

**A FAIR HOUSING ORDINANCE
FOR THE COUNTY OF STEVENS**

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**A FAIR HOUSING ORDINANCE
FOR THE COUNTY OF STEVENS**

The County of Stevens does ordain:

WHEREAS, the County of Stevens, Minnesota (hereinafter referred to as the "County") desires to affirm compliance with Federal and State Fair Housing legislation; and

WHEREAS, the County desires to resolve Fair Housing discrimination complaints and violations locally;

THEREFORE, the following is set forth as the County of Stevens Fair Housing Ordinance:

SECTION 1 DECLARATIONS OF FAIR HOUSING POLICY

Status with regard to public assistance. Discrimination with regard to housing on the basis of race, sex, creed, religion, marital status, and disability adversely affects the health, welfare, peace, and safety of the community. Persons subject to such discrimination suffer depressed living conditions, and create conditions which endanger the public peace and order. The public policy of the County of Stevens is declared to be to foster equal opportunity for all to obtain decent, safe and sanitary housing without regard to their race, creed, color, national origin, marital status, disability status, sex and strictly in accord with their individual merits as human beings. It is also the policy of the County to protect all persons from all unfounded charges of discrimination.

SECTION 2 DEFINITIONS

For the purposes of this ordinance the following terms, phrases, words and their deviations, shall have the meaning given herein unless the context otherwise indicates:

- A. Discriminate or discrimination includes segregate or separate;
- B. Disability means a mental or physical condition which constitutes a handicap. Nothing in this ordinance shall be construed to prohibit any program, service, facility or privilege afforded to a person with a disability which is intended to habitat, rehabilitate or accommodate that person;
- C. Marital Status means the standing, state or condition of one as single or married person.

SECTION 3 PROHIBITED ACTS IN REGARD TO HOUSING

It shall be an unlawful discriminatory practice and punishable by a fine of not more than One Hundred Dollars (\$100.00):

- A. For any person to discriminate on grounds of race, creed, religion, color, sex, marital status, status with regard to public assistance, national origin, age or disability, in the sale, lease, or rental of any housing unit or units.
- B. For any broker, agent, salesman or other person acting in behalf of another to so discriminate in the sale, lease, or rental of any housing unit or units belonging to such other person.
- C. For any person engaged in the business of financing the purchase, rehabilitation, remodeling or repair of housing units or in the business of selling insurance with respect to housing units to refuse to provide such financing or insurance or to discriminate with regard to the terms or conditions thereof by reason of the race, color, sex, religion, creed, national origin, marital status, status with regard to public assistance, age or disability of the application or because of the location of the unit or units in areas of the County occupied by persons of a particular race, color, sex, religion, creed, national origin, marital status, status with regard to public assistance, age or disability; or to discriminate by treating differently any person or group of persons who desire to purchase, lease, acquire, construct, rehabilitate, repair, or maintain real property in a specific urban area because of social, economic or environmental conditions of the area in the granting, withholding, extending, modifying, or renewing, or in the rates, terms, conditions, or privileges of any such financial assistance or in the extension of services in connection therewith.

The bona fide program of federal, state or local governmental units or agencies, however structured or authorized to upgrade or improve in any manner a specific urban area shall not be deemed to be a violation of this section.

- D. For any person, having sold, leased, or rented a housing unit or units to any person, to discriminate with respect to facilities, services, or privileges of occupancy by reason of race, color, sex, creed, religion, national origin, age or disability, marital status, or status with regard to public assistance.
- E. For any person to make or publish any statement evidencing an intent to discriminate, on grounds of race, creed religion, color, sex, national origin or ancestry, marital status, status with regard to public assistance, age or disability, in the sale, lease, or rental of a housing unit or units.
- F. For any person to make any inquiry regarding race, color, sex, creed, religion, national origin, marital status, status with regard to public assistance, age or

disability, or to keep any record or use any form of application, designed to elicit such information, financing of a housing unit or units.

- G. For any person, for the purpose of inducing a real estate transaction from which he may benefit financially,
 - 1. To represent that a change has occurred or will or may occur in the composition of the block, neighborhood, or area in which the property is located, in respect of the race, color, sex, creed, religion, national origin, marital status, status with regard to public assistance, age or disability of those living there; or
 - 2. To represent that this change will or may result in the lowering of property values, an increase in crime, or antisocial behavior, or a decline in the quality of schools in the block, neighborhood, or area concerned.
- H. Nothing in this ordinance shall be construed to require any person or group of persons selling, renting or leasing property to modify the property in any way, or exercise a higher degree of care for a person having a disability than for a person who does not have a disability; nor shall this chapter be construed to relieve any person or persons of any obligations generally imposed on all persons regardless of any disability in a written lease, rental agreement, or contract or purchase or sale, or to forbid distinctions based on the inability to fulfill the terms and conditions, including financial obligations of such lease, agreement or contract.
- I. The provisions of this ordinance shall not apply to:
 - 1. The rental of a portion of a dwelling containing accommodations for two (2) families, one of which is occupied by the owner; or
 - 2. The rental by an owner or occupier of a one-family accommodation in which he resides of a room or rooms in such accommodation to another person or persons if the discrimination is by sex, marital status, status with regard to public assistance or disability. Nothing in this ordinance shall be construed to require any person or group of persons selling renting or leasing property to modify the property in any way, or exercise a higher degree of care for a person having a disability than for a person who does not have a disability; nor shall this ordinance be construed to relieve any person or persons of any obligations generally imposed on all persons regardless of any disability in a written lease, rental agreement, or contract of purchase or sale, or to forbid distinction based on the inability to fulfill the terms and conditions, including financial obligations, of such lease, agreement or contract.

SECTION 4 ENFORCEMENT PROCEDURES

The Housing and Redevelopment Authority in and for the County of Stevens, Minnesota (hereinafter referred to as "HRA") is designated as enforcement agency for this ordinance and shall have the power to receive, hear and determine complaints as provided herein.

The HRA shall promptly investigate, upon complaint or upon its own motion, any violations of this ordinance. If after investigation, it shall have reason to believe a violation has occurred, it may refer the matter to the County Attorney for criminal prosecution, initiate civil enforcement procedures as herein provided, or enter into a settlement agreement which, when approved by the HRA, shall have the same force as a HRA order.

SECTION 5 STATUTE OF LIMITATIONS

No action may be brought for civil enforcement or criminal prosecution unless the charge of alleged discriminatory practice was filed with the County within one hundred eighty (180) days from the occurrence of the practice.

SECTION 6 CIVIL ENFORCEMENT PROCEDURE

Civil enforcement procedures shall be prosecuted by the County Attorney for the HRA in the following manner:

- A. The County Attorney shall serve upon the respondent by certified mail a complaint, signed by him, which shall set forth a clear and concise statement of the facts constituting the violation, set a time and place for hearing, and advise the respondent of his right to file an answer, to appear in person or by an attorney and to examine and cross-examine witnesses.
- B. The hearing shall not be less than twenty (20) days after service of the complaint. At any time prior to the hearing the respondent may file an answer. Facts not denied by answer shall be deemed admitted. If the answer sets out new matter, it shall be deemed denied by the HRA.
- C. The complaint or answer may be amended at any given time prior to the hearing with the consent of the opposing party.
- D. Hearings shall be before the HRA.
- E. The HRA may obtain subpoenas from the District Court to compel the attendance of witnesses and production of documents at any hearing.
- F. If, at hearing, the HRA shall conclude that a violation has occurred, it shall prepare an order which may contain any provision deemed desirable to do justice to the complainant or to prevent further violations. It may include provisions which require the respondent to rent, sell, or lease particular housing to the complainant, or to do any other thing as may be just. The HRA's findings of fact and order shall be served on the respondent and County Attorney by mail, and shall become the findings and order of the HRA unless, within ten (10) days after mailing of the findings and order, the HRA shall revoke or amend the order, but any order of the HRA may be modified by the HRA at any time.

SECTION 7 EFFECTIVE DATE

The Ordinance shall take effect 30 days from and after its passage and publication.

Passed and adopted this 3rd day of November, 1980.

ATTEST: Dick Bluth, County Auditor

Signed: E.L. Dosedall, Chairman
Stevens County Board of Commissioners