

AN ORDINANCE ESTABLISHING PROCEDURES FOR THE STUDY OF THE ELIMINATION OF DISCRIMINATION IN THE SALE, RENTAL AND LEASING OF HOUSING BECAUSE OF RACE, CREED, COLOR, NATIONAL ORIGIN OR ANCESTRY AND PROVIDING FOR THE INVESTIGATION AND CONCILIATION OF COMPLAINTS THEREUNDER AND FURTHER PROVIDING PROCEDURES FOR ENFORCEMENT.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, INDIANA:

SECTION 1. PURPOSE AND DECLARATION OF POLICY

A. The purpose of this ordinance is to establish a public policy of the City of Bloomington, Indiana, to provide all of its citizens equal opportunity to purchase or rent the housing of their choice regardless of race, creed, color, national origin or ancestry of such persons seeking such housing.

B. It is hereby declared to be the policy of the City of Bloomington, Indiana, for the protection of the public safety, public health and general welfare, for the maintenance of business and good government and for the promotion of the city's trade, commerce and manufacturing, to assure equal opportunity to all persons to live in housing facilities regardless of race, creed, color, national origin or ancestry, and to that end to prohibit discrimination in housing by any person.

SECTION 2. DEFINITION OF TERMS

As used in this ordinance, unless a different meaning clearly appears from the context, the following terms shall have the meanings ascribed in this section.

A. The term "Agent" means one authorized and acting for and on behalf of another.

B. The term "Complainant" means any individual charging on his own behalf to have been personally aggrieved by discriminatory practices in housing.

C. The term "Complaint" means any written grievance filed by a complainant or by any member of the Commission, directly with the Commission.

D. The term "Discriminatory Practice" means the exclusion from or failure or refusal to extend to a person equal opportunities in the sale, lease rental or financing of a housing unit because of race, creed, color, national origin or ancestry.

E. The term "Commission" means the Fair Housing Commission of the City of Bloomington, Indiana. The establishment of the Commission and the

definition of its general duties are set forth in Section 4 of this Ordinance.

F. The term "Housing Unit" means (1) a single room or a suite of rooms or an apartment or a dwelling occupied or intended for occupancy as separate living quarters by an individual, by a family or by a group of individuals living together, or (2) a parcel of real property or a lot available for the construction thereon of an apartment or dwelling.

G. The term "Owner" includes the legal title holder of record, the lessee, sublessee, contract purchaser, assignee, managing agent or other person having the right to ownership or possession, or the right to sell, rent or lease any housing unit.

H. The term "Owner-Occupant" shall mean any person who is a legal title holder of record or contract purchaser of the real property in question and who, in addition, continues to occupy and reside at said property as his or principal dwelling place at the time the alleged discriminatory practice occurs.

I. The term "Person" includes one or more natural persons, partnerships, associations, organizations, corporations, cooperatives, legal representatives, trustees, trustees in bankruptcy or receivers.

J. The term "Respondent" means any person, individually or in combination, who is called upon to answer any charge, inquiry or petition which emanates from a discriminatory housing practice as defined in this ordinance under Section 6.

SECTION 3. STATEMENT OF COMPLAINT

A complaint shall be signed and verified and shall be filed with the Clerk of the City of Bloomington and shall provide: the full name and address of the complainant; the full name and address and business address of the person against whom the complaint is made; the alleged discriminatory practice and a statement of particulars thereof; the date or dates of the alleged discriminatory practice, and a statement as to any other action, civil or criminal, instituted in any other form based upon the same grievance as is alleged in the complaint, together with a statement as to the status or disposition of such other action. No complaint shall be valid unless filed within ninety (90) days from the day of the occurrence of the alleged discriminatory practice.

The Clerk shall upon the filing of such complaint immediately furnish a copy thereof to the chairman of the Commission.

SECTION 4. CREATION OF AND POWERS AND DUTIES OF A FAIR HOUSING COMMISSION

A. There is hereby created a Fair Housing Commission of the City of Bloomington which Commission is charged with the administration of this ordinance.

B. The Fair Housing Commission shall consist of seven (7) members six of whom shall be appointed by the Mayor of the City of Bloomington for the following terms:

1. Three members until March 1st, 1969
2. Three members until March 1st, 1970.

All appointments made upon the expiration of the initial terms shall be for terms of two years.

The seventh member of the Commission shall be the Chairman of the Human Relations Commission of the City of Bloomington.

No less than two of the members of the Commission, other than the Chairman of the Human Relations Commission, shall be members of the Human Relations Commission and all members of the Fair Housing Commission shall reside within the City of Bloomington.

Any vacancies existing in the membership of the Commission shall be filled by appointment within thirty (30) days by the Mayor and any such appointee shall hold such appointment for the term of the member whose place is taken by such appointment.

C. The Commission shall hold public meetings not less than once each month at a time determined.

In addition the Commission shall meet when called by the Mayor, the chairman, or a majority of the members of the Commission. Notice of all such special meetings shall be served upon each member of the Commission not less than forty-eight (48) hours prior to such special meeting.

D. At the first meeting after March 1st of each year the Commission shall select one of its members to serve as Chairman and shall select the time for the holding of the regular public meetings during the ensuing year.

E. The Fair Housing Commission shall have the following powers and duties:

1. To initiate or receive and investigate complaints charging discriminatory practices as defined herein.

2. To seek conciliation of such complaints, hold hearings, make findings of fact, issue orders, publish its findings of fact and orders, and initiate legal proceedings for the enforcement of its orders all in accordance with the provisions herein.

3. To render from time to time, but not less than once a year, a written report of its activities and recommendations with respect to a discriminatory practice, if any, to the Mayor.

4. To adopt such rules and regulations as may be necessary to carry out the purposes and provisions of this ordinance subject to the limitations specifically set forth herein.

5. To study and investigate housing conditions having an adverse effect on intergroup relations, including, but not limited to, alleged violations of federal, state and local laws heretofore or hereafter enacted prohibiting discrimination against persons in housing accommodations because of race, creed, color, national origin, or ancestry.

6. To institute and conduct educational and other programs to promote the equal rights and opportunities concerning housing for all persons regardless of their race, creed, color, national origin, or ancestry.

7. In the performance of its duties, the Commission may cooperate with interested citizens and with public and private agencies.

SECTION 5. ENFORCEMENT PROCEDURE

A. A complaint charging a violation of this ordinance may be made by any member of the Commission itself, or by a complainant.

B. The Commission shall make a proper and full investigation of each complaint of an unlawful discriminatory practice as defined herein. The Commission may, by its rules and regulations, authorize such an investigation by an individual Commissioner, by a Committee or Subcommittee of the Commission, or by such staff members of the Commission as may be designated.

C. If the Commission determines after investigation that probable cause exists for the allegations made in the complaint, it shall attempt through conciliation and persuasion to cause the termination of the discriminatory housing practice.

D. In any case of failure to terminate the alleged discriminatory practice charged in the complaint by means of conciliation or persuasion, the Commission may hold a public hearing to determine whether or not a discriminatory practice has been committed. The Commission shall serve by United States mail or personal service upon the person charged with having been engaged in or engaging in the discriminatory practice hereinafter referred to as the respondent, together with each member of the Commission, a statement of the charges made in the complaint and a notice of the time and place of hearing. The hearing shall be held not more than sixty (60) days after the filing of the complaint and not less than fifteen (15) days after the service of the notice upon the person charged with the discriminatory practice. The respondent shall have the right to file an answer to the statement of the charges, to appear at the hearing in person, to be represented by an attorney and to subpoena, to examine and cross-examine witnesses.

E. The Commission and the respondent shall have the power to subpoena witnesses other than the respondent, compel their attendance at such hearing, administer oaths, and take the testimony of any such person under oath. A subpoena shall, upon request of the Commission or the respondent, be issued by the Clerk of the City of Bloomington, Indiana. The failure or refusal of any person to obey such subpoena and to appear and testify shall be a breach of this ordinance, and such person shall be liable to a penalty therefor, if adjudged by the City Court of Bloomington, of the payment of a fine not to exceed three hundred dollars (\$300.00) or imprisonment not to exceed six (6) months, or both, provided however, no person shall be compelled to testify against himself.

F. If, upon all the evidence presented, a majority of the Commission finds that the respondent has not engaged in any unlawful discriminatory practice, it shall state its findings of fact and dismiss the complaint. If, upon all the evidence presented, a majority of the Commission finds that the respondent has engaged or is engaging in a discriminatory practice, it shall state its findings of fact and shall order as the facts may warrant, including an order requiring said respondent to cease and desist from the discriminatory practice and requiring the respondent to take such further affirmative action as will effectuate the purposes of this ordinance provided, however, that no cease and desist order shall be

issued against any owner-occupant with respect to a residential building containing less than four (4) housing units.

G. If the Commission determines that the respondent has been served with a copy of such order and is not complying with said order, it may do either or both of the following:

1. It may certify the case and the entire record of its proceeding to the City Attorney of the City of Bloomington, Indiana, and the City Attorney shall take appropriate legal action to secure enforcement of the Commission's order.
2. It may file a complaint in the Circuit Court or Superior Court of Monroe County, Indiana, seeking the enforcement of the order of the Commission under the rules governing other actions in Civil proceedings, provided, however, that the Complainant may file such an enforcement action upon his own behalf.

SECTION 6. UNLAWFUL HOUSING PRACTICES

The following discriminatory housing practices are declared to be unlawful and may be enjoined by the Commission. Any discriminatory practice herein described is declared to be a breach of this ordinance and a penalty for such breach may be adjudged by the Bloomington City Court by a fine up to three hundred dollars (\$300.00) or imprisonment for not more than six (6) months or both.

A. It shall be discriminatory housing practice for any person or agent to refuse to sell, lease, rent, assign, or otherwise transfer, or to refuse to negotiate for the sale, lease, sub-lease, rental or other transfer of the title, leasehold or other interest in any housing unit to any person, or to represent that a housing unit is not available for inspection, sale, lease, sub-lease, rental, assignment or other transfer when, in fact, it is so available, or otherwise deny or withhold any housing unit from any person because of race, creed, color, national origin or ancestry.

B. It shall be a discriminatory practice for any person or agent

to discriminate in the terms, conditions, or privileges of the sale, rental or lease of any housing unit, or in the furnishing of any facilities or services to any person for any housing unit on account of race, creed, color, national origin or ancestry.

C. It shall be a discriminatory housing practice for any person or agent to publish or circulate, or to cause to be published or circulated, any notice, statement or advertisement, or to announce a policy, or to use any form or application for the purchase, lease, rental or financing of housing in connection with the prospective purchase, rental or lease of housing which expresses directly, or indirectly any limitation or specification as to race, creed, color, national origin or ancestry, or any intent to make any such limitation, specification or discrimination.

D. It shall be a discriminatory housing practice for any person, individually or in combination, to aid, incite, compel, coerce, participate in, or contract for, the doing of any act declared to be an unlawful housing practice under this ordinance, or to directly or indirectly commit any act declared by this ordinance to be a discriminatory housing practice.

E. It is hereby declared a breach of this ordinance for any person to willfully file a complaint alleging a violation of this ordinance with knowledge that such complaint is false in any material respect and for such act a penalty of a fine up to three hundred dollars (\$300.00) or imprisonment up to six (6) months or both may be adjudged by the City Court of Bloomington, Indiana.

SECTION 7. EXEMPTIONS

A. This ordinance shall have no application to an individual owner acting in his own behalf in the sale, rental, or exchange of his own home.

B. This ordinance shall have no application to an owner-occupant with respect to a residential building containing less than four (4) housing units.

C. Nothing in this ordinance shall bar any religious or denominational institution or organization, or any charitable or educational organization which is operated, supervised or controlled by or in connection with a religious organization, from providing living quarters for persons of the same religion or denomination.

D. Nothing in this ordinance shall bar any fraternity, sorority, or fraternal organization from providing living quarters for persons of the same fraternity, sorority, or fraternal organization.

SECTION 8. TERRITORIAL LIMITS

This ordinance applies to housing practices within the territorial limits of the City of Bloomington, Indiana, and to housing units located within the territorial limits of the City of Bloomington, Indiana.

SECTION 9. SEVERABILITY

The provisions of this ordinance are severable and if any provision, sentence, clause, section or part thereof is held illegal or invalid its unconstitutionality or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of the ordinance or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this ordinance would have been adopted if such illegal, invalid or unconstitutional provisions, sentences, clauses, sections or parts had not been included therein.

SECTION 10. EFFECTIVE DATE

This ordinance shall be in force and effect promptly after it is passed and adopted by the Common Council of the City of Bloomington, Indiana. Passed and adopted by the Common Council of the City of Bloomington, Indiana, on the 15th day of February, 1968.

Charles J. Faris
Charles J. Faris, Council President

ATTEST:

Marian H. Tardy
Marian H. Tardy, City Clerk

INTRODUCED BY:

Harry G. Day
Councilman

REFERRED TO COUNCIL COMMITTEE:

Harry Day

APPROVED AS TO LEGALITY:

James R. Cotner
James R. Cotner, City Attorney

This Ordinance approved and signed by me upon the 15th day of February, 1968, at the hour of 10⁴⁵ o'clock p.m.

John H. Hooker, Jr.
John H. Hooker, Jr., Mayor