

CHAPTER XXII

FAIR HOUSING

**22.01 DECLARATION OF POLICY**

It is hereby declared to be the policy of the City of Kenosha pursuant to the Constitution of the United States and the State of Wisconsin, and also its power to protect the public health, safety and general welfare, that all persons regardless of sex, race, color, physical condition, disability, sexual orientation, religion, national origin, marital status of the person maintaining a household, family status, lawful source of income, age or ancestry, are entitled to fair and equal access to housing; and to that end, the City of Kenosha hereby enacts the following Ordinance which prohibits any person from discriminating against any other person by impairing access to any housing on the basis of sex, race, color, physical condition, disability, sexual orientation, religion, national origin, marital status of the person maintaining a household, family status, lawful source of income, age or ancestry.

**22.02 DEFINITIONS**

In this Section, unless the context requires otherwise:

**A. "City Attorney"** means the City Attorney of the City of Kenosha, and any Assistant City Attorney of the City of Kenosha acting on his or her behalf.

**B. "Commission"** means the Kenosha Commission of Human Relations.

**C. "Disability"** means a physical or mental impairment that substantially limits one or more major life activities, a record of having such an impairment or being regarded as having such an impairment. "Disability" does not include the current illegal use of a controlled substance, as defined in §161.01(4), Wisconsin Statutes, unless the individual is participating in a supervised drug rehabilitation program.

**D. "Discriminate" and "discrimination"** means to segregate, separate, exclude, or treat any person or class of persons unequally because of sex, race, color, physical condition, disability, sexual orientation, religion, national origin, marital status of the person maintaining a household, lawful source of income, family status, age or ancestry; and, for a person engaged in the business of accepting mortgages on real estate or insuring against hazards, because of the atmospheric, economic, ethnic, racial or social characteristics of the neighborhood in which housing is located. It is intended that the factors set forth herein shall be the sole basis for prohibiting discrimination.

**E. "Family Status"** means any of the following conditions that apply to a person seeking to rent or purchase housing or to a member or prospective member of the person's household regardless of the person's marital status:

1. A person is pregnant.
2. A person is in the process of securing sole or joint legal custody, periods of physical placement or visitation rights of a minor child.
3. A person's household includes one or more minor or adult relatives.
4. A person's household includes one or more adults or minor children in his or her legal custody or physical placement or with whom he or she has visitation rights.
5. A person's household includes one or more adults or minor children placed in his or her care under a court order, under a guardianship or with the written permission of a parent or other person having legal custody of the adult or minor child.

**F. "Housing"** means any improved property, including any mobile home park, which is used or occupied, or is arranged, intended or designed to be used or occupied, as a home or residence.

**G. "Person"** means any individual, partnership, labor or other association, corporation, legal representative, receiver, trustee manager, employee or any other agent of any such person.

**H. "Private Nonprofit Corporation"** means a corporation chartered under Chapter 181, Wisconsin Statutes, and recognized as tax exempt under Section 501(c)(3) of the Internal Revenue Act of 1954, as

amended.

**I. "Sexual Orientation"** means having a preference for heterosexuality, homosexuality or bisexuality, having a history of such a preference or being identified with such a preference.

**J. "Unimproved Residential Lot"** means any residential lot upon which no permanent building or structure containing living quarters has been constructed.

**22.03 PROHIBITED ACTS**

**A.** It is a prohibited act for any person to discriminate:

1. By refusing to sell, lease, finance or construct housing or by refusing to discuss the terms thereof.

2. By refusing to permit inspection or exacting different or more stringent price, terms or conditions for the sale, lease, financing or rental of housing.

3. By refusing to finance or sell an unimproved residential lot or to construct a home or residence upon such a lot.

4. By publishing, circulating, issuing or displaying, or causing to be published, circulated, issued or displayed, any communication, notice, advertisement or sign in connection with the sale, financing, lease or rental of housing, which states or indicates any discrimination in housing.

5. For a person in the business of insuring against hazards, by refusing to enter into, or by exacting different terms, conditions or privileges with respect to a contract of insurance against hazards to a dwelling.

6. By refusing to renew a lease, causing the eviction of a tenant from rental housing or engaging in the harassment of a tenant.

**B.** It is a prohibited act for any person to induce or attempt to induce any other person to sell, rent or lease any dwelling by representatives regarding the present or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, national origin or economic status or by representatives to the effect that such present or prospective entry will or may result in:

1. The lowering of real estate values in the area concerned;
2. A deterioration in the character of the area concerned;
3. An increase in criminal or antisocial behavior in the area concerned; or,
4. A decline in the quality of the schools or other public facilities serving the area.

**C.** No person may coerce, intimidate, threaten or interfere with any person in the exercise or enjoyment of any right granted or protected by this Section, or with any person who has aided or encouraged another person in the exercise or enjoyment of any right granted or protected by this Section.

**22.04 ACTS NOT PROHIBITED**

**A.** Nothing in this Chapter shall prohibit discrimination on the basis of age in relation to housing designed to meet the needs of elderly individuals.

**B.** Nothing in this Chapter shall prohibit a person from exacting different or more stringent terms or conditions for financing housing based on the age of the individual applicant for financing if the terms or conditions are reasonably related to the individual applicant.

**C.** Nothing in the Chapter shall prohibit the development of housing designed specifically for persons with a handicap and discrimination on the basis of handicap in relation to such housing.

**D.** Nothing in this Section shall be deemed to prohibit an owner, or his or her agent, from requiring that any person who seeks to buy, rent or lease housing supply information concerning his or her family, marital, financial and business status, but not concerning race, color or creed. It shall not be discrimination based on family status to act as otherwise prohibited in Section 22.03 A.1., 4., or 6. if the number of individuals under eighteen (18) years of age equals or exceeds the number of bedrooms in the unit.

**22.05 ADMINISTRATION AND ENFORCEMENT**

Any person who claims to have been injured by a discriminatory housing practice or who believes that he/she will be irrevocably injured by a discriminatory housing practice that is about to occur (hereinafter "person aggrieved"), may file a complaint with the Department of Community Development and Inspections (hereinafter "Department"). Upon receipt of such a complaint, the Department shall conduct an investigation of the complaint. The Department may request assistance in its investigation of any private nonprofit corporation maintaining an office within Southeastern Wisconsin which has staff trained to supervise such an investigation.

If the Department finds reason to believe that a discriminatory practice has occurred or is about to occur, it shall attempt through conciliation or persuasion, to obtain compliance with this Chapter. If all such attempts at conciliation or persuasion fail, the Department shall notify the City Attorney of its findings. If probable cause is found, the City Attorney shall then issue a complaint if, in his/her judgment, an action of discrimination is sustainable in court.

The City Attorney shall file with the Human Relations Commission a semi-annual report of all complaints and dispositions processed by the City Attorney's Office.

**22.06 PENALTIES**

**(See §432 (2) in Statutes and Chapter 188, Laws of 1979)**

**A.** Any person who willfully violates this Section shall, for the first such violation, forfeit not less than \$100.00, nor more than \$1000.00. In default of such payment, the violator shall be imprisoned in the County Jail for not less than five (5) days, nor more than thirty (30) days.

**B.** Any person adjudged to have violated this Section within five (5) years after having been adjudged to have violated this Section, for every violation committed within the five (5) years, shall forfeit not less than \$1000.00, nor more than \$10,000.00. In default of such payment, the violator shall be imprisoned in the County Jail for not less than thirty (30) days, nor more than one (1) year.

**C.** Payment of any forfeiture under this Ordinance shall be stayed during pendency of any appeal.

**22.07 SEVERABILITY**

The provisions of this Ordinance are severable. If any provision of this Ordinance is invalid, or if the application to any person or circumstance is invalid, such invalidity shall not affect the other provisions of this Ordinance which can be given effect without the invalid provisions and/or application.

**22.08 TITLE**

This Ordinance shall be known as the **Kenosha Fair Housing Ordinance**.