

TITLE 22: FAIR HOUSING

Article 9.5: Fair Housing Chapter 4: Enforcement Procedures

§ 22-9.5-4-1 FAIR HOUSING ORDINANCE.

(A) *Policy.* It is the policy of the county to provide, within Constitutional limitation, for fair housing throughout the unincorporated areas of the county.

(B) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AGGRIEVED PERSON. Includes any person who:

- (a) Claims to have been injured by a discriminatory housing practice; or
- (b) Believes that the person will be injured by a discriminatory housing practice that is about to occur.

BECAUSE OF FAMILIAL STATUS. An act committed because the person who is the subject of discrimination is:

- (a) Pregnant;

...MISSING MATERIAL...

(2) A person may not discriminate against any person in the terms, conditions or privileges of sale or rental of a dwelling or in providing services or facilities in connection with the sale or rental of a dwelling, because of race, color, religion, sex, familial status, handicap or national origin.

(3) This section does not prohibit discrimination against a person because the person has been convicted under federal law or the law of any state of the illegal manufacture or distribution of a controlled substance.

Jefferson County - Fair Housing

(D) *Publication of notice or advertisement indicating intent to discriminate.* A person may not make, print or publish, or cause to be made, printed or published, any notice, statement or advertisement with respect to the sale or rental of a dwelling that indicates any preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status or national origin or an intention to make such a preference, limitation or discrimination.

(E) *Inspection for sale, representation as to availability.* A person may not represent to any person because of race, color, religion, sex, handicap, familial status or national origin that a dwelling is not available for inspection for sale or rental when the dwelling is available for inspection.

(F) *Inducement, for profit, to sell or rent by representation of entry into neighborhood of certain persons.* A person may not, for profit, induce or attempt to induce a person to sell or rent dwellings by representations regarding the entry or prospective entry into a neighborhood of a person of a particular race, color, religion, sex, handicap, familial status or national origin.

(G) *Discrimination based on handicap; scope of term; definitions; compliance with safety rules.*

(1) A person may not discriminate in the sale or rental or otherwise make unavailable or deny a dwelling to any buyer or renter because of a handicap of:

(a) The buyer or renter;

(b) A person residing in, or intending to reside in, the dwelling after the dwelling is sold, rented or made available; or

(c) Any person associated with the buyer or renter.

(2) A person may not discriminate against any person in the terms, conditions or privileges of sale or rental of a dwelling or in the provision of services or facilities in connection with the dwelling because of a handicap of:

(a) The person;

(b) A person residing in, or intending to reside in, the dwelling after the dwelling is sold, rented or made available; or

(c) Any person associated with the person.

(3) For purposes of this section only, ***DISCRIMINATION*** includes the following:

(a) A refusal to permit, at the expense of the handicapped person, reasonable modifications of existing premises occupied, or to be occupied, by the person if the modifications may be necessary to afford the person full enjoyment of the premises.

(b) A refusal to make reasonable accommodations in rules, policies, practices or services, when the accommodations may be necessary to afford the person equal opportunity to use and enjoy a dwelling.

(c) In connection with the design and construction of covered multi-family dwellings for first occupancy after the date of adoption of this section, a failure to design and construct those dwellings in a manner that:

1. The public use and common use parts of the dwellings are readily accessible to and usable by handicapped persons;

2. All the doors are designed to allow passage into and within all premises within the dwellings are sufficiently wide to allow passage by handicapped persons in wheelchairs; and

3. All premises within the dwellings contain the following features of adaptive design:

a. An accessible route into and through the dwelling;

b. Light switches, electrical outlets, thermostats and other environmental controls in accessible locations;

c. Reinforcements in bathroom walls to allow later installation of grab bars; and

d. Usable kitchens and bathrooms so that an individual in a wheelchair can maneuver about the space.

(4) As used in subsection (G)(3) above, ***COVERED MULTI-FAMILY DWELLINGS*** means:

(a) Buildings consisting of four or more units if the buildings have one or more elevators; and

(b) Ground floor units in other buildings consisting of four or more units.

(5) Compliance with the rules of the Fire Prevention and Building Safety Commission that incorporate by reference the appropriate requirements of the American National Standard for buildings and facilities providing accessibility and usability for physically handicapped people (ANSIA1 17.1) satisfies the requirements of subsection (G)(3)(c)3. above.

(6) This section does not require that a dwelling be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others.

(H) *“Residential real estate related transaction” defined; discrimination prohibited.*

(1) As used in this section, ***RESIDENTIAL REAL ESTATE RELATED TRANSACTIONS*** means the following:

(a) Making or purchasing loans or providing other financial assistance:

1. To purchase, construct, improve, repair or maintain a dwelling; or
2. To secure residential real estate.

(b) Selling, brokering or appraising residential real property.

(2) A person whose business includes engaging in residential real estate related transactions may not discriminate against a person in making a real estate related transaction available or in the terms or conditions of a real estate related transaction because of race, color, religion, sex, handicap, familial status or national origin.

(I) *Services, organizations and facilities relating to the business of selling or renting dwellings; discrimination prohibited.* A person may not deny any person access to, or membership or participation in, a multiple-listing service, real estate brokers’ organization or other service, organization or facility relating to the business of selling or renting dwellings or discriminate against a person in the terms or conditions of access, membership or participation in such an organization, service or facility because of race, color, religion, sex, handicap, familial status or national origin.

(J) *Intimidation or interference with exercise of another’s rights.* A person may not coerce, intimidate, threaten or interfere with any other person:

(1) In the exercise or enjoyment of any right granted or protected by this section; or

(2) Because the person has exercised or enjoyed, or has encouraged another person in the exercise or enjoyment of, any right granted or protected by this section.

(K) *Exemption; sale or rental of certain single-family houses; sale or rental of certain rooms or units.*

(1) Subject to subsection (K)(2) below, this section does not apply to the following:

(a) The sale or rental of a single-family house sold or rented by an owner if:

1. The owner does not:

- a. Own more than three single-family houses at any one time; or
- b. Own any interest in, nor is there owned or reserved on the owner's behalf, under any express or voluntary agreement, title to or any right to any part of the proceeds from the sale or rental of more than three single-family houses at any one time.

2. The house was sold or rented without:

- a. The use of the sales or rental facilities or services of a real estate broker, an agent or a salesperson licensed under I.C. 25-34.1 or of an employee or agent of a licensed broker, an agent or a salesperson or the facilities or services of the owner of a dwelling designed or intended for occupancy by five or more families; or

- b. The publication, posting or mailing of a notice, a statement or an advertisement prohibited by I.C. 22-9.5-5-2.

- (b) The sale or rental of rooms or units in a dwelling containing living quarters occupied, or intended to be occupied, by no more than four families living independently of each other if the owner maintains and occupies one of the living quarters as the owner's residence.

(2) The exemption in subsection (K)(1)(a) above applies to only one sale or rental in a 24-month period if the owner was not the most recent resident of the house at the time of the sale or rental.

(L) *Exemption; sale, rental or occupancy of property operated or controlled by or in conjunction with religious organization.* This section does not prohibit a religious organization, an association or a society or a nonprofit institution or an organization operated, supervised or controlled by or in conjunction with a religious organization, an association or a society from:

- (1) Limiting the sale, rental or occupancy of dwellings that it owns or operates for other than a commercial purpose to persons of the same religion; or

- (2) Giving preference to persons of the same religion, unless membership in the religion is restricted because of race, color or national origin.

(M) *Exemption; rental or occupancy of lodging by private club not open to the public.* This section does not prohibit a private club not open to the public that, as an incident to the club's primary purpose, provides lodging that the club owns or operates for other than a commercial purpose from limiting the rental or occupancy of that lodging to the members or from giving preference to the members, unless membership in the club is restricted because of race, color or national origin.

Jefferson County - Fair Housing

(N) *Exemption; housing for older persons.*

(1) Nothing in this section regarding familial status shall apply with respect to housing for older persons.

(2) As used in this section, ***HOUSING FOR OLDER PERSONS*** means housing:

(a) Provided under any state or federal program that the Secretary for Housing and Urban Development or the State Civil Rights Commission determines is specifically designed and operated to assist elderly persons (as defined in the state or federal program);

(b) Intended for, and solely occupied by, persons 62 years of age or older; or

(c) Intended for occupancy by at least one person 55 years of age or older per unit.

(O) *Exceptions; factors considered by real property appraisers.* This section does not prohibit a person engaged in the business of furnishing appraisals of real property from taking into consideration factors other than race, color, religion, sex, handicap, familial status or national origin.

(P) *Local or state restrictions.*

(1) This section does not affect a reasonable local or state restriction on the maximum number of occupants permitted to occupy a dwelling or restriction relating to health or safety standards.

(2) This section does not affect a requirement of nondiscrimination in any other state or federal law.

(Q) *Administration.*

(1) The authority and responsibility for administering this section shall be in the Board of Commissioners of the county.

(2) The Board of Commissioners may delegate any of these functions, duties and powers to employees of the county, to boards of the employees or by interlocal agreement, to other governmental entities.

(3) All executive departments, employees and agencies shall administer their programs and activities relating to housing and urban development in a manner affirmatively to further the purposes of this section and shall cooperate with the Board of Commissioners to further such purposes.

(R) *Enforcement.* Several avenues of relief are available for aggrieved persons. Remedies are available through actions commenced through the State Civil Rights Commission, the Federal Department of Housing and Urban Development and through private actions. The Board of

Commissioners, or the Commissioner's designees, shall provide information on remedies available to any aggrieved person requesting the information.

(Ord. 2002-5, passed 6-27-2002)

Statutory reference:

Fair housing, see I.C. 22-9.5-4-1