

VILLAGE OF WEYERHAEUSER
WEYERHAEUSER, WISCONSIN 54895

EQUAL OPPORTUNITY-FAIR HOUSING ORDINANCE

Ordinance Number 83-2

The Village Board of Weyerhaeuser, Rusk County, Wisconsin, does ordain as follows:

The following sections of the Municipal Ordinances are hereby created to read:

Section I Preamble.

This Ordinance is adopted pursuant to 66.432(2) and 61.34(2) of the Wisconsin Statutes to prohibit discrimination in the sale or ~~retain~~^{mental} of any type of housing within the Village of Weyerhaeuser, Rusk County, Wisconsin, solely on the basis of sex, race, color, physical condition, developmental disability as defined in 51.01(5) of the Wisconsin Statutes, religion, national origin or ancestry; and declares the policy of the Village to be that of ensuring equal opportunity to all persons to live in decent housing facilities, defining the terms used herein; prohibits certain practices which would constitute discrimination on the basis of sex, race, color, physical condition, developmental disability, religion, national origin or ancestry in connection with the sale, purchase, leasing or financing of housing facilities; contains exemptions and exceptions to the application of the Ordinance for certain groups and persons; provides for procedure, other remedies, and penalties; repeals conflicting Ordinances, laws and resolutions, provides for severability of invalid section or subsections; and provides for an effective date.

Section II Declaration of Policy.

It is hereby declared to be the policy of the Village of Weyerhaeuser, in the exercise of its police power for the public safety, public health, and general welfare to assure equal opportunity to all persons to live in decent housing facilities regardless of sex, race, color, physical condition,

developmental disability, religion, national origin or ancestry and to that end, to prohibit discrimination in housing by any persons.

Section III Definitions.

For the purpose of the Ordinance:

(a) "Real Property" includes buildings, structures, lands, tenements, leaseholds, cooperatives and condominiums.

(b) "Discrimination" or "Discriminatory" Housing Practice" means any difference in treatment based upon sex, race, color, physical condition, developmental disability, religion, national origin or ancestry or any act that is unlawful under this Ordinance.

(c) "Person" includes individuals, children, firms, associations, joint ventures, partnerships, estates, trusts, business trusts, syndicates, fiduciaries, corporations and all other groups or combinations.

(d) "Owner" includes a lessee, sublessee, co-tenant, assignee, managing agent or other person having the right of ownership or possession, or the right to sell, rent or lease any housing accommodation.

(e) "Financial Institution" includes any person, as defined herein, engaged in the business of lending money or guaranteeing loans.

(f) "Real Estate Broker" and "Real Estate Salesman" includes any individual, qualified by law, who, for a fee, commission, salary or for other valuable consideration, or who with the intention or expectation of receiving or collecting 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 accommodations; 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.

(g) "Housing Accommodation" or "Dwelling" means 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 such building, mobile home or trailer, structure, or portion thereof or any real property, as defined herein, used or intended to be used for any of the purposes set forth in this subsection.

(h) "Mortgage Broker" means an individual who is engaged in or who performs the business or services of a mortgage broker as the same are defined by Wisconsin Statutes.

(i) "Open Market" means 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.

Section IV Unlawful Practices.

In connection with any of the transactions set forth in this section which affect any housing accommodation and the open market, or in connection with any public sale, purchase, rental or lease of any housing accommodation, it shall be unlawful withⁿ the Village of Weyerhaeuser, 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 sex, race, color, physical condition, developmental disability, religion, national origin or ancestry; or any act that is unlawful under this Ordinance; or

(b) To 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; or

(c) To refuse ^{To} or receive or transmit a bona fide offer to sell, purchase, rent; or lease any housing accommodation from or to a person because of his sex, race, color, physical condition, developmental disability, religion, national origin or ancestry; or any act that is unlawful under this Ordinance; or

(d) To refuse to negotiate for the sale, purchase, rental, or lease of any housing accommodation to a person because of his sex, race, color, physical condition, developmental disability, religion, national origin or ancestry; or any act that is unlawful under this Ordinance; or

(e) To 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 accommodations, because of his sex, race, color, physical condition, developmental disability, religion, national origin or ancestry; or any act that is unlawful under this Ordinance; or

(f) To 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; or

(g) To offer, solicit, accept or use a listing of any housing accommodation for sale, purchase, rental or lease with the understanding that a person may be subject to discrimination in connection with such sale, purchase, rental, or lease or in the furnishing of facilities or services in connection therewith; or

(h) To induce directly, or attempt to induce directly or indirectly, the sale, purchase, rental or lease, or the listing for any of the above, or any housing accommodation by representing that the presence or anticipated presence of person of any particular sex, race, color, physical condition, developmental disability, religion, national origin or ancestry; or any act that is unlawful under this Ordinance 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, or
- (2) An increase in criminal or antisocial behavior in the area, or
- (3) A decline in the quality of schools serving the area.

(i) 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, to deny a loan or other financial assistance or the purposes of such loan or other financial assistance is to be made or given; or

(j) To deny any qualified person access to or membership or

participation in any multiple-listing service, real estate broker's 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 sex, race, color, physical condition, developmental disability, religion, national origin or ancestry; or any act that is unlawful under this Ordinance; or

(k) With respect to rental of housing accommodations or rental, nothing contained herein shall prevent landlords from using references, security deposits, or credit checks or making decisions whether to rent and properly care for and make repairs to the premises. Landlords must not require information concerning race, color, physical condition, developmental disability or creed.

Section V Exemptions.

This Ordinance 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 is restricted on account of race, color, sex, or national origin.

(b) A private club not in fact open to the public, which as an incident to its primary purpose or purposes, provides lodging 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 or duplex sold or rented by an owner, provided, that such private individual owner does not own more than three such single-family houses or duplex houses at any one time;

provided further, that in the case of the sale of any such single-family house or duplex by a private individual owner 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 single-family houses at any time; provided further, the sale or rental of any such single-family house shall be excepted from the application of this Ordinance only if such house is sold or rented:

(1) Without the use in any manner of the sales or rental facilities or the sales or rental services of any real estate broker, agent, or salesman of such facilities or dwelling, or of any employee or agent of any such broker, salesman, or person and

(2) Without the publications, posting or mailing, after notice, of any advertisement or written notice in violation of the provisions of 42 United States Code Section 3604(c) or of Section 3 of the Ordinance; 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 independently of each other, if the owner actually maintains and occupies one of the such living quarters as his residence.

Section VI Procedure.

Any person aggrieved by an unlawful practice prohibited by this ordinance may file a complaint with the Clerk for the Village of Weyerhaeuser within thirty days after the aggrieved person becomes aware of the alleged unlawful practice, and in no event more than sixty days after the alleged unlawful practice occurred. The Clerk shall investigate each complaint and attempt to resolve each complaint. Failure to achieve a resolution acceptable to both parties in compliance with this Ordinance shall cause the Clerk for the Village of Weyerhaeuser to forward the complaint and his findings to appropriate County, State, and Federal officials including advising the person aggrieved of Section 101.22 of Wis. Stats.

Section VII Other Remedies.

Nothing herein contained shall prevent any person from exercising any right or seeking any remedy to which he might otherwise be entitled or from filing his complaint with any appropriate governmental agency.

Section VIII Penalties.

Any person violating any provision of this Ordinance shall, upon conviction thereof, be punished by forfeiture not less than \$100.00 nor more than \$1,000.00 for each violation thereof.

Section IX Repeal of Conflicting Ordinances, Resolutions and Laws.

This ordinance shall take precedence over any conflicting Village Ordinance, Resolutions, and Law in effect that tend to abrogate any covenants declared herein.

Section X Intent.

The intent of this Ordinance is to remove any questions of the affirmative action of the Village of Weyerhaeuser, Wisconsin concerning the right of all persons to have equal opportunities for housing regardless of

their sex, race, color, physical condition, developmental disability, religion, national origin or ancestry as of the effective date.

Section 11 Severability of Invalid Provisions.

In case any one or more of the sections, subsections, clauses, or provisions of this Ordinance, or the application of such section, subsection, clauses or provisions to any situations, circumstances, or person, shall for any reason be held to be unconstitutional or invalid, such unconstitutionality or invalidity shall not affect any other sections or provisions of this Ordinance or the application of such sections, subsections, clauses, or provisions to any other situation, circumstances or person, and it is intended that this ordinance shall be construed and applied as if such section or provisions so held unconstitutional or invalid had not been included in this ordinance.

Section 12 Effective Date.

This Ordinance shall take effect and be in force from and after its passage.

Dated this 1st day of Dec, 1983.

APPROVED:


Richard Koehler, Village President


Chester J. Bush, Village Clerk

First Reading: Nov. 22, 1983

Second Reading: Nov. 30, 1983

Adopted: Nov. 30, 1983