ASHLAND COUNTY
HOUSING AUTHORITY
Post Office Box 953
MELLEN, WISCONSIN 54546

(715) 274-8311

Memo
LETTER

Date November 4, 1985

To Matthew Anich, District Attorney
P. O. Box 625
201 2nd St. West
Ashland, WI 54806

Subject

Enclosed is a copy of the Ashland County Fair Housing Ordinance with additions marked in yellow.

cc: Tom Kieweg
✓ Helen Croteau

☐ Please reply ☐ No reply necessary

SIGNED LaVerne Jelich
LaVerne Jelich
(for Martin Vitek)

ASHLAND COUNTY, WISCONSIN

FAIR HOUSING ORDINANCE

Pursuant to Wisconsin S: 66.432 (2) (ANTIDISCRIMINATION HOUSING ORDINANCES) 59.07 (11) and 66.433.

AN ORDINANCE PROHIBITING DISCRIMINATION ON THE BASIS OF RACE, COLOR, RELIGION, ANCESTRY, AGE, HANDICAP, NATIONAL ORIGIN, SEX, OR PLACE OF BIRTH IN REGARD TO HOUSING ACCOMMODATIONS WITHIN THE COUNTY OF ASHLAND, WISCONSIN, DECLARING THE POLICY OF THE COUNTY TO BE THAT OF ENSURING EQUAL OPPORTUNITY TO ALL PERSONS TO LIVE IN DECENT HOUSING FACILITIES: DEFINING THE TERMS USED: PROHIBITING CERTAIN PRACTICES WHICH WOULD CONSTITUTE DISCRIMINATION ON THE BASIS OF RACE, COLOR, RELIGION, ANCESTRY, AGE, HANDICAPS, NATIONAL ORIGIN, SEX OR PLACE OF BIRTH IN CONNECTION WITH THE SALE, PURCHASE, LEASING, OR FINANCING OF HOUSING FACILITIES: CONTAINING EXEMPTIONS AND EXCEPTIONS TO THE APPLICATION OF THIS ORDINANCE FOR CERTAIN GROUPS AND PERSONS: PROVIDING FOR PROCEDURE, OTHER REMEDIES, AND PENALTIES: REPEALING CONFLICTING COUNTY ORDINANCES, LAWS AND RESOLUTIONS: PROVIDING FOR SEVERABILITY OF INVALID SECTIONS OR SUBSECTIONS: AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE COUNTY THAT:

Section 1. DECLARATION OF POLICY

It is hereby declared to be the policy of the County of Ashland, Wisconsin in the exercise of its police power for the public safety, public health, and general welfare to assure equal opportunity to all persons to live in decent housing facilities regardless of race, color, religion, ancestry, national origin, age, handicap, sex or place of birth and, to that end, to prohibit discrimination in housing by any persons.

Section 2. DEFINITIONS

When used herein:

(1) "Real property" includes buildings, structures, lands, tenements, leaseholds, cooperatives and condominiums.

(2) "Discrimination" or "discriminatory housing practice" means any difference in treatment based upon race, color, religion, ancestry, age, handicap, national origin, sex or place of birth; or any act that is unlawful under this ordinance.

(3) "Person" includes individuals, children, firms, associations, joint ventures, partnerships, estates, trusts, business trusts, syndicates, fiduciaries, corporations and all other groups or combinations.

(4) "Owner" includes a lessee, sublessee, co-tenant, assignee, managing agent or other person having the right of ownership or possession, or the right to sell, rent or lease any housing accommodation.

(5) "Financial Institution" includes any person, as definied herein, engaged in the business of lending money or guaranteeing loans.

(6) "Real Estate Broker" or "Real Estate Salesman" includes any individual, qualified by law, who, for a fee, commission, salary or for other valuable consideration, or who with the intention or expectation of receiving or collecting same, lists, sells, purchases, rents or leases any housing accommodations, including options thereupon, or who negotiates or attempts to negotiate a loan, secured by a mortgage or other encumbrance, upon transfer of any housing accommodation; or who is engaged in the business of charging an advance fee or contracting for collection of a fee in connection with a contract whereby he undertakes to promote the sale, purchase, rental or lease of any housing accommodation through its listing in a publication issued primarily for such purpose; or an individual employed by or acting on behalf of any of these.

(7) "Housing accommodation" or "Dwelling" means any building, mobile home or trailer, structure, or portion thereof which is occupied as, or designed, or intended for occupancy, as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, mobile home or trailer, structure, or portion thereof or any real property, as defined herein, used or intended to be used for any of the purposes set forth in this subsection.

(8) "Mortgage Broker" means an individaul who is engaged in or who performs the business or services of a mortgage broker as the same are defined by Wisconsin Statutes.

(9) "Open Market" means the market which is informed of the availability for sale, purchase, rental or lease of any housing accommodation, whether informed through a real estate broker or by advertising by publication, signs or by any other advertising methods directed to the public or any portion thereof, indicating that the property is available for sale, purchase, rental or lease.

Section 3. UNLAWFUL PRACTICES

In connection with any of the transactions set forth in this section which affect any housing accommodation on the open market, or in connection with any public sale, purchase, rental or lease of any housing accommodation,it shall be unlawful within the County of Ashland, Wisconsin for a person, owner, financial institution, real estate broker or real estate salesman, or any representative of the above, to:

(1) Refuse to sell, purchase, rent or lease, or deny to or withhold any housing accommodation from a person because of his race, color, religion, ancestry,age, handicap, national origin, sex or place of birth: or

(2) To discriminate against a person in the terms, conditions or privileges of the sale, purchase, rental or lease of any housing accommodation, or in the furnishing of facilities of services in connection therewith: or

(3) To refuse to receive or transmit a bona fide offer to sell, purchase, rent or lease any housing accommodation from or to a person because of his race, color, religion, ancestry,age, handicap, national origin, sex or place of birth: or

(4) To refuse to negotiate for the sale, purchase, rental or lease of any housing accommodation to a person because of his race, color, religion,ancestry, age, handicap, national origin, sex or place of birth: or

(5) To represent to a person that any housing accommodation is not available for inspection, sale, purchase, rental or lease when in fact it is so available, or to refuse to permit a person to inspect any housing accommodation, because of his race, color, religion, ancestry, age, handicap, national origin, sex or place of birth: or

(6) To make, publish, print, circulate, post or mail, or cause to be made, published, printed, circulated, posted or mailed, any notice, statement or advertisement, or to announce a policy or to sign or to use a form of application for the sale, purchase, rental, lease or financing of any housing accommodation, or to make a record of inquiry in connection with the prospective sale, purchase, rental, lease or financing of any housing accommodation which indicates any discrimination or any intent to make a discrimination.

(7) To offer, solicit, accept or use a listing of any housing accommodation for sale, purchase, rental or lease with the understanding that a person may be subjected to discrimination in connection with such sale, purchase, rental or lease, or in the furnishing of facilities or services in connection therewith: or

(8) To induce directly, or attempt to induce directly or indirectly, the sale, purchase, rental or lease, or the listing for any of the above, of any housing accommodation by representing that the presence or anticipated presence of persons of any particular race, color, religion, ancestry, age, handicaps, national origin, sex or place of birth in the area to be affected by such sale, purchase, rental or lease will or may result in either:

(a) The lowering of property values in the area

(b) An increase in criminal or antisocial behavior in the area, or

(c) A decline in the quality of schools serving the area.

(9) To make any misrepresentations concerning the listing for sale, purchase, rental or lease, or the anticipated listing of any housing accommodation in any area in the County of Ashland, Wisconsin for the purpose of including or attempting to induce any such listing or any of the above transactions: or

(10) To engage in, or hire to be done, or to conspire with others to commit acts or activities of any nature, the purpose of which is to coerce, cause panic, incite unrest or create or play upon fear, with the purpose of either discouraging or inducing, or attempting to induce, the sale, purchase, rental or lease, or the listing for any of the above, of any housing accommodation: or

(11) To retaliate or discriminate in any manner against a person because he has opposed a practice declared unlawful by this article, or because he has filed a complaint, testified, assisted or participated in any manner in any investigation, proceeding, hearing or conference under this ordinance: or

(12) To aid, abet, incite, compel or coerce any person to do the practices prohibited by this ordinance: or to obstruct or prevent any person from complying with the provisions of this ordinance: or any order issued thereunder: or

(13) By canvassing, to commit any unlawful practices prohibited by this ordinance: or

(14) Otherwise to deny to, or withhold any housing accommodation from a person because of his race, color, religion, ancestry, age, handicaps, national origin, sex or place of birth: or

(15) For any bank, building and loan association, insurance company or other corporation, association, firm or enterprise 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 loans or other financial assistance, because of the race, color, religion, ancestry, age, handicaps, national origin, sex or place of birth of such person or of any person associated with him in connection with such loan or other financial assistance or the purposes of such loan or other financial assistance is to be made or given: or

(16) To deny any qualified person access to or membership or participation in any multiple-listing service, real estate brokers' organization, or other service,

organization or facility relating to the business of selling or renting dwellings, or to discriminate against him in their terms or conditions of such access, membership, or participation, on account of race, color, religion,ancestry, age, handicaps, national origin, sex or place of birth.

Section 4. EXEMPTIONS

This ordinance shall not apply to:

(1) A religious organization, association, or society or any nonprofit institution or organization operating, supervised, or controlled by or in conjunction with a religious organization, association, or society, "which limits the sale, rental, or occupancy, of dwellings which it owns or operates for other than commercial purpose to persons of the same religion, or which give preference to such persons, unless membership in such a religion is restricted on account of race, color, religion, ancestry, age, handicaps, national origin, sex or place of birth.

(2) A private club not in fact open to the public, which as an incident to its primary purpose or purposes, provides lodgings which it owns or operates for other than a commercial purpose, and which limits the rental or occupancy of such lodgings to its members or gives preference to its members.

(3) Any single-family house sold or rented by an owner: Provided, that such private individual owner does not own more than three such single-family houses at any one time: Provided further, that in the case of the sale of any such single-family house by a private individual owner not residing in such house at the time of such sale or who was not the most recent resident of such house prior to such sale, the exemption granted by this subsection shall apply only with respect to one such sale within any twenty four month period: Provided further that such bona fide private individual owner does not own any interest in, nor is there owned or served on his behalf, under any express or voluntary agreement, title to or any right to all or a portion of the proceeds from the sale or rental of, more than three such single-family houses at any one time: Provided further, the sale or rental of any such single-family house shall

be excepted from the application of this ordinance only if such house is sold or rented:

(a) Without the use in any manner of the sales or rental facilities or the sales or rental services of any real estate broker, agent, or salesman of such facilities or dwelling, or of any employee or agent of any such broker, agent, salesman, or person, and

(b) Without the publication, posting or mailing, after notice, of any advertisement or written notice in violation of the provisions of 42 United States Code Section 3604 (c) or of Section 3 of this ordinance; but nothing in this provision shall prohibit the use of attorneys, escrow agents, abstractors, title companies, and other such professional assistance as necessary to perfect or transfer the title: or

(4) Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his residence.

Section 5. PROCEDURE

Any person aggrieved by an unlawful practice prohibited by this ordinance may file a complaint with the District Attorney for Ashland County within thirty (30) days after the aggrieved person becomes aware of the alleged unlawful practice, and in no event more than sixty (60) days after the alleged unlawful practice occurred. The District Attorney or his duly authorized representative shall investigate each complaint and attempt to resolve each complaint. Failure to achieve a resolution acceptable to both parties in compliance with this ordinance shall cause the District Attorney for the County of Ashland to forward the complaint and his findings to appropriate state and federal officials.

Section 6. OTHER REMEDIES

Nothing herein contained shall prevent any person from exercising any right or seeking any remedy to which he might otherwise be entitled or from filing his complaint with any appropriate governmental agency.

Section 7.

Any person violating any provision of this ordinance shall, upon conviction thereof, be punished by forfeiture not to exceed $200 for each violation thereof.

Section 8. REPEAL OF CONFLICTING ORDINANCES, LAWS AND RESOLUTIONS

This ordinance shall take precedence over any conflicting County Ordinance, Laws, and Resolutions now in effect, that tend to abrogate any covenants declared herein.

The Intent of this Ordinance is to remove any question of the Affirmative Action by the County of Ashland, Wisconsin concerning Fair Housing as of the effective date.

Section 9. SEVERABILITY OF INVALID PROVISIONS

In case any one or more of the sections, subsections, clauses, or provisions of this ordinance, or the application of such sections, sub-sections, clauses or provisions to any situations, circumstances, or person, shall for any reason be held to be unconstitutional or invalid, such unconstitutionality or invalidity shall not affect any other sections or provisions of this ordinance or the application of such sections, sub-sections, clauses or provisions to any other situation, circumstances or person, and it is intended that this ordinance shall be construed and applied as if such section or provision so held unconstitutional or invalid had not been included in this ordinance.

Section 10. EFFECTIVE DATE

This ordinance shall take effect as of _____