

ORDINANCE NO. 1911

AN ORDINANCE DECLARING THE POLICY OF THE CITY OF TERRELL, TEXAS; DEFINING TERMS PROHIBITING DISCRIMINATION IN THE SALE AND RENTAL OF HOUSING; PROHIBITING DISCRIMINATION IN THE FINANCING OF HOUSING; PROHIBITING DISCRIMINATION IN THE PROVISION OF BROKERAGE PRACTICES; PROVIDING FOR CERTAIN EXEMPTIONS AND EXCLUSIONS; PROVIDING FOR THE POSITION OF FAIR HOUSING ADMINISTRATOR; PROVIDING FOR THE RECEIPT, INVESTIGATION AND CONCILIATION OF COMPLAINTS ALLEGING DISCRIMINATION OF HOUSING; AUTHORIZING THE CITY ATTORNEY TO INSTITUTE LEGAL PROCEEDINGS; FORBIDDING INTIMIDATION; PROVIDING FOR COOPERATION WITH THE SECRETARY OF HOUSING AND URBAN DEVELOPMENT; PROVIDING FOR EDUCATION AND PUBLIC INFORMATION; PROVIDING A PENALTY; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Terrell, Texas, supports the concept of fair housing for all citizens; and

WHEREAS, a policy is needed to define fair housing in the City;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TERRELL, TEXAS, THAT THE CITY ADOPTS THE FOLLOWING FAIR HOUSING ORDINANCE:

SECTION 1. POLICY.

It is the policy of the City to provide, within constitutional limitations, for fair housing throughout the City.

SECTION 2. DEFINITIONS.

- A. Dwelling means any building, structure, or portion thereof which is occupied as, or designed or intended for occupancy as a residence for one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any building, structure, or portion thereof.
- B. Family includes a single individual.

- C. Person includes one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint stock companies, trusts, unincorporated organizations, trustees, receivers and fiduciaries.
- D. To Rent includes to lease, to sublease, to let and otherwise to grant for a consideration the right to occupy premises not owned by the occupant.
- E. Discriminatory Housing Practice means an act that is unlawful under Sections 3,4, and 5 of this Ordinance.

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SECTION 3. DISCRIMINATION IN THE SALE OR RENTAL OF HOUSING.

It shall be unlawful-

- A. To refuse to sell or rent after the making of a bona fida 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 families with children, handicapped persons, race, color, religion, sex 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 provisions of services or facilities in connection therewith, because of families with children, handicapped persons, race, color, religion, sex, or national origin.
- C. To 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 swelling that indicates any preference, limitation, or discrimination based on families with children, handicapped persons, race, color, religion, sec, or national origin, or an intention to make any such preference, limitation, or discrimination.
- D. To represent to any person because of families with children, handicapped persons, race, color, religion, sex or national origin that any dwelling is not available for inspection, sale, or rental when such dwelling is in fact so available.
- E. For profit, induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of

a person or persons or particular families with children, handicapped person, race, color, religion, sex, or national origin.

SECTION 4. DISCRIMINATION IN FINANCING OF HOUSING.

It shall be unlawful for any bank, building and loan association, insurance company, or other corporation, association, firm or enterprise, situated within the city limits of Terrell, Texas, 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 a person applying therefor the purpose of purchasing, constructing, improving, repairing, or maintaining a dwelling, or to discriminate against him in the fixing of the amount, interest rate, duration, or other terms or conditions of such loan or other financial assistance, because of families with children, handicapped, race, color, religion, sex, or national origin of such person or of any person associated with him in connection with such loan or other financial assistance, or of the present or prospective owners, lessees, tenants, or occupants of the dwelling or dwellings in relation to which such loan or other financial assistance is to be made or given.

SECTION 5. DISCRIMINATION IN 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 broker's organization or other service, organization, or facility relating to the business of selling or renting dwellings, or to discriminate against him in the terms or conditions of such access, membership, or participation, on account of families with children, handicapped, race, color, religion, sex, or national origin.

SECTION 6. RELIGIOUS ORGANIZATION OR PRIVATE CLUB EXEMPTION.

Nothing in this subchapter shall prohibit a religious organization, association, or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association, or society, 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 account of families with children, handicapped, race, color, or national origin.

SECTION 7. FAIR HOUSING ADMINISTRATOR.

The City Council shall appoint a Fair Housing Administrator whose specific duty shall be to insure the provisions of this ordinance are complied with.

SECTION 8. 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 Fair Housing Administrator. Complaints shall be in writing and shall contain such information and be in such form as the Administrator requires. Upon receipt of such complaint the Administrator 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 of this section, the Administrator shall investigate the complaint and give notice in writing to the person aggrieved whether he intends to resolve it. If the Administrator decides to resolve the complaint, he shall proceed to try to eliminate or correct the alleged discriminatory housing practice by informal methods or conference, conciliation, and persuasion. Nothing said or done in the course of such informal endeavors may be made public or used as evidence in a subsequent proceeding without the written consent of the persons concerned.
- B. A complaint under subsection A of this section shall be filed within one hundred eighty days after the alleged discriminatory housing practice occurred. Complaints 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 Administrator, 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 Administrator, he has been unable to obtain voluntary compliance with the ordinance, the person aggrieved may, within thirty days thereafter, commence a civil action in any appropriate state court, against the respondent named in the complaint, to enforce the rights granted or protected by this ordinance, insofar as such rights relate 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 subject to the provisions of this ordinance, enjoin the respondent from engaging in such practice or order such affirmative action as may be appropriate.
- D. In any proceeding brought pursuant to this section, the burden of proof shall be on the complainant.

- E. Whenever an action filed by an individual, in State Court, pursuant to this section, shall come to trial the Administrator shall immediately terminate all efforts to obtain voluntary compliance.
- F. In lieu of the remedies above provided, the Administrator may authorize the city attorney to institute such legal proceedings deemed appropriate.
- G. Any person who willfully fails or neglects to attend and testify or to answer any lawful inquiry or to produce records, documents, or other evidence, if in his power to do so, in obedience to the orders of the Administrator, shall be fined not more than \$200.00. Any person who, with intent thereby to mislead the Administrator, shall make or cause to be made any false entry or statement of fact in any report, account, record, or other document submitted to the Administrator pursuant to his orders, or shall willfully mutilate, after, or by any other means falsify any documentary evidence, shall be fined not more than \$200.00.

SECTION 9. COOPERATION WITH THE SECRETARY OF HOUSING AND URBAN DEVELOPMENT; UTILIZATION OF SERVICES AND PERSONNEL; WRITTEN AGREEMENTS.

The Administrator may cooperate with State and federal agencies charged with the administration of State and Federal fair housing laws and, with the consent of such agencies, utilize the services of such agencies and their employees. In furtherance of such cooperative efforts, the Administrator may enter into written agreements with such State or Federal agencies.

SECTION 10. PENALTIES.

Any "person" who is convicted of violating this ordinance shall be fined up to \$200.00.

SECTION 11. SEVERABILITY.

If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, the remainder of the ordinance and the application of the provision to other persons not similarly situated or to other circumstances shall not be affected thereby.

PASSED AND APPROVED this 3rd day of February 1998.

PASSED AND ADOPTED this 17th day of February 1998.

DON L.LINDSEY, MAYOR

ATTEST:

JOHN R. ROUNSAVALL, CITY SECRETARY

APPROVED AS TO FORM:

MARY GAYLE RAMSEY, CITY ATTORNEY