

ORDINANCE NO. 33

AN ORDINANCE TO AMEND THE CODE OF THE CHARTER TOWNSHIP OF IRONWOOD BY ADDING A NEW CHAPTER, WHICH CHAPTER SHALL BE DESIGNATED AS CHAPTER 118 OF TITLE IX OF SAID CODE DESIGNATING THE CONTINUANCE OF A FAIR HOUSING PRACTICE POLICY IN THE CHARTER TOWNSHIP OF IRONWOOD, AND SETTING FORTH STANDARDS TO FURTHER INSURE FAIR HOUSING PRACTICES.

An Ordinance Amending.

THE CHARTER TOWNSHIP OF IRONWOOD ORDAINS:

9.161 Designation of Policy. That it is hereby designated to be the continuing policy of the Charter Township of Ironwood to do the things necessary and proper to secure for all its citizens their rights to equal housing opportunities regardless of their race, creed, color, sex, marital status, religious beliefs, age, national origin or handicap.

9.162 Definitions. That as used in this Ordinance, the following terms shall have these meanings:

- (a) Real Estate Agent. Real Estate Agent includes any real estate salesman or an agent thereof or any other person partnership, association or corporation who for consideration sells, purchases, exchanges, rents, leases, negotiates the sale, purchasing, exchanging, renting or otherwise transferring any interest in real property.
- (b) Discrimination, discriminating or discriminate. The terms discrimination, discriminating or discriminate mean to render any differences in treatment to any person the sale, lease, rental or financing of a dwelling or housing unit because of a person's race, creed, color, sex, marital status, religious belief, age, national origin or handicap.
- (c) Housing. Housing includes any building, facility or structure or portion thereof which is used or occupied or is intended, arranged or designed to be used or occupied as the home, residence or sleeping place for one or more persons, groups or families and any vacant land offered for sale or lease for the construction or location thereof of such building, facility, or structure.
- (d) Lending Institution. Lending institution means any bank, building and loan association, insurance company or other persons whose business consists in whole or in part in the lending of money or guaranteeing loans.
- (e) Person. Person means one or more individuals, corporations, associations, firms or enterprises, labor organizations, legal representatives, mutual companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers and fiduciaries.

9.163 Unlawful Housing Practices. It shall be unlawful housing practice and a violation of this ordinance:

- (a) For any person or real estate agent:
 - 1) To discriminate against any person in the selling, leasing, subletting, assigning, or otherwise transferring any interest in housing.
 - 2) To discriminate against any person by refusing to negotiate, refusing to transmit a bona fide offer, making false representations of the availability of or withdrawing from the market, a housing unit which is for sale, lease, sublease or rental.
 - 3) To include in their terms, conditions, or privileges of any sale, lease, sublease, rental, assignment or other transfer of any housing, any clause, condition or restriction discriminating against any person in the use or occupancy of such building.

- 4) To discriminate in the furnishing of any facilities, repairs, improvements, or services or in the terms, conditions, privileges or tenure or occupancy or any person.

(b) For any lending institutions:

- 1) To discriminate in lending money, guaranteeing loans, accepting a deed, or trust or mortgage or otherwise making available funds for purchasing, constructing, improving, altering, repairing, rehabilitation or maintaining any housing or to discriminate against in the fixing of the amount, interest rate, duration, or other terms, conditions or provisions of any such financial assistance.
- 2) To discriminate in the lending of money, guaranteeing loans, accepting a deed to trust or mortgage or otherwise making funds available on the basis of geographic location.

(c) For any person, real estate agent or lending institution with respect to any prohibited act specified in this ordinance, to publish, to circulate or cause to be published or circulated any notice, statement, listing or advertisement, or to announce a policy or make any record in connection with the prospective sale, lease, sublease, rental or financing of any housing which indicated reliance, determination or decision based on race, creed, color, sex, marital status, religious belief, age, national origin or handicap.

(d) For any person or real estate agent to assist in, compel, or coerce the doing of any act declared to be unlawful housing practice under this ordinance or to obstruct or prevent endorsement of compliance with provisions of this ordinance or to attempt directly or indirectly to commit any act declared by this ordinance to be unlawful housing practice.

(e) For any person, real estate agent, or lending institution:

- 1) To induce or attempt to induce the sale, transfer of interest, or listing for sale of any housing by making representations regarding the existing or potential proximity of real property owned, used or occupied by any person of any particular race, creed, color, sex, marital status, religious belief, age, national origin or handicap by direct or indirect methods.
- 2) To make any representation to a prospective purchaser, or lessee that any housing in a particular block, neighborhood or area may undergo, is undergoing or has undergone a change with respect to race, creed, color, sex, religious belief, age national origin or handicap of such block, neighborhood or area.
- 3) To induce or attempt to induce the sale or listing for sale of any housing by representing that the presence or anticipated presence of persons of any particular race, creed, color, sex, religious belief, age, national origin or handicap in the block, neighborhood or area will or may result in:
 - a) The lowering of property values.
 - b) A change in the racial, color, religious, nationality, or ethnic composition of the block, neighborhood or area in which the property is located.
 - c) An increase in criminal or antisocial behavior in the area.
 - d) A decline in the quality of schools serving the area.

- (f) For any person or real estate agent to cause or coerce or attempt to cause or coerce retaliation against any person because such person has lawfully opposed any act or failure to act that is in violation of this ordinance or has, in good faith, filed a complaint, testified, participated or assisted in any way in any proceedings under this ordinance or prevent any person from complying with this ordinance.
- (g) To deny any person because of a person's race, creed, color, sex, religious belief, age, national origin or handicap, 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 housing or discriminate against a person in the terms or conditions of such access, membership or participation.
- (h) To do any other thing or engage in conduct which would otherwise make unavailable equal housing opportunities.

9.164 Exemptions. This ordinance shall not apply to:

- (a) A religious organization, or association or society or any nonprofit institution or organization operating, supervised, or association or society which owns or operates for other than commercial purpose to persons of the same religion, or which gives preference to such persons, unless membership in such housing or religion is restricted on account of race, color, sex or national origin.
- (b) A private club not in fact open to the public which is an incident to its primary purposes, provides lodging which it owns or operates for other than a commercial purpose, and which limits the rental or occupancy of such lodging to its members or gives preference to its members.
- (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 such living quarters as his residence.
- (d) Any person who selects, procures or rents to another person to be a co-habitant in his or her own home, dwelling or housing unit.
- (e) Any licensed or publicly regulated senior citizen housing.

9.165 Procedures and Enforcement.

- (a) Any person subject to an unlawful housing practice may file within 180 days of the alleged violation with the properly trained and designated person(s) in the Township of Ironwood, who shall give counseling and make referral to the proper resources: namely, HUD-FHEO Division, Michigan Department of Civil Rights, Fair Housing Center or through the United States District Court, with counsel of choice.
- (b) The complainant may file a complaint in person or through verbal means and must state: The name and address of the person aggrieved, the name and address against whom the complaint is filed, a description and the address of the dwelling which involves the alleged discriminating housing practice, a concise statement of facts, including pertinent dates, times, individuals involved and other such facts constituting the alleged discriminating housing practice as may be required by any of the investigating resources.

9.166 Scope of Ordinance.

The provisions of this ordinance shall apply to all housing located within territorial limits of the Charter Township of Ironwood, State of Michigan.

9.167 Other legal action.

Nothing contained in this section shall prevent any person from exercising any right or seeking any remedy to which he might otherwise be entitled or from filing any complaint with any other agency or court.

9.168 Severability.

Sections and subsections of this ordinance and the several parts, and provisions thereof are hereby declared to be independent section, sub-section, parts and provisions and the holding of any such section, sub-section, part or provision thereof to be unconstitutional, void or ineffective for any cause, shall not affect nor render invalid any other such section, sub-section, part or provision thereof.

9.169 Penalties-Relief.

- (a) Every person or firm convicted of a violation of this ordinance shall be guilty of a misdemeanor and punished by a fine not less than \$100.00 and not to exceed \$500.00 or by imprisonment for not to exceed 90 days or both.
- (b) Further, to the extent permitted by law, the court in any civil case arising hereunder may award damages to the aggrieved party and injunctive relief if the circumstances so require.

This ordinance shall take effect upon adoption and publication as required by law.

This Ordinance was made and passed by the Board of the Charter Township of Ironwood, Gogebic County, Michigan on this 23rd day of May, 1990. This Ordinance will take effect immediately upon publication.

BY: Arlene Palojarvi
Arlene Palojarvi, Clerk
CHARTER TOWNSHIP OF IRONWOOD
Gogebic County, Michigan

Attest

BY: Thomas Christensen
Thomas Christensen, Supervisor
CHARTER TOWNSHIP OF IRONWOOD
Gogebic County, Michigan

CLERK'S CERTIFICATION

I, Arlene Palojarvi, Clerk of the Charter Township of Ironwood, hereby certify that the above Ordinance was published in the Ironwood Daily Globe, a newspaper having general circulation in the Charter Township of Ironwood, on the 25th day of May, 1990.

Arlene Palojarvi
Arlene Palojarvi, Clerk