

## Chapter 126

### FAIR HOUSING

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**[HISTORY: Adopted by the Village Board of the Village of Albany 5-11-1992 as Title 15, Ch. 3 of the 1992 Code. Amendments noted where applicable.]**

#### GENERAL REFERENCES

Subdivision of land -- See Ch. 272.

#### **§126-1. Statement of policy.**

It is hereby declared to be the policy for the Village of Albany to assure equal opportunity to all persons to live in adequate housing facilities regardless of race, color, religion, ancestry, national origin, sex, handicap, sexual preference, marital status or persons maintaining a household, lawful source of income, place of birth or age, and, to that end, to prohibit discrimination in housing by any persons.

#### **§126-2. Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

**DISCRIMINATION/DISCRIMINATORY HOUSING PRACTICE** -- Any difference in treatment based upon race, color, religion, sex, sexual preference, ancestry, handicap, marital status, place of birth or national origin; or any act that is unlawful under this chapter.

**DWELLING** -- Any building, structure or portion thereof which is occupied as, or designed for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction thereof of any such buildings or structure.

**FAMILY** -- One or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy and receivers.

**FINANCIAL INSTITUTION** -- Any person, as defined herein, engaged in the business of lending money or guaranteeing loans.

**HOUSING ACCOMMODATION/DWELLING** -- Any building, mobile home or trailer, 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 real property, as defined herein, used or intended to be used for any of the purposes set forth in this subsection.

**MORTGAGE BROKER** -- An individual who is engaged in or who performs the business or services of a mortgage broker as defined by the Wisconsin Statutes.

**OPEN MARKET** -- The market which is informed of the availability for sale, purchase, rental or lease of any housing accommodation, whether informed through a real estate broker or by advertising by publication, signs or by any other advertising methods directed to the public, or any portion thereof, indicating that the property is available for sale, purchase, rental or lease.

**OWNER** -- Lessee, sublessee, cotenant, assignee, managing agent or other person having the right of ownership or possession, or the right to sell, rent or lease any housing accommodation.

**PERSON** -- Individuals, children, firms, associations, joint ventures, partnerships, estates, trusts, business trusts, syndicates, fiduciaries, corporations and all other groups or combinations.

**REAL ESTATE BROKER/REAL ESTATE SALESMAN** -- Any individual qualified by law who, for a fee, commission, salary or for other valuable consideration, or who with the intention of receiving or collecting the same, lists, sells, purchases, rents or leases any housing accommodations, including options thereupon, or who negotiates or attempts to negotiate a loan, secured by a mortgage or other encumbrance, upon transfer of any housing accommodation; or who is engaged in the business of charging an advance fee or contracting for collection of a fee in connection with a contract whereby he undertakes to promote the sale, purchase, rental or lease of any housing accommodation through its listing in a publication issued primarily for such purpose; or an individual employed by or acting on behalf of any of these.

**REAL PROPERTY** -- Buildings, structures, lands, tenements, leaseholds, cooperatives and condominiums.

### **§126-3. Unlawful practices.**

In connection with any of the transactions set forth in this section which affect any housing accommodation on the open market, or in connection with any public sale, purchase, rental or lease of any accommodation, it shall be unlawful within the village for a person, owner, financial institution, real estate broker or real estate salesman, or any representative of the above, to:

A. Refuse to sell, purchase, rent or lease or deny to or withhold any housing accommodation from a person because of his race, color, religion, ancestry, national origin, handicap, marital status, sexual preference, sex, age or place of birth;

B. Discriminate against a person in the terms, conditions or privileges of the sale, purchase, rental or lease of any housing accommodation, or in the furnishing of facilities or services in connection therewith;

C. Refuse to receive or transmit a bona fide offer to sell, purchase, rent or lease any housing accommodation from or to a person because of his race, color, religion, ancestry, national origin, handicap, marital status, sexual preference, sex, age or place of birth;

D. Refuse to negotiate for the sale, purchase, rental or lease of any housing accommodation to a person because of his race, color, religion, ancestry, national origin, handicap, marital status, sexual preference, sex, age or place of birth;

E. Represent to a person that any housing accommodation is not available for inspection, sale, purchase, rental or lease when in fact it is so available, or to refuse to permit a person to inspect any housing accommodation because of his race, color, religion, national origin, handicap, marital status, sexual preference, sex, age or place of birth;

F. Make, publish, print, circulate, post or mail, or cause to be made, published, printed, circulated, posted or mailed, any notice, statement or advertisement or to announce a policy; or to sign or to use a form of application for the sale, purchase, rental, lease or financing of any housing accommodation; or to make a record of inquiry in connection with the prospective sale, purchase, rental, lease or financing of any housing accommodation which indicates any discrimination or any intent to make a discrimination;

G. Offer, solicit, accept or use a list of any housing accommodation for sale, purchase, rental or lease with the understanding that a person may be subjected to discrimination in connection with such sale, purchase, rental or lease or in the furnishing of facilities or services in connection therewith;

H. Induce, directly or indirectly, or attempt to induce directly or indirectly, the sale, purchase, rental or lease, or the listing for any of the above, of any housing accommodation by representing that the presence or anticipated presence of persons of any particular race, color, religion, ancestry, national origin, handicap, marital status, sexual preference, sex, age or place of birth in the area to be affected by such sale, purchase, rental or lease will or may result in either:

- (1) The lowering of property values in the area;
- (2) An increase in criminal or antisocial behavior in the area; or
- (3) A decline in the quality of schools serving the area.

I. Make any misrepresentations concerning the listing for sale, purchase, rental or lease, or the anticipated listing of any of the above, or the sale, purchase, rental or lease of any housing accommodation in any area in the village for the purpose of inducing or attempting to induce any such listing or any of the above transactions;

J. Engage in or hire to be done, or to conspire with others to commit acts or activities of any nature, the purpose of which is to coerce, cause panic, incite unrest or create or play upon fear, with the purpose of either discouraging or inducing, or attempting to induce, the sale, purchase, rental or lease, or the listing for any of the above, of any housing accommodation;

K. Retaliate or discriminate in any manner against a person because he has opposed a practice declared unlawful by this chapter or because he has filed a complaint, testified, assisted or participated in any manner in any investigation, proceeding, hearing or conference under this chapter;

L. Aid, abet, incite, compel or coerce any person to engage in any of the practices prohibited by this chapter; or to obstruct or prevent any person from complying with the provisions of this chapter, or any orders issued thereunder;

M. By canvassing, commit any unlawful practices prohibited by this chapter;

N. Otherwise deny to or withhold any housing accommodation from a person because of his race, color, religion, ancestry, national origin, handicap, marital status, sexual preference, sex, age or place of birth;

O. 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, deny a loan or other financial assistance to a person applying therefor 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 loans or other financial assistance because of race, color, religion, ancestry, national origin, handicap, marital status, sexual preference, sex, age or place of birth of such person or of any person associated with him in connection with such loan or other financial assistance or the purposes of such loan or other financial assistance which is to be made or given; or

P. Deny any qualified 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 their terms or conditions of such access, membership or participation on account of race, color, religion, ancestry, national origin, handicap, marital status, sexual preference, sex, age or place of birth.

#### **§126-4. Exemptions.**

This chapter shall not apply to:

A. A religious organization, association or society or any nonprofit institution or organization operating, supervised or controlled by or in conjunction with a religious organization, association or society, which limits the sale, rental or occupancy of dwellings which it owns or operates for other than commercial purpose to persons of the same religion, or which gives preference to such persons, unless membership in such religion is restricted on account of race, color, religion, ancestry, national origin, handicap, marital status, sexual preference, sex, age or place of birth.

B. A private club not in fact open to the public, which as an incident to its primary purpose or purpose, provides lodgings which it owns or operates for other than a commercial purpose, and which limits the rental or occupancy of such lodgings to its members or gives preference to its members.

C. 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 single-family house by a private individual 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 bona fide private individual owner does not own any interest in, nor is there owned or served on his behalf, under any express or voluntary agreement, title to or any right to all or a portion of the proceeds from the sale or rental of more than three such single-family houses at any one time; provided, further, that the sale or rental of any such single-family house shall be excepted from the application of this chapter only if such house is sold or rented:

(1) Without the use of any manner of the sales or rental facilities or the sales or rental services of any real estate broker, agent or salesman; or of such facilities or services of any person in the business of selling or renting dwellings; or of any employee or agent of any such broker, agent, salesman or person;

(2) Without the publication, posting or mailing, after notice, of any advertisement or written notice in violation of the provisions of 42 United States Code Section 3604; and

(3) Without the violation of §126-3 of this chapter; but nothing in this provision shall prohibit the use of attorneys, escrow agents, abstractors, title companies and other such professional assistance as necessary to perfect or transfer the title.

D. Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his residence.

#### **§126-5. Enforcement.**

Any person aggrieved by an unlawful practice prohibited by this chapter may file a complaint with the Village Board within 30 days after the aggrieved person becomes aware of the alleged unlawful practice, and in no event more than 60 days after the alleged unlawful practice has occurred. The Village Board or duly authorized representative shall receive each complaint and attempt to resolve each complaint. Failure to achieve a resolution acceptable to both parties and compliance with this chapter shall cause the Village Board to forward the complaint and findings to appropriate state and federal agencies.