

ORDINANCE NO. 2020-10

**AN ORDINANCE AMENDING CHAPTER 93, FAIR HOUSING
OF THE CODE OF ORDINANCES, CITY OF COLUMBIA CITY, INDIANA**

WHEREAS, the Common Council is concerned for the health, safety, peace and welfare of the citizens of the City of Columbia City, Indiana; and

WHEREAS, Federal and State laws provide for fair housing practices in Indiana and the Common Council desires to continue to provide rights and remedies substantially equivalent to those granted under Federal and State laws.

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE COMMON COUNCIL OF THE CITY OF COLUMBIA CITY, INDIANA THAT CHAPTER 93, FAIR HOUSING, IS AMENDED AS FOLLOWS:

Section 1. Section 93.01, Policy, shall be replaced with the following:

Section 93.01, Purpose.

The purposes of this Chapter are the following:

- (1) To provide for fair housing practices in the City of Columbia City.
- (2) To create a procedure for investigating and settling complaints of discriminatory housing practices.
- (3) To provide rights and remedies substantially equivalent to those granted under federal and state law.

Section 2. Section 93.02, Definitions, shall be amended as follows:

The definition of Conciliation shall be added:

Conciliation.

Conciliation means the attempted resolution of issues raised by a complaint or by the investigation of a complaint, through informal negotiations involving the aggrieved person, the respondent, and the Commission.

The definition of Conciliation Agreement shall be added:

Conciliation Agreement.

Conciliation Agreement means a written agreement setting forth the resolution of the issues of conciliation.

The definition of Familial Status shall be amended in its entirety as follows:

Familial Status

Under this Chapter, a discriminatory act is committed because of familial status if the act is committed because the person who is the subject of discrimination is:

- (1) pregnant;
- (2) domiciled with an individual younger than eighteen (18) years of age in regard to whom the person:
 - (A) is the parent or legal custodian; or
 - (B) has the written permission of the parent or legal custodian for domicile with that person; or
 - (C) in the process of obtaining legal custody of an individual younger than 18 years of age.

The definition of *Handicap* is deleted.

The definition of Person shall be amended to include limited liability companies.

The definition of Respondent shall be added:

Respondent.

Respondent means:

- (1) the person accused of a violation of this Chapter in a complaint of discriminatory housing practice; or
- (2) any person identified as an additional or substitute respondent under IC 22-9.5-6-4 or an agent of an additional or substitute respondent.

Section 3. Section 93.03, Unlawful Practice, shall be amended to correct a typographical error in (B)(1)(b), second line: change “noting” to “nothing.”

Section 4. Section 93.04, Discrimination in the Sale or Rental of Housing, shall be amended in its entirety as follows:

93.04. Discrimination in the Sale or Rental of Housing.

Subject to exemptions hereafter set forth and the provisions of IC 22-9.5-3, the following shall apply:

- (1) A person may not refuse to sell or to rent after the making of a bona fide offer, refuse to negotiate for the sale or rental or, or otherwise make unavailable or deny a dwelling to any person because of race, color, religion, sex, familial status, disability, or national origin.

(2) A person may not discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in providing services or facilities in connection with the sale or rental of a dwelling, because of race, color, religion, sex, familial status, disability, or national origin.

(3) A person may not 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, sex, disability, familial status, or national origin, or an intention to make such a preference, limitation or discrimination.

(4) A person may not represent to any person because of race, color, religion, sex, disability, familial status, or national origin that a dwelling is not available for inspection for sale or rental when the dwelling is available for inspection.

(5) A person may not, for profit, induce or attempt to induce a person to sell or rent a dwelling by representations regarding the entry or prospective entry into a neighborhood of a person of a particular race, color, religion, sex, disability, familial status, or national origin.

(6) A person may not discriminate in the sale or rental or otherwise make unavailable or deny a dwelling to any buyer or renter because of a disability of:

- (A) the buyer or renter;
- (B) a person residing in or intending to reside in the dwelling after the dwelling is sold, rented or made available; or
- (C) any person associated with the buyer or renter.

(7) A person may not 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 with the dwelling because of a disability of:

- (A) the person;
- (B) a person residing in or intending to reside in the dwelling after the dwelling is sold, rented, or made available; or
- (C) any person associated with the person.

(8) For purposes associated with discrimination based upon disability only, discrimination includes the following:

(A) A refusal to permit, at the expense of the person with a disability, reasonable modifications of existing premises occupied or to be occupied by the person if the modifications may be necessary to afford the person full enjoyment of the premises.

(B) A refusal to make reasonable accommodations in rules, policies, practices, or services, when the accommodations may be necessary to afford the person equal opportunity to use and enjoy a dwelling.

(C) In connection with the design and construction of covered multifamily dwellings for the first occupancy after March 13, 1991, a failure to design and construct those dwellings in a manner that:

- (i) the public use and common use parts of the dwellings are readily accessible to and usable by persons with disabilities;

- (ii) all the doors are designed to allow passage into and within all premises within the dwellings and are sufficiently wide to allow passage by persons with disabilities in wheelchairs; and
- (iii) all premises within the dwellings contain the following features of adaptive design:

- (a) An accessible route into and through the dwelling.
- (b) Light switches, electrical outlets, thermostats, and other environmental controls in accessible locations.
- (c) Reinforcements in bathroom walls to allow later installation of grab bars.
- (d) Usable kitchens and bathrooms so that an individual in a wheelchair can maneuver about the space.

(D) As used in subsection (8), “covered multifamily dwellings” means:

- (i) buildings consisting of four (4) or more units if the buildings have one or more elevators; and
- (ii) ground floor units in other buildings consisting of four (4) or more units.

(9) As relates to subsections (6)-(8), compliance with the rules of fire prevention and building safety commission that incorporate by reference the appropriate requirements of the American National Standard for buildings and facilities providing accessibility and usability for people with physical disabilities (ANSI A117.1) satisfies the requirements of subsection (8)(C)(iii).

(10) As relates to subsections (6)-(9), it is not required that a dwelling be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others.

(11) This section does not prohibit discrimination against a person because the person has been convicted under federal or the law of any state of the illegal manufacture or distribution of a controlled substance.

Section 5. Section 93.05, Discrimination in Residential Real Estate-Related Transactions is hereby amended in its entirety as follows:

93.05. Discrimination in Residential Real Estate-Related Transactions.

(1) As used in this section, “residential real estate related transaction” means the following:

(A) Making or purchasing loans or providing other financial assistance:

- (i) to purchase, construct, improve, repair, or maintain a dwelling; or
- (ii) to secure residential real estate.

(B) Selling, brokering, or appraising residential real property.

(2) A person whose business includes engaging in residential real estate related transactions may not discriminate against a person in making a real estate related transaction available or in the terms or conditions of a real estate related transaction because of race, color, religion, sex, disability, familial status, or national origin.

Section 6. Section 93.06 shall be amended to replace “handicap” with “disability”.

Section 7. Sections 93.07 is hereby amended in its entirety with the following:

93.07. Intimidation or Interference with Exercise of Another’s Rights.

- (1) A person may not coerce, intimidate, threaten, or interfere with any other person:
 - (A) in the exercise or enjoyment of any right granted or protected by this Chapter; or
 - (B) because the person has exercised or enjoyed, or has encouraged another person in the exercise or enjoyment of, any right granted or protected by this Chapter.

Section 8. Section 93.08, Prevention of Intimidation in Fair Housing Cases, is amended as follows:

In subsection (A), the term “handicap” shall be replaced with “disability.”

Subsection (B) shall be amended to add provision (3) as follows:

- (3) lawfully aiding or encouraging other persons to participate, without discrimination because of race, color, religion, sex, disability, familial status, or national origin, in an activity, a service, an organization, or a facility described in (A).

Subsection (C) shall be deleted in its entirety and replaced with the following:

A person commits a Class A misdemeanor if the person, whether or not acting under color of law, by force or threat of force intentionally intimidates or interferes with or attempts to intimidate or interfere with a person exercising or attempting to exercise such person’s rights as set forth herein this Chapter 93 and under Federal and State laws. In the event bodily injury or death results, fines and/or imprisonment shall be determined by the laws of the State of Indiana or applicable Federal laws and as allowable by law.

Section 9. Section 93.10, Exemptions, shall be deleted in its entirety and replaced with the following:

93.10. Exemptions.

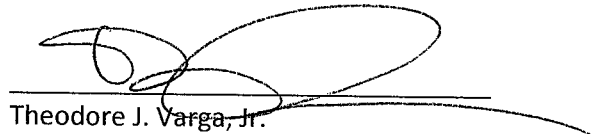
Exemptions set forth and/or defined under IC 22-9.5-3 et seq. shall be incorporated herein as if fully set forth and all such exemptions shall apply to this Chapter.


Section 10. This Ordinance shall be in full force and effect from and after its passage by the Common Council, signing by the Mayor, and publication of the summary of this ordinance in a newspaper of daily circulation within Whitley County, Indiana. Upon passage the codified version of said Ordinance shall be placed on the City of Columbia City internet site under the Code of Ordinances as Chapter 93.

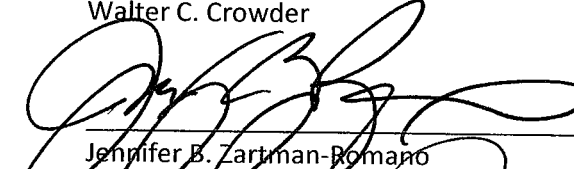
PASSED AND ADOPTED by the Common Council of the City of Columbia City, Indiana, this 12 day of May, 2020.

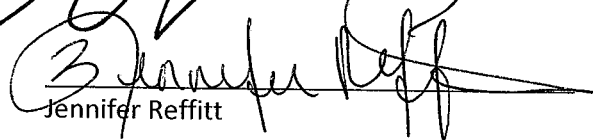
COMMON COUNCIL OF THE CITY OF
COLUMBIA CITY, INDIANA, BY:

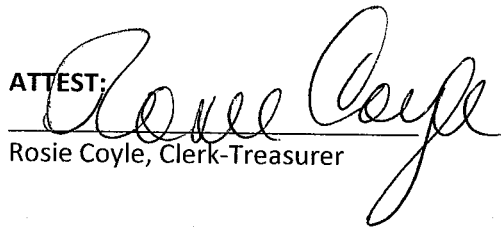

Daniel Weigold


Theodore J. Varga, Jr.


Walter C. Crowder


Jennifer B. Zartman-Romano


Jennifer Reffitt

ATTEST:

Rosie Coyle, Clerk-Treasurer

APPROVED AND SIGNED by me this 12 day of May, 2020.


Ryan Daniel, Mayor