

COUNCIL OF THE VILLAGE OF HAMERSVILLE, OHIO

ORDINANCE NO. 1980-3

AN ORDINANCE DESIGNATING A FAIR HOUSING PRACTICES POLICY IN THE VILLAGE OF HAMERSVILLE, AND SETTING FORTH STANDARDS TO INSURE FAIR HOUSING PRACTICES AND DECLARING AN EMERGENCY.

WHEREAS, the Village Council of the Village of Hamersville believes in the principle of equal rights and privileges for all citizens; and,

WHEREAS, the United States Congress has adopted as the national policy to provide, within constitutional limitations, for fair housing throughout our country;

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF HAMERSVILLE, BROWN COUNTY, OHIO, THREE-FOURTHS (3/4) OR MORE OF ALL THE MEMBERS ELECTED THERETO CONCURRING:

SECTION I. Designation of Policy. That it is hereby designated to be the continuing policy of the Village of Hamersville 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.

SECTION II. Definitions. That as used in this ordinance, the following terms shall have these meanings:

(a) Real Estate Agent. Real Estate Agent includes any real estate broker, real estate salesman 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 out as engaged in the business of selling, purchasing, exchanging, renting or otherwise transferring any interest in real property.

(b) Board. Board means the Fair Housing Board created by this Ordinance.

(c) Discrimination, Discriminating, or Discriminate. The terms discrimination, discriminating or discriminate means to render any difference 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.

(d) Housing. Housing includes 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 such building, facility or structure.

(e) Lending Institution. Lending institution means 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 loans.

(f) Person. Person means one or more individuals, corporations, partnerships, associations, firms or enterprises, labor organizations, legal representatives, mutual companies, joint stock companies, trusts, unincorporated organizations, trustees in bankruptcy, receivers and fiduciaries.

SECTION III. Unlawful Housing Practices. It shall be an unlawful housing practice and a violation of this Ordinance:

(a) For any person or real estate agent:

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

(2) To discriminate against any person 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 such housing.

(4) To discriminate in the furnishing of any facilities, repairs, improvements or service 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 in the fixing of the amount, interest rate, duration, or other terms, conditions, or provisions of any such 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 Ordinance, to publish, to 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 or handicap.

(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 Ordinance, or to obstruct or prevent endorsement or compliance with provisions of this Ordinance, or to attempt directly or indirectly to commit any act declared by this Ordinance 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 real property owned, used, or occupied by any person of any particular race, color, creed, 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, marital status, religion, national origin or handicap of such 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, marital status, religion, national origin, or handicap 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 such person has lawfully opposed any act or failure to act that is a violation of this Ordinance or has, in good faith, filed a complaint, testified, participated or assisted in any way in any proceeding under this Ordinance or prevent any person from complying with this Ordinance.

(g) 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 housing or discriminate against a person in the terms or conditions of such access, membership, or participation.

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

SECTION IV. Posting of Notices.

(a) Every real estate agent shall post in a conspicuous location in that portion of his place of business normally used by him 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 his housing business normally used by him for negotiating the rental of a housing unit therein, a notice prepared by the Board which contains the following language, printed in black on a light-colored background, in not less than fourteen point type:--
"It is a violation of the Fair Housing Law of the Village of Hamersville, State of Ohio, 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 or national origin, or handicap.

2. Discriminate against any person because of that person's race, color, creed, sex, marital status, religious belief, national origin, or handicap to the terms, conditions or privileges of housing accommodations or in the furnishing of facilities or services in connection therewith."

IF YOU BELIEVE YOU HAVE BEEN DISCRIMINATED AGAINST, CONTACT THE VILLAGE OF HAMERSVILLE'S FAIR HOUSING BOARD, THE OHIO CIVIL RIGHTS COMMISSION, OR THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.

Failure to comply with this section shall constitute a violation of this Ordinance.

SECTION V. Fair Housing Board

(a) There is hereby created the Fair Housing Board to consist of three (3) members who shall be qualified electors of the Village and shall not hold any elected public office at the municipal, county, state or federal level at any time while a member of the Board and shall not be employed by the Village of Hamersville, but may be employed by the county, state, or Federal government. Any duly appointed Board member who is a candidate for any public office shall be automatically disqualified from further membership on the Board. The day the Board member files petitions with the County Board of Elections shall be the date of the disqualification. Nothing shall prohibit the Board from consulting and meeting with real estate agents or representatives of lending institutions in matters regarding education or other programs to further the purpose of this Ordinance.

(b) The Board members shall be appointed by the Mayor. Of the members first appointed, one shall hold office for a term of one (1) year; one for a term of two (2) years; and the other for a term of three (3) years; and their successors shall be appointed for terms of three (3) years. The Mayor shall fill all vacancies by appointment for the remainder of the unexpired term. The Mayor shall be an ex-officio member of the Board. After being duly constituted a chairman and vice-chairman shall be chosen by a majority vote of the Board.

(c) The Secretary of the Board shall be appointed by the Mayor and may be an employee of the Village of Hamersville.

(d) The Mayor may recommend the removal of any member of the Board for neglect of duty or malfeasance in office to the Village Council. The Village Council may remove a member of the Board from office by an affirmative vote of at least three-quarters (3/4) of the Council only after having first given to such member a written copy of the charges against him and an opportunity to be publicly heard in person or by counsel in his own defence; and any such removal shall be final.

(e) Two members of the Board shall constitute a quorum for the purpose of conducting the business thereof. A vacancy on the Board shall not impair the right of the other members to exercise all the power of the Board.

(f) Each member of the Board shall serve without salary, but shall be paid necessary and actual expenses expended in performing the business of the Board.

(g) The Board is charged with the following duties to implement the stated policy of this Ordinance:

- (1) To investigate all complaints of unlawful housing practices which are filed with it.
- (2) To initiate complaints of unlawful housing practices on the basis of studies carried out by its staff or volunteers authorized by the Board.
- (3) To endeavor by conciliation, to resolve such complaints.
- (4) To hold hearings, subpoena witnesses, compel their attendance, administer oaths, take the testimony of any person under oath, and in connection therewith, to require the production for examination of any books or papers relating to any matter under investigation or in question before the Board.
- (5) To render at least once a year to the Mayor and to the City Council a full written report of all its activities and recommendations.
- (6) To recommend to the Mayor, when it deems necessary, educational and other programs designed to promote the purpose stated in this Ordinance.
- (7) To adopt rules and procedures for the conduct of its business.
- (8) To do such other acts that are necessary and proper in order to perform those duties with which it is charged under the terms of this Ordinance.
- (h) The Mayor shall be responsible for the administration of this Ordinance. This responsibility may be delegated to the Acting Community Development Administrator.

SECTION VI. Procedures and Enforcement.

- (a) Any person subjected to an unlawful housing practice may file within 360 days of the alleged violation with the Board a complaint in writing, sworn to or affirmed, which shall state: the name and address of the person aggrieved; the name and address of the person against whom the complaint is filed; a description of the address of the dwelling, which involves the alleged discriminatory housing practice; a concise statement of the facts, including pertinent dates, constituting the alleged discriminatory housing practice, and such other information as may be required by the Board. The complaint may be reasonably and fairly amended. The Board may also corroborate or initiate complaints on the basis of studies carried out by its staff or volunteers authorized by the Board.

(b) Upon the filing of a complaint the Secretary of the Board shall make such investigations as he deems appropriate to ascertain facts and issues. Said investigation shall be conducted within fourteen (14) business days after the filing of the complaint. The investigation may be extended when deemed necessary by the Chairman of the Fair Housing Board. If the Secretary shall determine that there are reasonable grounds to believe a violation has occurred, he shall attempt to conciliate the matter by methods of initial conference and persuasion with all interested parties and such representatives as the parties may choose to assist them. Conciliation conferences shall be informal and nothing said or done during such initial conferences shall be made public by any member of the Board or its staff unless the parties agree thereto in writing.

(c) The terms or conciliation agreed to by the parties shall be reduced to writing and incorporated into a consent agreement to be signed by the parties, which agreement is for conciliation purposes only and does not constitute an admission by any party that the law has been violated. Consent agreements shall be signed on behalf of the Board by its chairman.

(d) The Board is authorized to seek the cooperation and aid of the Ohio Real Estate Commission, Ohio Civil Rights Commission or the U.S. Department of Housing and Urban Development and any other person or group regarding any matter before the Board.

(e) If the Secretary determines that the complaint lacks reasonable grounds upon which to base a violation of this article, he shall so inform the Board and the Board may in its discretion dismiss such complaint or order such further investigation as may be necessary; provided, that the Board shall not dismiss such complaint without first affording either party an opportunity to appear before the Board.

(f) If the Secretary, with respect to a matter which involves a violation of this article, fails to conciliate a complaint after the parties have in good faith attempted such conciliation, fails to effect an informal conciliation agreement or a formal consent agreement or determines that a complaint is not susceptible of conciliation, he shall so notify the Board and the Board shall thereafter schedule a public hearing to determine whether a violation of this Ordinance has been committed. The Board shall serve upon the respondent a written statement of charges and a summons and shall serve upon all interested parties a notice of the time and place of the hearing. The respondent or his authorized counsel may file and amend such statements with the Board prior to the hearing date as it deems necessary in the support of its position. The hearing shall be opened to the public. The hearing shall be held not less than 15 calendar days nor more than 30 calendar days after service of the statement of charges and summons.

The summons so issued must be signed by two members of the Board and the issuance of such summons shall require the attendance of named persons and the production of relevant documents and records. The failure to comply with a summons shall constitute a violation of this Ordinance. The interested parties may, at their option, appear before the Board in person or by a duly authorized representative and may have the assistance of an attorney. The parties may present testimony and evidence, and the right to cross examine witnesses shall be preserved. All testimony and evidence shall be given under oath or by affirmation. The Secretary shall keep a full record of the hearing, which record shall be public and open to inspection by any person, and upon request by any principal party to the proceeding, the Board shall furnish such party a copy of the hearing record, at such cost as the Board deems appropriate.

(g) If at the conclusion of the hearing the Board shall determine upon the preponderance of the evidence that the person complained against has violated this Ordinance, the Board shall, after consultation with the Village Solicitor in executive session, state its findings to and cause the Village Solicitor to prepare and issue an order under Board directive requiring the person complained against to cease and desist from such unlawful conduct and to take such affirmative action as will effectuate the purpose of this Ordinance, with notice that if the Board upon investigation by the Secretary determines that the person complained against has not after fifteen (15) calendar days following service of the Board's order complied with the order, the Board will recertify the matter to the Village Solicitor for enforcement.

The Village Solicitor shall seek compliance by appropriate civil action brought in the name of the Fair Housing Board of the Village of Hamersville before a court of competent jurisdiction.

(h) If at the conclusion of the hearing the Board shall determine upon the preponderance of the evidence of the record that the person complained against has not violated this Ordinance, the Board shall so state and publish its findings and issue its orders dismissing the complaint.

SECTION VII. Scope of Ordinance. The provision of this Ordinance shall apply to all housing located within territorial limits of the Village of Hamersville, State of Ohio.

SECTION VIII. Other Legal Action. Nothing contained in this section shall prevent any person from exercising any right or seeking any remedy to which he might otherwise be entitled or from filing any complaint with any other agency or court of law or equity.

SECTION IX. Severability. Section and sub-sections of this Ordinance and the several parts and provisions thereof are hereby declared to be independent sections, sub-sections, part and provisions and the holding of any such section, sub-section, part or provision thereof to be unconstitutional, void or ineffective for any cause, shall not affect nor render invalid any other such section, sub-section, part or provision thereof.

SECTION X. Penalties. In any proceeding, where the court determines that there has been a violation of this Ordinance, the court shall award compensatory damages and, where appropriate, punitive damages of not more than \$1,000 along with attorney fees and court costs. The court may also order such other relief as it deems necessary or appropriate which may include, but is not limited to, issuance of any permanent or temporary injunction, temporary restraining order or other order.

SECTION XI. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees on or after November 28, 1975, that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION XII. That this Ordinance is and is hereby declared to be an emergency measure, the emergency being the immediate necessity to provide for the public health, peace and welfare of the people of the Village of Hamersville by providing for designation of a Fair Housing Practices Policy in the Village of Hamersville and setting forth standards to insure Fair Housing Practices; wherefore, this Ordinance shall be in full force and effect from and immediately after its passage and approval.

PASSED:

Deane C. Hill
Acting Mayor

ATTEST:

Kay Elliott
Clerk

WE DO BUSINESS IN ACCORDANCE WITH
HAMERSVILLE'S FAIR HOUSING CODE

"IT IS A VIOLATION OF THE FAIR HOUSING LAW OF THE VILLAGE OF HAMERSVILLE, STATE OF OHIO, 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 or national origin, or handicap.

2. Discriminate against any person because of that person's race, color, creed, sex, marital status, religious belief, national origin, or handicap to the terms, conditions or privileges of housing accommodations or in the furnishing of facilities or services in connection therewith."

IF YOU BELIEVE YOU HAVE BEEN DISCRIMINATED AGAINST OR HAVE ANY QUESTIONS ABOUT HAMERSVILLE'S FAIR HOUSING LAW, CONTACT THE VILLAGE OF HAMERSVILLE'S FAIR HOUSING BOARD, THE OHIO CIVIL RIGHTS COMMISSION, OR THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.