

ORDINANCE NO. 235 AC CMS

AN ORDINANCE OF THE CITY OF OBERLIN RELATING TO
FAIR HOUSING PRACTICES

WHEREAS, the City of Oberlin was founded on the principal that a man's worth was determined by his thoughts and deeds rather than his race, creed, or color, and

WHEREAS, the City Council of Oberlin reaffirms the wisdom of this founding philosophy and recognizes that the Citizens of Oberlin are not being true to this heritage if they permit minority groups to be discriminated against on the purely arbitrary grounds of race, creed, or color, and

WHEREAS, decent housing is important to the health, welfare, and safety of the individual, and

WHEREAS, it is hereby declared to be the policy of the City of Oberlin for the protection of the public safety, public health and general welfare, to prohibit discrimination in the selling, leasing, subleasing, renting, assigning or otherwise transferring the title, leasehold or other interest in any dwelling unit which is a part of a housing accommodation, once such dwelling unit is placed on the market for sale, rent or lease. It is further declared that the opportunity to buy, acquire, lease, sub-lease, occupy and use and enjoy real and personal property which has been placed on the market without discrimination is hereby recognized and declared to be a civil right to be exercised and enjoyed by all Citizens of Oberlin equally, NOW, THEREFORE,

BE IT ORDAINED by the Council of the City of Oberlin, Lorain County, Ohio, a majority of all members elected thereto concurring:

SECTION 1.

DEFINITIONS

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

(a) Commission. The term "commission" means the Housing Renewal Commission.

(b) Discrimination or Discriminate. The terms "discrimination" or "discriminate" are hereby defined to include any difference in treatment in the sale, lease, rental or financing of dwelling units or housing accommodations, purely because of race, creed or color.

(c) Housing Accommodation. The term "housing accommodation" means (1) a building or structure, or a number of buildings or structures, whether or not contiguous, in the City of Oberlin, comprising or containing five or more dwelling units, owned or otherwise subject to the control of one owner, or (2) any parcel or parcels of real estate or lot or lots, whether or not contiguous, in the City of Oberlin, available for the building of five or more dwelling units, owned or otherwise subject to the control of one owner.

(d) Dwelling Unit. The term "dwelling unit" means (1) a single room, 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 a group of individuals living together or (2) a parcel of real property or a lot available for the construction of a dwelling unit.

(e) Lending Institution. The term "lending institution" means any person, as defined in this ordinance, regularly engaged in the business of lending money or guaranteeing loans, or procuring lending money or the guarantee of loans, to five or more persons as defined in this ordinance or has outstanding loans on five or more housing units.

(f) Owner. The term "owner" includes the lessee, sublessee, assignee, managing agent or other person having the right of ownership or possession or the right to sell, rent or lease, any dwelling unit which is part of a housing accommodation.

(g) Person. The term "person" includes an association, partnership, or corporation, as well as a natural person. The term "person" as applied to partnerships or other associations includes their members, and as applied to corporations includes those officers having control of any dwelling unit falling within this ordinance.

(h) Agent. The term "agent" includes a real estate broker, real estate salesman or agent and these terms mean any natural person, partnership, association or corporation, who for a fee or other valuable consideration, sells, purchases, exchanges or rents, or negotiates, or offers or attempts to negotiate the sale, purchase, exchange, or rental of the real estate property of five or more persons or any housing accommodations, or holds himself out as engaged in the business of selling, purchasing, exchanging or renting the real property of five or more persons or any housing accommodation.

(i) Placed on the Market. The term "placed on the market" applies to any dwelling unit which is a part of a housing accommodation when such dwelling unit has been (1) advertised as available for purchase, lease, sublease, or rent, (2) listed with an agent.

SECTION 2.

PROHIBITED ACTS

It shall be an unlawful housing practice:

(a) For any agent or owner to discriminate against any person purely because of race, creed, or color, in the selling, leasing, renting, assigning or otherwise transferring title, leasehold, or other interest in any dwelling unit which is a part of a housing accommodation.

(b) For any owner or agent to discriminate against any person purely because of race, creed or color, in the terms, conditions, or privileges of the sale, lease, sub-lease, rental assignment or other transfer of a dwelling unit which is a part of a housing accommodation.

(c) For any owner or agent to withdraw from the market for the sole purpose of circumventing this ordinance, any dwelling unit which is a part of a housing accommodation.

(d) For any agent to discriminate purely because of race, creed or color in the selling, leasing, renting or otherwise transferring the title to any dwelling listed with him or his agency.

(e) For any agent to discriminate purely because of race, creed or color in the furnishing of any facility or services for a dwelling unit sold, leased or rented by him or his agency.

(f) For any lending institution to discriminate purely because of race, color or creed, in the lending of money, guaranteeing of loans, accepting mortgages or otherwise making available funds for the purchase, construction, repair or maintenance of any dwelling unit, whether or not said dwelling unit is or is not a part of a housing accommodation.

SECTION 3.

ENFORCEMENT PROCEDURE

(a) A complaint charging a violation of any provision of the prohibitive sections of this ordinance may be made by an aggrieved individual or his legal counsel. Such complaint shall be made in writing to the Housing Renewal Commission and shall give full details of the complaint and be sworn to under oath.

(b) The Commission shall make a prompt and full investigation of each complaint of the unlawful housing practice.

(c) If after such investigation the Commission by an affirmative concurrence of three-fifths of the members thereto determines that a violation of this ordinance has occurred, it shall attempt to eliminate the unlawful housing practice by conciliation and persuasion.

(d) In the event the Commission fails in the conciliation proceedings, it shall forward all papers including the complaint, investigation, record of conciliation proceedings, factual findings and recommendation to the City Council.

(e) The complaint, investigation and conciliation proceedings shall be confidential records and proceedings of the Commission shall not be made public until same are forwarded to the City Council.

(f) The City Council shall review the proceedings and shall either dismiss the complaint or refer same to the City Solicitor for appropriate legal action under this ordinance.

SECTION 4.

PENALTIES

Any person who violates any of the provisions of this ordinance shall be subject to a fine not exceeding One Hundred and 00/100 Dollars (\$100.00) and costs.

SECTION 5.

SEVERABILITY

The provisions of this ordinance are severable and if any provision, sentence, clause, section or part thereof is held illegal, invalid, or unconstitutional or inapplicable to any person or circumstance, such illegality, invalidity, unconstitutionality or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses or sections or parts of 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 provision, clause, section, or part, had not been included therein, and if the person or circumstances to which the ordinance or any part thereof is applicable had been specifically exempted therefrom.

SECTION 6.

This ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED: 10/16/61 1st reading
11/2/61 2nd reading
11/20/61 3rd reading
ATTEST:

Paul B. Hoagg
CLERK OF COUNTY

Eric Nord
CHAIRMAN OF COUNCIL

POSTED: 10/18/61 to
11/3/61