

Published in the Galena Sentinel-Times November 25, 1987, 1987.

ORDINANCE NO. 87-15

AN ORDINANCE ADOPTING A FAIR HOUSING POLICY REGULATING THE SALE OF RESIDENTIAL PROPERTY IN THE CITY OF GALENA, KANSAS, AND REPEALING ORDINANCE NO. 977 IN ITS ENTIRETY AND ANY OTHER ORDINANCE OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF GALENA:

SECTION 1: POLICY. It is the policy of the City of Galena to provide, within constitutional limitations and the laws of the State of Kansas, fair housing opportunity throughout the City of Galena.

SECTION 2: DEFINITIONS.

(a) "Fair Housing Opportunity", in this context means the absence of discriminatory housing activity and unlawful practice as delineated in Sections 3,4,5 and 6 of this ordinance.

(b) "Dwelling", means any building, structure, or portion thereof, which is occupied as, or designed or intended for any occupancy as, a residence by one or more families, and shall by implication include any vacant land offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof.

(c) "Rent", includes any lease, sublease, the "letting of property", and any other such activity which grants for a consideration the right to occupy premises owned by another.

SECTION 3: DISCRIMINATION IN THE SALE OR RENTAL OF HOUSING. Except as exempted elsewhere in this ordinance, it shall be unlawful:

(a) To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, or national origin.

(b) To 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 therewith, because of race, color, religion or national origin.

(c) To make, print, or publish, or cause to be made, printed, or published, any notice, statement, or advertisement, which indicates any preference, limitation, or discrimination based on race, color, religion or national origin in the sale or rental of a dwelling.

(d) To represent to any person that any dwelling is not available for inspection, sale, or rental, when, in fact, said dwelling is available; because of race, color, religion, or national origin of the person involved.

(e) For profit, to induce or attempt to induce any person to sell or rent any dwelling through use of representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion or national origin.

SECTION 4: DISCRIMINATION IN THE FINANCING OF HOUSING. It shall be unlawful for any lending association, insurance company, or other corporation, or association, whose business consists in whole or in part in the making of commercial real estate loans, to deny a loan or other financial assistance to any person for the purpose of purchasing, constructing, improving, repairing, or maintaining a dwelling, or to discriminate against said person in the fixing of the amount, interest rate, duration, or other terms or conditions of such loan or other financial assistance because of the race, color, religion, or national origin of said person, or persons associated with him or her.

AAJ430

SECTION 5: DISCRIMINATION IN THE PROVISION OF BROKERAGE SERVICES. It shall be unlawful 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 dwellings, or to discriminate against any person in terms of conditions of such access, membership, or participation on account of race, color, religion or national origin.

SECTION 6: INTERFERENCE, COERCION, OR INTIMIDATION. It shall be unlawful to coerce, intimidate, threaten, or interfere, with any person in the exercise or enjoyment of, or on account of his having exercised or enjoyed, or on account of his having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by other sections of this ordinance.

SECTION 7: EXEMPTIONS.

(a) Nothing in this ordinance shall prohibit a generally recognized religious organization, or any nonprofit institution or organization operated, supervised, or controlled by or in conjunction with a generally recognized religious organization, from limiting the sale, rental, or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on the basis of race, color, or national origin. Nor shall anything in this ordinance prohibit a private club, not in fact open to the public, which is incidental to its primary purpose, from providing lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members, or from giving preference to its members, provided membership in such club is not restricted on account of race, religion, or national origin.

(b) Single-family houses sold or rented by an owner shall be exempt from the conditions of this ordinance, provided that the owner does not own more than three such single-family houses at any one time, and provided that said owner does not own any interest in the sale or rental of any additional houses. Provided further, that in the case of the sale of any such house by an owner not residing in the house, or who was not the most recent resident of said house, the exemption shall apply only to one such sale within any twenty-four month period. Provided further, that said sale or rental is made without the use if any manner of the facilities of any real estate broker, agent, or salesman or any person in the business of selling or renting dwellings.

(c) 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 the living quarters as his or her residence.

SECTION 8: ADMINISTRATION. The authority and responsibility for administering this ordinance shall be the City Council of the City of Galena, or their officially appointed delegate who may be an employee of the city or a board of such employees. The council shall by rule prescribe such rights of appeal from decisions of the city, as shall employees to other employees or to the elected officials of the city, as shall be appropriate and in accordance with the law. The City Council shall provide such educational and conciliatory activities as will further the purposes of this ordinance, including conferences of persons in the housing industry, with the intent of working out programs of voluntary compliance and of enforcement.

AAJ430

SECTION 9: ENFORCEMENT.

(a) Any person who claims to have been injured by a discriminatory housing practice, or who believes that he will be irrevocably injured by a discriminatory housing practice that is about to occur (hereafter "person aggrieved"), may file a complaint with the City Council. Complaints shall be in writing and shall contain such information and be in such form as the City Council requires. Upon receipt of such a complaint, the City Council shall furnish a copy of the same to the person or persons who allegedly committed, or are about to commit the alleged discriminatory housing practice. Within thirty days after receiving a complaint, or within thirty days after the expiration of any period of reference under subsection (c), the city council shall investigate the complaint and give notice in writing to the person aggrieved whether they intend to resolve it. If the City Council intends to resolve the complaint(s), they shall proceed to try to eliminate or correct the alleged discriminatory housing practice by informal methods of conference, conciliation, and persuasion. Nothing said or done in the course of such informal endeavors may be made public without the written consent of the persons concerned. Any employee of the City Council who shall make public any information in violation of this provision shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$1,000 or imprisoned not more than one year.

(b) A complaint under subsection (a) shall be filed within one hundred and eighty days after the alleged discriminatory housing practice occurred. Complaint shall be in writing, and shall state the facts upon which the allegations of a discriminatory housing practice are based. Complaints may be reasonably and fairly amended at any time. A respondent may file an answer to the complaint against him and with the leave of the City Council, which shall be granted whenever it would be reasonable and fair to do so, may amend his answer at any time. Both complaints and answers shall be verified.

(c) If, within thirty days after a complaint is filed with the City Council, the City Council has been unable to obtain voluntary compliance with this ordinance, the person aggrieved may, within thirty days thereafter, file a complaint with the Secretary of the Department of Housing and Urban Development. The City Council will assist in this filing.

(d) If the City Council has been unable to obtain voluntary compliance within thirty days of the complaint, the person aggrieved may, within thirty days thereafter, commence a civil action in any appropriate court, against the respondent named in the complaint, to enforce the rights granted or protected by this ordinance, insofar as such rights related to the subject of the complaint. If the court finds that a discriminatory housing practice has occurred, or is about to occur, the court may enjoin the respondent from engaging in such practice or order such affirmative action as may be appropriate.

(e) In any proceeding brought pursuant to this section, the burden of proof shall be on the complainant.

(f) Whenever an action filed by an individual shall come to trial, the City Council shall immediately terminate all efforts to obtain voluntary compliance.

(g) Any person who has intimidated any other person from the exercise or enjoyment of his rights under Section 6, shall be subject to a fine of not more than \$1,000, or imprisoned not more than a year, or both.

AAJ430

Page 4

SECTION 10: REPEAL. Ordinance No. 977 of the Codes of the City of Galena, Kansas is hereby repealed.

SECTION 11: That this ordinance shall take effect and be in full force and effect from and after its passage, approval and publication in the official city newspaper, The Galena Sentinel-Times.

Passed by the Governing Body of the City of Galena, this 17th day of November, 1987.

Thomas Y. Allen
Thomas Y. Allen, Mayor

Jeanie Holstrom
Jeanie Holstrom, City Clerk

(SEAL)