

CHAPTER 22

HOUSING CODE

(Cr. #91)

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22.01 PURPOSE AND AUTHORITY. It is hereby declared to be the policy of the City, in the exercise of its police power for the public safety, health, welfare, peace, dignity and human rights, to assure equal opportunity to all persons to live in decent housing facilities regardless of sex, race, color, handicap, religion, national origin, ancestry, place of birth, marital status of the person maintaining the household or the lawful source of income of the person maintaining the household and to that end, to prohibit discrimination in housing by any persons. This chapter is adopted pursuant to ss. 66.432(2), Wis. Stats., and any amendments thereto.

22.02 DEFINITIONS. In this chapter unless the context requires otherwise:

- (1) CITY means the City of Boscobel.
- (2) DISCRIMINATION and DISCRIMINATE means to segregate, separate, exclude or treat any person or class of persons unequally because of sex, race, color, handicap, religion, national origin, ancestry, place of birth, marital status of the person maintaining the household or the lawful source of income of the person maintaining the household. It is intended that the factors set forth herein shall be the sole basis for prohibiting discrimination.
- (3) FINANCE and FINANCING mean any granting of credit whether by the use of a loan, mortgage, land contract or combination thereof or by any other means for the purpose of enabling a person to purchase, sell, lease, rent, repair or finance housing.
- (4) HOUSING means any improved property which is used or occupied or is intended, arranged or designed to be used or occupied as a home or residence, including any mobile home.
- (5) MOBILE HOME means that which is or which was originally constructed or designed to be transported by any motor vehicle upon a public highway and designed, equipped and used primarily for sleeping, eating and living quarters or is intended to be so used; and includes any additions, attachments, annexes, foundations and appurtenances.
- (6) PERSON means any individual, family, association, business, joint venture, limited partnership, partnership, corporation, business trust, trusts, estate, bank or syndicate.
- (7) UNIMPROVED RESIDENTIAL LOT means any residential lot upon which no permanent building or structure containing living quarters has been constructed.

22.03 DISCRIMINATION PROHIBITED. No person shall discriminate:

(1) By refusing to purchase, sell, lease, rent or finance or by refusing to contract to purchase, sell, lease, rent or finance or by refusing to construct or contract to construct housing or by refusing to discuss the terms thereof in the City.

(2) By refusing to permit inspection or extracting different or more stringent prices, terms or conditions for the purchase, sale, lease, renting or financing of housing in the City.

(3) By refusing to finance or sell an unimproved residential lot or by refusing to construct a home or residence upon such lot in the City.

(4) By publishing, circulating, issuing or displaying or causing to be published, circulated, issued or displayed in the City any communication, notice, advertisement or sign whether oral, written or recorded by electronic, laser or magnetic devices in connection with the purchase, sale, leasing, renting or financing of housing which states or indicates any discrimination in connection with housing in the City.

(5) By publishing, circulating, issuing or displaying or causing to be published, circulated, issued or displayed any communication, notice, advertisement or sign, whether oral, written or recorded by electronics, laser or magnetic devices with the understanding whether or not stated in the communication, notice, advertisement or sign that a person may be subjected to discrimination in connection with the purchase, sale, rental, lease or financing of housing in the City.

(6) By refusing to receive or transmit an offer to purchase, sell, rent, lease or finance any housing in the City from or to a person.

(7) By refusing to negotiate for the purchase, sale, rental, lease or financing of housing in the City with any person.

(8) For a person in the business of insuring against hazards, by refusing to enter into or by extracting different terms, conditions or privileges with respect to a contract of insurance against hazards to a dwelling.

(9) By refusing to renew a lease, causing the eviction of a tenant from rental housing or engaging in the harassment of a tenant.

22.04 BLOCK BUSTING. No person shall induce or attempt to induce the purchase, sale, lease, financing or rental of housing by representations regarding the present or prospective

entry into a neighborhood of a person or persons of a particular sex, race, color, handicap, religion, national origin, ancestry, place of birth, marital status of the person maintaining the household or the lawful source of income of the person maintaining the household or by representations to the effect that such present or prospective entry shall or may result in:

- (1) The lowering of real estate values in the neighborhood concerned.
- (2) An increase in criminal or antisocial behavior in the area concerned, or
- (3) A decline in the quality of the schools or other public facilities serving the neighborhood.

#### 22.05 REFERENCES AND FINANCING.

(1) Nothing in this section shall be deemed to prohibit a person from requiring that any other person seeking to purchase, sell, rent, lease or finance housing in the City supply information concerning financial and business status but not concerning sex, race, color, handicap, religion, national origin, ancestry, place of birth, marital status of the person maintaining the household or the lawful source of income of the person maintaining the household.

(2) This chapter shall not prohibit a person from exacting different or more stringent terms or conditions for financing housing based on the age of the individual applicant for financing if the terms or conditions are reasonably related to the individual applicant.

#### 22.06 EXEMPTIONS. This chapter shall not apply to:

(1) A religious organization or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization which limits the purchase, sale, rental, lease, occupancy or financing of dwellings which it owns or operates for other than commercial purposes to persons of the same religion or which give preference to such persons, unless membership in such religion is restricted on account of sex, race, color, handicap, religion, national origin, ancestry, place of birth or marital status of the person maintaining the household or the lawful source of income of any person maintaining the household.

(2) A private club not in fact open to the public, which as a incident to its primary 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.

(3) Discrimination on the basis of age in relation to housing designed to meet the needs of elderly individuals.

(4) Discrimination on the basis of handicap is housing designed specifically for persons with a handicap.

22.07 PROCEDURE. Any person aggrieved by an unlawful practice prohibited by this chapter may file a complaint with the City Attorney within 30 days after the aggrieved person becomes aware of the alleged unlawful practice. The City Attorney or his duly authorized representative shall investigate each complaint and attempt to resolve the same. Failure to achieve a resolution acceptable to both parties in compliance with this chapter shall cause the City Attorney to forward the complaint to the Wisconsin Department of Industry, Labor and Human Relations for proceedings under ss. 101.22, Wis. Stats. The complaint so forwarded shall be accompanied by the City Attorney's findings of fact based upon his investigation of the complaint.

The City Attorney may commence an action in any appropriate court for the violation of this chapter. If, after default, a plea of guilty, a plea of no contest or after a hearing the Court finds by a fair preponderance of the evidence that the respondent has engaged in discrimination in violation of this chapter, the Court shall assess a forfeiture penalty as provided herein.

22.08 PENALTIES.

(1) Any person found to have violated this chapter shall, for each such a violation, forfeit not less than \$100 nor more than \$1,000.

(2) Any person adjudged to have violated this chapter within 5 years after having been adjudged to have violated this chapter, for every violation committed within the 5 years shall forfeit not less than \$1,000 nor more than \$5,000.

22.09 OTHER REMEDIES. Nothing contained in this chapter shall be construed to provide an exclusive remedy for any person aggrieved by an act of discrimination as defined herein. Any person so aggrieved to which he may otherwise be entitled under appropriate state or federal law.

22.10 RIGHTS PROTECTED. No person may coerce, intimidate, threaten or interfere with any person in the exercise of enjoyment of any right granted or protected by this chapter or coerce, intimidate, threaten or interfere with any person who has aided or encouraged another person in the exercise of enjoyment of any right granted or protected by this chapter.