CHAPTER 28

FAIR HOUSING

Sec. 28.01 Statement On Fair Housing.....

Sec. 28.02 Definitions: As Used in this Chapter.....

Sec. 28.03 Discrimination Prohibited.....

Sec. 28.04 Enforcement.....

FAIR HOUSING

Sec. 28.01 Statement on Fair Housing

It is hereby declared to be the policy of the Village of Whiting to assure equal opportunity to all persons to live in decent housing facilities regardless of race, color, religion, ancestry, national origin, sex, sexual preference, handicap, marital status of person maintaining a household, lawful source of income, place of birth or age and, to that end, to prohibit discrimination in housing by any persons.

Sec. 28.02 Definitions: As Used in this Chapter

1) "DWELLING" shall mean any building, structure, or portion thereof which is occupied as, or designed for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction thereof of any such buildings or structure.
2) "PERSON" includes a single individual.
3) "FAMILY" includes one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy and receivers.
4) "TO RENT" includes to lease, sublease, to let and otherwise grant for a consideration the right to occupy premises not owned by the occupant.
5) "DISCRIMINATORY HOUSING PRACTICE" means:
    a. To refuse to sell or rent after making a bona fide offer, or to refuse to negotiate for the sale or rental of or make unavailable or deny a dwelling to any person because of race, color, religion, sex, sexual preference, 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 provision of services or facilities in connection therewith, because of race, color, religion, sex, sexual preference, 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 dwelling that indicates any preference, limitation or discrimination based on race, color, religion, sex, sexual preference, or national origin.
    d. To represent to any person because of race, color, religion, sex, sexual preference, or national origin that any dwelling is not available for inspection, sale or rental when such dwelling is, in fact, so available.
    e. For any bank, building and loan association, insurance company or other corporation, association, firm or enterprise whose business consists in the making of commercial real estate loans, to deny a loan or other financial constructing, improving or maintaining a dwelling or to discriminate against him in the fixing of the amount, interest rate, duration, or terms or conditions of such loan or other financial assistance because of race, color, religion, sex, sexual preference, or national origin of such person or persons.
    f. To deny any person access to our 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 race, color, religion, sex, sexual preference or national origin.
    g. To induce directly or indirectly or attempt to induce directly or indirectly the sale, purchase, rental or lease for the listing for any of the above, of any housing accommodation by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, sex, sexual preference, religion, or national origin.
    h. To retaliate or discriminate in any manner against a person because he has opposed a practice declared unlawful b this article, or because he has filed a complaint, testified, assisted in or participated in any manner in any investigation, proceeding, hearing or conference under this Chapter.

Sec. 28.03 Discrimination Prohibited

It is unlawful to discriminate in the sale or rental of housing or to commit any discriminatory housing practice except that this Chapter shall not apply to any of the following:

1) Any single family house sold or rented by any owner; provided that in case of the sale of any such single family house by a private individual owner not residing in such house at the time of such sale, the exemption

granted by this subsection shall apply only with respect to one such sale within a twenty-four (24) month period, provided further, that the sale of rental of any such single family house shall be excepted from the applications of this Chapter only if such house is sold or rented, without the use of any real estate broker, agent, or salesman and without the publication, posting or mailing of any advertisement in violation of Section 28.02 (e)(3); but nothing in this provision shall prohibit the use of attorneys, escrow agents, abstractors, title companies to perfect or transfer title.

2) Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independent of each other, if the owner actually maintains and occupies one of such living quarters as his residence.
3) To a religious organization, association, or society or any non-profit 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 in restricted on account of race, color, sex, sexual preference or national origin.
4) Nor shall anything in this Chapter prohibit a private club, not open to the public, which as an incident to its primary purpose or purposes provides lodging which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members.

Sec. 28.04 Enforcement

Any person aggrieved by an unlawful practice prohibited by this Chapter may file a complaint with the chairperson of the Plan Commission thirty (30) days after the aggrieved person becomes aware of the alleged unlawful practice and in no event more than sixty (60) days after the alleged unlawful practice has occurred. The chairperson of the Commission shall receive each complaint and attempt to resolve each complaint. Failure to achieve a resolution acceptable to both parties and compliance with this ordinance shall cause the chairperson of the Commission to forward the Complaint and findings to appropriate state and federal agencies.