

Chapter 32

FAIR HOUSING

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32.01 DECLARATION OF POLICY.

It is hereby declared to be the policy of the Village of Paddock Lake 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, handicap, religion, national origin, sex or marital status of the person maintaining a household, lawful source of income, age or ancestry, are entitled to fair and equal access to housing; and to that end, the Village of Paddock Lake 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, handicap, religion, national origin, sex or marital status of the person maintaining a household, lawful source of income, age or ancestry.

32.02 DEFINITIONS.

In this section unless the context requires otherwise:

(a) "Village Attorney" means the Village Attorney of the Village of Paddock Lake.

(b) "Committee" means the standing Committee on Health and Welfare of the Village Board of Trustees.

(c) "Discriminate" and "discrimination" means to segregate, separate, exclude, or treat any person or class of persons unequally because of sex, race, color, handicap, religion, national origin, sex or marital status of the person maintaining a household, lawful source of income, 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 facts set forth herein shall be the sole basis for prohibiting discrimination.

(d) "Handicap" means any physical disability, or developmental disability as defined in §51.01(5)(a), Wisconsin Statutes.

(e) "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.

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

(g) "Private non-profit 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.

(h) "Unimproved residential lot" means any residential lot upon which no permanent building or structure containing living quarters has been constructed.

32.03 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.

32.04 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 application for financing if the terms or conditions are reasonably related to the individual applicant.

(c) Nothing in this 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 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.

32.05 ADMINISTRATION AND ENFORCEMENT.

(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 (hereafter "person aggrieved") may file a complaint with the Village Attorney. Upon a receipt of such a complaint, the Village Attorney shall forward a copy of the complaint to the Committee, which shall conduct an investigation of the complaint. The Committee may request assistance in its investigation of any private non-profit corporation maintaining

an office within the Village which has staff trained to supervise such an investigation.

(b) If the Committee or its designee 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 Committee shall hold a public hearing to determine probable cause and shall notify the Village Attorney of its findings. If probable cause is found, the Village Attorney shall then issue a complaint if, in his judgment, an action of discrimination is sustainable in court.

(c) The Village Attorney shall file an annual report of all alleged violations and dispositions with the Village Board of Trustees.

32.06 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 nor more than \$1,000 plus all costs incurred by the Village, including attorney fees. 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 or community service.

(b) Any person adjudged to have violated this section within 5 years after having been adjudged to have violated this section, for every violation committed within the 5 years, shall forfeit not less than \$1,000 nor more than \$10,000. 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.

32.07 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 effect the other provisions of this Ordinance which can be given effect without the invalid provisions and/or application.