

CHAPTER 626
Fair Housing

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CROSS REFERENCES

Civil Rights Law - see M.C.L.A. Secs. 37.2101 et seq.
 Housing generally - see M.C.L.A. Secs. 125.651 et seq.
 Discrimination in government housing - see M.C.L.A. Secs. 750.146, 750.147
 Housing Commission - see ADM. Ch. 288
 Civil rights - see GEN. OFF. Ch. 616
 Discrimination in accomodations - see GEN. OFF. 666.01(31)
 BOCA National Property Maintenance Code - see B. & H. Ch. 1440

626.01 SHORT TITLE.

This chapter shall be known and may be cited as the Fair Housing Ordinance of the Village.

626.02 DEFINITIONS.

As used in this chapter:

- (a) "Age" means chronological age.
- (b) "Complaint" means a written statement, given under oath, alleging an unfair housing practice.
- (c) "Family" means its customary definition as well as a single individual.
- (d) "Handicap" means a determinable physical or mental condition of an individual, or a history of such condition, which may result from disease, accident, condition of birth or functional disorder which constitutes a physical or mental limitation which is unrelated to an individual's ability to acquire, rent or maintain property.

- (e) "Housing accommodation" includes any improved or unimproved real property or part thereof, which is used or occupied, or is intended, arranged or designed to be used or occupied, as the home or residence of one or more individuals.
- (f) "National origin" includes the national origin of an ancestor.
- (g) "Person" includes an individual, association, corporation, joint apprenticeship committee, joint stock company, labor union, legal representative, mutual company, partnership, receiver, trust, trustee, trustee in bankruptcy, unincorporated organization or any other legal or commercial entity, the State or any governmental entity or agency.
- (h) "Real estate broker or salesman" means a person, or an employee or representative thereof, whether licensed or not, who, for or with the expectation of receiving a consideration, lists, sells, purchases, exchanges, rents or leases real property; negotiates or attempts to negotiate such activities; holds himself or herself out as engaged in such activities; negotiates or attempts to negotiate a loan secured or to be secured by mortgage or other encumbrance upon real property; or who is engaged in the business of listing real property in a publication.
- (i) "Real estate transaction" includes the sale, exchange, rental or lease of real property.
- (j) "Real property" includes buildings, structures, real estate, lands, tenements, leaseholds, interests in real estate cooperatives, condominiums and hereditaments, corporeal and incorporeal, or any interest therein.
- (k) "State Commission" means the Civil Rights Commission created by the Constitution of 1963.
- (l) "To publish or advertise" means a communication by the owner, lessor or a person at his or her request, relative to an offer of sale, rental or lease of a housing accommodation.

626.03 UNFAIR HOUSING PRACTICES.

(a) No person shall commit or be responsible for an unfair housing practice in the Village. It is an unfair housing practice for an owner, a real estate broker or real estate salesman or any other person to, because of race, color, religion, national origin, sex, marital status, age or handicap, to:

- (1) Refuse to negotiate for a real estate transaction;
- (2) Refuse to engage in a real estate transaction;
- (3) Discriminate against a person in the terms, conditions or privileges of a real estate transaction or in the furnishing of facilities or services in connection therewith;
- (4) Refuse to receive from, or to fail to transmit to, a person a bona fide offer to engage in a real estate transaction;

- (5) Represent to a person that real property is not available for inspection, sale, rental or lease when in fact it is so available; fail to bring a property listing to his or her attention; or refuse to permit him or her to inspect real property under reasonable conditions;
 - (6) Publish or advertise, directly or indirectly, an intent to discriminate or limit;
 - (7) Use a form of application for a real estate transaction for the purpose of limiting or discriminating;
 - (8) Make a record or inquiry in connection with a prospective real estate transaction which indicates the race, color, religion, national origin, sex, marital status, age or handicap of a person; or
 - (9) Offer, solicit, accept, use or retain a listing of real property with the understanding that a person may be discriminated against in a real estate transaction, or in the furnishing of facilities or services in connection therewith, with respect to race, color, religion, national origin, sex, marital status, age or handicap.
- (b) For the purpose of inducing a real estate transaction from which a person may benefit financially, it is an unfair housing practice to:
- (1) Initiate, instigate or participate in a series of representations, advertisements or contacts within a block, neighborhood or area designed to promote real estate transactions in the block, neighborhood or area based on the implications, directly or indirectly, that changes have occurred or will or may occur in the composition with respect to race, color, religion, national origin, sex, marital status, age or handicap of the owners or occupants in the block, neighborhood or area in which the real property is located, or that such changes will or may result in the lowering of property values, an increase in criminal or antisocial behavior or a decline in the quality of the schools in the block, neighborhood or area in which the real property is located; or
 - (2) Solicit the sale or listing for sale of real property, by telephone, mail or personally, after the property owner has expressly requested the solicitor, or the company the solicitor represents, to cease such solicitation.
- (c) It is an unfair housing practice to:
- (1) Retaliate or discriminate against a person because he or she has opposed an unfair housing practice, or because he or she has made a charge, filed a complaint, testified, assisted or participated in an investigation, proceeding or hearing under this chapter;

- (2) Coerce a person to engage in an unfair housing practice;
- (3) Interfere willfully with the performance of a duty or in the exercise of a power by any person under this chapter; or
- (4) Obstruct or prevent willfully a person from complying with the provisions of this chapter or an order issued thereunder.

626.04 FURNISHING PERSONAL INFORMATION; LEGAL CAPACITY.

(a) Nothing in this chapter shall be deemed to prohibit an owner, lender or agent thereof from requiring that an applicant who seeks to buy, rent, lease or obtain financial assistance for housing accommodations supply information concerning his or her financial, business or employment status, or other information designed solely to determine the person's credit worthiness, but not concerning race, color, religion, national origin, sex, marital status, age or handicap.

(b) Nothing in this chapter shall require an owner, real estate broker or other person to enter into a real estate transaction with a person who does not otherwise have the legal capacity to enter into a self-binding contract.

626.05 EXCEPTIONS.

Section 626.03 does not apply:

- (a) To the rental of a housing accommodation, in a building which contains housing accommodations for not more than two families living independently of each other, if the owner or lessor or a member of his or her family resides in one of the housing accommodations;
- (b) To the rental of a room in a single-family dwelling by the owner or lessor if he or she or a member of his or her family resides therein;
- (c) To the sale or rental by the owner or lessor of a housing accommodation, in a building which contains housing accommodations for not more than two families living independently of each other, which was not in any manner listed or publicly advertised for sale or rental;
- (d) To the rental of a housing accommodation for not more than twelve months by the owner or lessor where it was occupied by him or her and maintained as his or her home for at least three months immediately preceding occupancy by the tenant and is temporarily vacated while maintaining legal residence; and
- (e) With respect to the age provision only, to the sale, rental or lease of housing accommodations meeting the requirements of Federal, State or local housing programs for senior citizens, or accommodations otherwise intended, advertised, designed or operated, bona fide, for the purpose of providing housing accommodations for persons fifty years of age or older.

626.99 PENALTY.

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)