisions of this ordinance to the Division of Equal Rights of the Department of Workforce Development of the State of Wisconsin for appropriate action as provided for under Section 106.50, Wis. Stats."

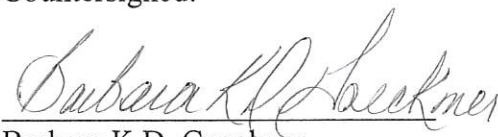
SECTION II. In the event that it is determined by a court of competent jurisdiction that any clause, sentence, paragraph, section or part, of this Ordinance is invalid or unconstitutional that shall not affect the validity of the remaining parts to this Ordinance.

SECTION III. This ordinance shall be in full force and effect upon its passage and publication according to law.

PASSED AND ADOPTED by the Village Board of the Village of River Hills this 18th day of August, 2010.


Robert C. Brunner
Village President

Countersigned:


Barbara K.D. Goeckner
Village Clerk, CMC