

ORDINANCE NO. 830

**AN ORDINANCE TO CREATE SECTION 43
OF THE VILLAGE OF MUKWONAGO MUNICIPAL CODE
RELATING TO HOUSING DISCRIMINATION**

WHEREAS, the Village Board of the Village of Mukwonago, Waukesha and Walworth Counties, recognizes its responsibilities under Section 106.50, Wisconsin Statutes, as amended, and endorses the concepts of fair and open housing for all persons and prohibition of discrimination therein;

The Village Board of the Village of Mukwonago, Waukesha and Walworth Counties, Wisconsin, DO ORDAIN AS FOLLOWS:

SECTION I. Section 43 of the Municipal Code of the Village of Mukwonago is created to read as set forth in the attached entitled, "HOUSING DISCRIMINATION."

SECTION II. SEVERABILITY. The several sections of this ordinance are declared to be severable. If any section shall be declared by decision of a Court of competent jurisdiction to be invalid, such decision shall not affect the validity of other portions of the ordinance.

SECTION III EFFECTIVE DATE. This ordinance shall take effect upon publication.

Passed and adopted this 20th day of July, 2010.

James O. Wagner, Village President

Attest: _____
Paul J. Moderacki, Village Clerk

Date Adopted: July 20, 2010
Date Published: July 28, 2010
Date Effective: July 29, 2010

Chapter 43

HOUSING DISCRIMINATION

- Sec. 43-1. Policy.**
- Sec. 43-2. Definitions.**
- Sec. 43-3. Discrimination in the sale or rental of housing.**
- Sec. 43-4. Discrimination in the financing of housing.**
- Sec. 43-5. Discrimination in the provision of brokerage service.**
- Sec. 43-6. Exemption.**
- Sec. 43-7. Acts not prohibited.**
- Sec. 43-8. Requiring references.**
- Sec. 43-9. Interference or intimidation.**
- Sec. 43-10. Enforcement.**
- Sec. 43-11. Violation—Penalty.**

Sec. 43-1. Policy.

It is the policy of the village to provide, within constitutional limitations, for fair housing throughout the village.

Sec. 43-2. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Discriminatory housing practice means an act that is unlawful under Sections 43-3 through 43-5.

Dwelling means any building, 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, structure or portion thereof.

Family includes a single individual.

Person means one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers and fiduciaries.

To rent means to lease, to sublease, to let and otherwise to grant, for a consideration, the right to occupy premises not owned by the occupant.

Sec. 43-3. Discrimination in the sale or rental of housing.

(1) Prohibitions. It is unlawful:

- a. To refuse to sell or rent, after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion or national origin;
- b. To discriminate against any person in the terms, conditions or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, religion or national origin;
- c. To make, print or publish, or cause to be made, printed or published, any notice, statement or advertisement with respect to the sale or rental of a dwelling that

indicates any preference, limitation or discrimination based on race, color, religion or national origin, or an intention to make any such preference, limitation or discrimination;

- d. To represent to any person because of race, color, religion or national origin that any dwelling is not available for inspection, sale or rental when such dwelling is, in fact, so available;
- e. For profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion or national origin.

(2) Exemptions. Subsections (1)a., b., d. and e. of this section shall not apply to the following:

- a. Any single-family house sold or rented by an owner; provided, such private individual owner does not own more than three such single-family houses at any one time; provided further, 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 (24) month period; provided further, such bona fide private individual owner does not own any interest in, nor is there owned or reserved 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 chapter only if such house is sold or rented:
 - 1. 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, or of such facilities or services of any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, agent, salesman or person,
 - 2. Without the publication, posting or mailing, after notice, of any advertisement or written notice in violation of subsection (A)(3) of this section; but nothing herein shall prohibit the use of attorneys, escrow agents, abstractors, title companies and other such professional assistance as necessary to perfect or transfer the title;
- b. For the purposes of this subsection, a person shall be deemed to be in the business of selling or renting dwellings if:
 - 1. He has, within the preceding twelve (12) months, participated as principal in three or more transactions involving the sale or rental of any dwelling or any interest therein, or
 - 2. He has, within the preceding twelve (12) months, participated as agent, other than in the sale of his own personal residence in providing sales or

- rental facilities or sales or rental services in two or more transactions involving the sale or rental of any dwelling or any interest therein, or
3. He is the owner of any dwelling designed or intended for occupancy by, or occupied by, five or more families;
- c. 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.

Sec. 43-4. Discrimination in the financing of housing.

No 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 shall deny a loan or other financial assistance to a person applying therefor for the purpose of purchasing, constructing, improving, repairing or maintaining a dwelling, nor shall discriminate against him in the fixing of the amount, interest rate, duration or other terms or conditions of such loan or other financial assistance, because of race, color, religion or national origin 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, or of the present or prospective owners, lessees, tenants or occupants of the dwelling or dwellings in relation to which such loan or other financial assistance is to be made or given; provided, this section shall not impair the scope or effectiveness of the exception contained in Section (2)a. of this chapter.

Sec. 43-5. Discrimination in the provision of brokerage service.

It is unlawful to deny any 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 the terms or conditions of such access, membership or participation, on account of race, color, religion or national origin.

Sec. 43-6. Exemption.

Nothing in this chapter shall prohibit a religious organization, association or society or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association or society from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color or national origin. Nor shall anything in this chapter prohibit a private club not in fact open to the public which, as an incident to its primary purpose or purposes, provided lodgings which it owns or operates for other than a commercial purpose,

from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members.

Sec. 43-7. Acts not prohibited.

Nothing in this chapter shall prohibit selling or refusing to sell, leasing or refusing to lease, financing or refusing to finance, or contracting or refusing to contract for the construction of housing for any person for any reason other than because of race, religion, national origin or ancestry.

Sec. 43-8. Requiring references.

Nothing in this chapter shall prohibit an owner or his agent or a lessee seeking to sublease or assign his lease from requiring that an applicant supply information concerning his family, marital, financial and business status, but not concerning race, color, physical condition, disability, sexual orientation, age, ancestry, national origin, religion or creed.

Sec. 43-9. Interference or intimidation.

It is unlawful to coerce, intimidate, threaten or interfere with any person in the exercise or enjoyment of, or on account of his having exercised or enjoyed, or on account of his having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by this chapter.

Sec. 43-10. Enforcement.

- (1) The officials and employees of the village shall assist in the orderly prevention and removal of all discrimination in housing within the Village of Mukwonago by implementing the authority and enforcement procedures set forth in Section 106.50, Wisconsin Statutes; as amended.
- (2) The Municipal Clerk shall maintain forms for complaints to be filed under Section 106.50, Wisconsin Statutes, as amended, and shall assist any person alleging a violation thereof in the Village of Mukwonago to file a complaint hereunder with the Wisconsin Department of Work Force Development, Equal Rights Division, for enforcement of Section 106.50, Wisconsin Statutes, as amended.

Sec. 43-11. Violation—Penalty.

Any person who shall violate any provision of this chapter shall be subject to a penalty as provided in Section 1.12.