

**CITY OF DE LEON
ORDINANCE #002-20**

AN ORDINANCE OF THE CITY OF DE LEON, TEXAS DECLARING CITY POLICY AGAINST UNLAWFUL DISCRIMINATION AND PROVIDING FOR PROHIBITION OF UNLAWFUL DISCRIMINATION AND OTHER UNLAWFUL ACTS IN THE SALE OR RENTAL OF HOUSING, FINANCING, BROKERAGE, AND INTIMIDATION; PROVIDING FOR EXEMPTIONS AND EXCLUSIONS; PROVIDING FOR ENFORCEMENT PROCEDURES; PROVIDING FOR A PENALTY FOR VIOLATION OF THIS ORDINANCE IN THE AMOUNT OF \$300; PROVIDING FOR SAVINGS, SEVERABILITY, AND REPEALING CLAUSES; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF..

WHEREAS, the City Council (“City Council”) of the City of De Leon, Texas (“City”) hereby declares it to be the policy of the City to bring about through fair, orderly and lawful procedures, the opportunity of each person to obtain housing without regard to race, color, religion, sex, national origin, physical or mental disability, or familial status.

WHEREAS, the City Council further declares that such policy is established upon a recognition of the inalienable rights of each individual to obtain housing without regard to race, color, religion, sex, national origin, physical or mental disability, or familial status and further that the denial of such rights through considerations based on these protected classes is detrimental to the health, safety and welfare of the inhabitants of the city and constitutes an unjust denial or deprivation of such inalienable rights which is within the power and the proper responsibility of government to prevent.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DE LEON, TEXAS:

Article I. Unlawful Discrimination

Section 1. Recitals Incorporated

The City Council finds that the recitals set forth above are true and correct, and said recitals are incorporated into this ordinance as if set forth in full.

Section 2. Definitions

As used in this ordinance the following words and phrases shall have the meanings respectively ascribed to them in this section unless the context requires otherwise:

Director means the director of the human relations department or authorized assistant.

Discriminatory housing practice means an act which is unlawful under this ordinance.

(2) To discriminate against any person in the terms, conditions, or privileges of a sale or rental of a dwelling or in the provision of services or facilities in connection therewith because of race, color, religion, sex, national origin, physical or mental disability, or familial status.

(3) 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 of discrimination based on race, color, religion, sex, national origin, physical or mental disability, or familial status, or an intention to make any such preference, limitation or discrimination.

(4) To represent to any person because of race, color, religion, sex, national origin, physical or mental disability, or familial status, that any dwelling is not available for inspection, sale or rental when such dwelling is in fact so available.

(5) To 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 of a particular race, color, religion, sex, national origin, physical or mental disability, or familial status.

Section 5. Discrimination in Housing Financing

It shall be unlawful for any bank, building and loan association, insurance company, or other person 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 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, religion, sex, national origin, physical or mental disability, or familial status of such person or such persons associated therewith or because of the race, color, religion, sex, national origin, physical or mental disability, or familial status, of the present or prospective owners, lessees, tenants or occupants of the dwelling or dwellings for which such loan or other financial assistance is to be made or given.

Section 6. Discrimination in Providing Brokerage Service

It shall be unlawful for any person to deny another person access to membership in, or participation in any multiple listing service, real estate brokers' organization, or other service, organization or facility relating to the business of selling and renting dwellings or to discriminate against another person in the terms or conditions of such access, membership or participation, on account of race, color, religion, sex, national origin, physical or mental disability, or familial status.

Section 7. Unlawful Intimidation

It shall be unlawful for any person to harass, threaten, harm, damage or otherwise penalize any individual, group or business because such individual, group, or business has complied with the provisions of this ordinance or has exercised in good faith rights under this ordinance, or has enjoyed the benefits of this ordinance, or because such individual, group, or business has made a charge in good faith, testified in good faith or assisted in good faith in any manner in any investigation, or in any proceeding hereunder or has made any report to the director.

Section 8. Exemptions and Exclusions

(a) Nothing in this ordinance shall apply to:

(1) Any single-family house sold or rented by an owner, provided that:

(e) Nothing in this ordinance shall bar any person from owning and operating a housing accommodation in which rooms are leased, subleased or rented only to persons of the same sex, when such housing accommodation contains common lavatory, kitchen or similar facilities available for the use of all persons occupying such housing accommodation.

(f) Nothing in this ordinance shall prohibit the sale, rental, lease or occupancy of any dwelling designed and operated exclusively for senior adults and their spouses, unless the sale, rental, lease or occupancy is further restricted on account of race, color, religion, sex, national origin, physical or mental handicap or familial status.

(g) Nothing in this ordinance shall bar a person who owns, operates or controls rental dwellings whether located on the same property or on one or more contiguous parcels of property, from reserving any grouping of dwellings for the rental or lease to tenants with a minor child or children; provided however, in the event that said reserved area is completely leased or rented, the person owning, operating or controlling said rental dwelling may not refuse to rent or lease any other available dwelling to the prospective tenant on the basis of the tenant's status as parent or any other of the protected classifications set forth in this ordinance.

Section 9. Violations

No person shall violate any provision of this ordinance, or knowingly obstruct or prevent compliance with this ordinance.

Article II. ENFORCEMENT

Section 1, Generally

The director of the human relations department shall have the responsibility of administering and implementing this ordinance. The director may delegate the authority to investigate and conciliate complaints to other designated city employees.

Section 2. Complaints - Generally

(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 (hereinafter referred to as the "charging party") may file a complaint with the director. Such complaints shall be in writing and shall identify the person alleged to have committed or alleged to be committing a discriminatory housing practice and shall state the facts upon which the allegations of a discriminatory housing practice are based. The director shall prepare complaint forms and furnish them without charge to any person, upon request.

(b) The director shall receive and accept notification and referral complaints from the U.S. Attorney General and the Secretary of Housing and Urban Development pursuant to the provisions of Title VIII, Fair Housing Act of 1968, Public Law 90-284, and shall treat such complaints hereunder in the same manner as complaints filed pursuant to subsection (a) of this section.

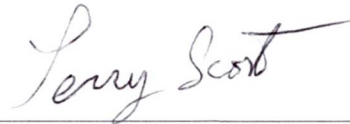
(c) All complaints shall be filed within one hundred eighty (180) days following the occurrence of an alleged discriminatory housing practice. Upon the filing or referral of any complaint, the director shall provide notice of the complaint by furnishing a copy of such complaint to the person named therein (hereinafter referred to as the "respondent") who allegedly committed or were threatening to commit an

All ordinances of the City in conflict with the provisions of this ordinance are repealed to the extent of that conflict. If any provision of this ordinance shall be held to be invalid or unconstitutional, the remainder of such ordinance shall continue in full force and effect the same as if such invalid or unconstitutional provision had never been a part hereof. The City declares that it would have passed this ordinance, and each section, subsection, clause, and phrase thereof irrespective of the fact that any one or more section, subsection, sentence, clause and phrase be declared unconstitutional or invalid.

Section 6. Publication


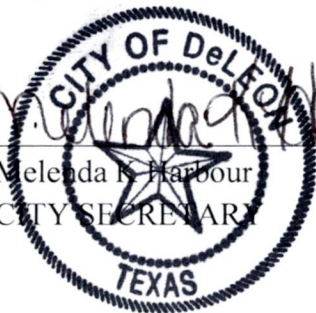
Publication of the Caption Hereof and Effective Date. this ordinance shall be in full force and effective from and after its passage and upon the posting and/or publication, if required by law, of its caption and the City secretary is hereby directed to implement such posting and/or publication.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DE LEON, TEXAS ON THIS 21 DAY OF January, 2020



Terry Scott
MAYOR

Attest:

Melinda K. Harbour
CITY SECRETARY