

RECORD OF ORDINANCES

Ordinance No. 21-69

Passed 28th day of April, 1969

ORDINANCE NO. 21-69

AN ORDINANCE PROHIBITING DISCRIMINATION BECAUSE OF RACE, COLOR, RELIGION, NATIONAL ORIGIN, OR ANCESTRY OF ANY PERSON IN THE SALE, PURCHASE, TRANSFER, LEASE, RENTAL, OCCUPANCY, AND FINANCING OF REAL PROPERTY.

THE MUNICIPALITY OF CENTERVILLE HEREBY ORDAINS:

Section 1. Title.

This Ordinance shall be known and may be cited as the Fair Housing Ordinance of the Municipality of Centerville, Ohio.

Section 2. Declaration of Policy.

It is hereby declared by the Council of the Municipality of Centerville, Ohio, to be in the best interest of the health, safety and welfare of the people of the Municipality of Centerville to secure to all persons living or desiring to live in the Municipality of Centerville a fair opportunity to sell, purchase, transfer, lease, rent, occupy, and finance housing without discrimination based on race, color, religion, national origin or ancestry.

Section 3. Definitions.

For the purpose of this Ordinance, the words and phrases set forth in this Section shall have the meaning here given:

- (a) "Person" includes one or more natural persons, partnerships, associations, organizations, corporations, legal representatives, trustees, trustees in bankruptcy, receivers, and other organized groups of persons. It also includes, but is not limited to, any owner, lessor, assignor, builder, manager, broker, salesman, agent, employee, and lending institution.
- (b) "Real Property" includes any building, structure or portion thereof in the Municipality of Centerville, which is used, intended to be used or occupied as a home, residence, sleeping place of one or more persons, place of business or office, or any vacant land offered for the construction or location thereon of any such building, structure or portion thereof.
- (c) "Unfair Real Property Practice" means any act prohibited by Section 4 of this Ordinance.
- (d) "Families" includes a single person and a group of people related by affinity, consanguinity or adoption.

Section 4. Prohibited Acts.

It shall be unlawful for any person to do any of the following:

- (a) After any real property has been offered for sale, rent or lease to refuse to sell, transfer, assign, rent or lease after the making of a bona fide offer, or to refuse to negotiate for the sale, transfer, assignment, rental or leasing of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, national origin, or ancestry.
- (b) Discriminate against any person in the terms, conditions, or privileges of sale, rental or leasing of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, religion, national origin or ancestry.
- (c) Make, print or publish, or cause to be made, printed or published any notice, statement or advertisement with respect to the sale, rental, or leasing of a dwelling that indicates any preference,



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limitation or discrimination based on race, color, religion, national origin or ancestry, or an intention to make any such preference, limitation or discrimination.

- (d) Represent to any person, because of race, color, religion, national origin or ancestry that any dwelling is not available for inspection, sale, rental or lease, when such dwelling is in fact so available.
- (e) For profit, to induce or attempt to induce any person to sell, rent, or lease any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, national origin or ancestry.
- (f) Deny a loan or other financial assistance to a person applying therefore for 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 the race, color, or religion, national origin or ancestry of such person or of any person associated with him in connection with such loan or other financial assistance, or the purposes of 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. Limitations.

Nothing in this Ordinance shall require an order to offer property to the public at large before selling, renting or leasing it, nor shall this Ordinance be deemed to prohibit owners from giving preference to prospective tenants, lessees or buyers for any reason other than religion, race, color, national origin or ancestry.

Nothing in this Ordinance shall require an order to offer property for sale, lease or rental to any person if the owner has any reason to believe that such person is not negotiating for the purchase, rental or lease of such property in good faith.

Nothing in this Ordinance shall bar any religious or denominational institution or organization, or any organization operated for charitable or educational purposes, which is operated, supervised or controlled by or in connection with a religious organization, from limiting admission to or giving preference to persons of the same religion or denomination with regard to occupancy, leasing, sale or purchase of housing, or from making such selection as is calculated by such organization to promote the religious principles for which it is established or maintained.

This Ordinance shall not apply to the rental of any rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four (4) families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his residence.

Section 6. Procedures.

Any person aggrieved in any manner by an unfair real property practice may file a written complaint setting forth his grievance with the Municipal Attorney. Said complaint shall state the name and address of the complainant and of the person or persons against whom the complaint is brought and shall also state the alleged facts surrounding the alleged unfair real property practice.



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Upon the filing of any complaint, the Municipal Attorney shall make a prompt investigation in connection therewith. The Municipal Attorney may, on his own initiative, conduct such an investigation of any alleged unfair real property practice without the necessity of a written complaint having been filed. This investigation shall be conducted within the discretion of the Municipal Attorney, and he need make no formal report. If he determines after such investigation that no probable cause exists in connection with the alleged unfair real property practice, he shall so advise the complainant in writing. If he determines after such investigation that probable cause exists in connection with the alleged unfair real property practice, he shall immediately endeavor to eliminate the alleged practice by conference, conciliation and persuasion. In case of failure to eliminate such practice, the Municipal Attorney, if in his judgment circumstances so warrant, shall instruct the complainant to execute the appropriate affidavit charging the alleged offender with the alleged violation of this ordinance, and shall instruct the complainant to file the affidavit with the Clerk of the Court of competent jurisdiction. Nothing in this section shall be construed as prohibiting the Municipal Attorney from executing and filing the affidavit himself.

The Clerk of the Court of competent jurisdiction shall not accept for filing any affidavit alleging any violation of this Ordinance unless the Municipal Attorney has approved in writing the filing thereof.

Section 7. Limitation of Time to File Complaint.

Any complaint filed hereunder with the Municipal Attorney must be filed within thirty (30) days after the alleged discriminatory practice occurred or it shall be barred.

Section 8. Penalty.

Any person who commits an unfair real property practice in violation of Section 4 of this Ordinance shall be fined not more than Fifty (\$50.00) Dollars upon conviction of a first offense; and not more than Five Hundred (\$500.00) Dollars or imprisonment for not more than Thirty (30) Days, or both upon conviction of any subsequent offense.

Section 9. Severability.

If any Section, Subdivision, Paragraph, Sentence or Clause of this Ordinance is for any reason held invalid or unconstitutional, such decision shall not effect any remaining portion, section or part thereof.

Section 10. Effective Date.

This Ordinance shall take effect at the earliest time allowed by law.

PASSED this 28th day of April, 1969.

/S/ Paul C. Hoy  
Mayor - Municipality of Centerville

ATTEST:

/S/ Marilyn J. McLaughlin  
Clerk of the Council of the Municipality  
of Centerville, Ohio

C E R T I F I C A T E

The undersigned, Clerk of the Council of the City of Centerville, Ohio, hereby certifies that the foregoing is a true and correct copy of an ordinance passed by the Council of the City of Centerville, Ohio, on the 28th day of April, 1969.

/S/ Marilyn J. McLaughlin  
Clerk