
10.26 Fair housing.

- (1) Declaration of Policy. The Village, in the exercise of its police power for the public safety, health and general welfare, assures equal opportunity to all persons to live in decent housing facilities regardless of race, color, religion, sex or national origin and, to that end, prohibits discrimination in housing by any person.
- (2) Definitions. When used herein, the following words shall mean:
 - Discrimination or Discriminatory Housing Practice. Any difference in treatment based upon, race, color, religion, sex or national origin; or any act that is prohibited under this section.
 - Financial Institution. Any person, as defined herein, engaged in the business of lending money or guaranteeing loans.
 - Housing Accommodation or Dwelling. Any building, mobile home or trailer, structure or portion thereof which is occupied, 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.
 - Mortgage Broker. An individual who is engaged in or performs the business or services of a mortgage broker as the same are defined by Wisconsin Statutes.
 - Open Market. 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, 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.
 - Owner. A lessee, sub-lessee, 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.
 - Person. Individuals, children, firms, associations, joint ventures, partnerships, estates, trusts, business trusts, syndicates, fiduciaries, corporations and all other groups or combinations.
 - Real Estate Broker or Real Estate Salesperson. 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.
 - Real Property. Buildings, structures, lands tenements, leaseholds, cooperatives and condominiums.
- (3) Prohibited 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 prohibited within the Village for a person, owner, financial institution, real estate broker or real estate salesman, or any representative of the above to:
 - a. Refuse to sell, purchase, rent or lease, or deny to or withhold any housing accommodation from a person because of his/her race, color, religion, ancestry, national origin, sex or place of birth; or
 - b. 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; on the basis of race, color, religion, ancestry, national origin, sex or place of birth; or

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- c. 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/her race, color, religion, ancestry, national origin, sex or place of birth; or
 - d. To refuse to negotiate for the sale, purchase, rental or lease of any housing accommodation to a person because of his/her race, color, religion, ancestry, national origin, sex or place of birth; or
 - e. 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/her race, color, religion or national origin, sex or place of birth; or
 - f. To make public, 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 sign or 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 indicated any discrimination or any intent to make a discrimination;
 - g. 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;
 - h. To induce directly or indirectly, 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, sex or national origin or place of birth in the area to be affected by such sale, purchase, rental or lease will or may result in either:
 - 1. The lowering of property values in the area;
 - 2. An increase in criminal or anti-social behavior in the area; or
 - 3. A decline in the quality of schools serving the area.
 - i. 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 Village for the purpose of including or attempting to induce and such listing or any of the above transactions; or
 - j. To engage in, hire to be done, or 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
 - k. To retaliate or discriminate in any manner against a person because he/she has opposed a practice declared unlawful by this section, or because he/she has filed a complaint, testified, assisted or participated in any manner in any investigation, proceeding, hearing or conference under this section; or
 - l. To aid, abet, incite, compel or coerce any person to engage in any of the practices prohibited by this section; or to obstruct or prevent any person from complying with the provisions of this section; or any order issued there under; or
 - m. By canvassing, to commit any unlawful practice prohibited by this section; or
 - n. Otherwise to deny to or withhold any housing accommodation from a person because of his/her race, color, religion, ancestry, national origin, sex or place of birth; or

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- o. 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/her 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, sex or national origin of such person or of any person associated with him/her in connection with such loan or other financial assistance is to be made or given; or
 - p. 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 dwelling, or to discriminate against him/her in their terms or condition of such access, membership or participation on account of race, color, religion, sex or national origin.

(4) Exemptions. This section shall not apply to:

- a. A religious organization, association or society, or any non-profit 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, sex or national origin.
- b. 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, and which limits the rental or occupancy of such lodgings to its members or give preference to its members.
- c. Any single family house sold or rented by an owner, with the following provisions:
 - 1. Such private individual owner does not own more than three such single family houses at any one time.
 - 2. 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 24-month period.
 - 3. That such bona fide private individual owner does not own any interest in, nor is there owned or served on his/her 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.
 - 4. The sale or rental of any such single family house shall be exempted from the application of this section only if such house is sold or rented.
 - i. 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 dwelling, or of any employee or agent of any such broker, agent, salesperson or person.
 - ii. Without the publication, posting or mailing, after notice, of any advertisement or written notice in violation of the provisions of 42 USC § 3604(c) or sub. (3) above, 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

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- iii. Rooms or units in dwellings containing living quarters occupied or intended to be occupied by not more than four families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his/her residence.
 5. Procedure. Any person aggrieved by an unlawful practice prohibited by this section may file a complaint with the Village Attorney within 30 days after the aggrieved person becomes aware of the alleged unlawful practice, and in no event more than 60 days after the alleged unlawful practice occurred. The Village Attorney or his/her 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 section shall cause the Village Attorney to forward the complaint and his/her findings to appropriate State and Federal officials.
 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/her complaint with any appropriate governmental agency.