

CHAPTER 41

FAIR HOUSING ORDINANCE

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§ 41-1. Declaration of Policy.

- (a). In furthering the policy of the State of Michigan as expressed in its Constitution and other Laws; and in furthering the policy of the Village of Bellaire as expressed in this Ordinance; in order that the safety and general welfare, peace and health of all the inhabitants of the Village may be ensured, it is hereby declared the policy of the Village of Bellaire, Michigan, to assure equal opportunity to all residents, regardless of race, color, religion, national origin or ancestry, sex, sexual orientation, creed, or physical disability to live in decent, sanitary, healthful, standard living quarters.
- (b). It is the policy of the Village of Bellaire that no owner, lessee, sub-lessee, assignee, managing agent, or other person, firm or corporation having the right to sell, rent, lease (or otherwise control) any housing accommodation and/or real property within the Village, or any agent of these shall refuse to sell, rent, lease, or otherwise deny to or withhold from any person or group of persons such housing accommodations and/or real property because of race, color, religion, national origin or ancestry, sex, sexual orientation, creed, or disability of such person or persons or discriminate against any person or persons because of race, color, religion, national origin or ancestry, sex, sexual orientation, creed or disability in the conditions, terms, privileges of the sale, rental or lease of any housing accommodation and/or real property or in the furnishing of facilities and/or services in connection therewith.
- (c). Relocation shall be carried out in a manner that will promote maximum choice within the community's total housing supply; lessen racial, ethnic, and economic concentrations; and facilitate desegregation and racially inclusive patterns of occupancy and use of public and private facilities.

§ 41-2. Definitions.

Unless a different meaning clearly appears from the context, the following terms shall have the meaning as described in this Section and as used in this Ordinance.

- (a). **DISCRIMINATE** - The terms "discriminate" or "discrimination" mean any difference expressed in any way toward a person or persons in the terms of the sale, exchange, lease, rental or financing for housing accommodation and/or real property in regard to such sale, exchange,

rental, lease or finance because of race, color, religion, national origin or ancestry, sex, sexual orientation, creed, or disability of such person.

- (b). HOUSING ACCOMMODATION - The term “housing accommodation” includes any building, structure, or portion thereof which is used or occupied, maintained, arranged or designed to be used or occupied as a home, residence or sleeping place of one or more human beings, or any real estate so used, designed or intended for such use.
- (c). REAL PROPERTY - The term “real property” means any real estate, vacant land, building, structure or housing accommodations within the corporate limits of the Village of Bellaire, Michigan.
- (d). REAL ESTATE BROKER - The term “real estate broker” means any person, partnership, association, corporation and/or agent thereof, who for a fee or other valuable consideration offers, sells, purchases, exchanges or rents, or negotiates for the sale, purchase, exchange or rental of a housing accommodation and/or real property of another, or collects rental for the use of housing accommodation and/or real property of another.
- (e). FINANCIAL INSTITUTION - The term “financial institution” means any person, institution or business entity of any kind which loans money to persons and receives as security for said loans a secured interest of any kind in the real property of the borrower.
- (f). OWNER - An “owner” means any person/persons who hold legal or equitable title to, or own any beneficial interest in any real property or who hold legal or equitable title to shares of, or hold any beneficial interest in any real estate cooperative which owns any real property and/or housing accommodations.
- (g). DECENT, SANITARY, HEALTHFUL STANDARD LIVING QUARTERS - “Decent, sanitary, healthful standard living quarters” is housing which is in sound, clean, and weather tight condition in conformance with applicable local, state, and national codes.

§41-3. Prohibited Acts.

It shall be unlawful for any owner of real estate, lessee, sub-lessee, real estate broker or salesperson, financial institution or employee of the financial institution, advertiser, or agent of any or all of the foregoing, to discriminate against any person or persons because of their race, color, religion, national origin or ancestry, sex, sexual orientation, creed, or disability with regard to the sale, exchange or rental, or any dealing concerning any housing accommodation and/or real property.

In addition to the foregoing, it shall also be unlawful for any real estate broker or employee thereof, owner or other person, or financial institution dealing with housing or real property in the Village of Bellaire, Michigan:

- (a). To discriminate against any person in the availability of or the price, terms, conditions, or privileges of any kind relating to the sale, rental, lease, or occupancy of any housing accommodation or real property in the Village or in furnishing of any facilities or services in connection therewith.
- (b). To publish or circulate, or cause to be published or circulated, any notice, statement or advertisement, or to announce a policy, or to use any form of application, for the purchase, lease,

rental or financing of real property, or to make any record of inquiry in connection with the prospective purchase, rental or lease of such real estate, which expresses directly or indirectly any discrimination as to race, color, religion, national origin or ancestry, sex, sexual orientation, creed or disability of any person.

- (c). To discriminate in connection with lending money, guaranteeing loans, accepting mortgages or otherwise obtaining or making available funds for the purchase, acquisition, construction rehabilitation, repair or maintenance of any housing accommodation and/or real property.
- (d). To solicit for sale, lease, or listing for the sale or lease, of any housing accommodation and/or real property on the grounds of loss of value because of the present or prospective entry into any neighborhood of any person or persons of any particular race, color, religion, national origin or ancestry, sex, sexual orientation, creed, or disability.
- (e). To distribute or cause to be distributed, written material or statements designed to induce any owner or any housing accommodation and/or real property to sell or lease his or her property because of any present or prospective change in the race, color, religion, national origin or ancestry, sex, sexual orientation, creed, or disability of persons in the neighborhood.
- (f). To make any misrepresentations concerning the listing for sale or the anticipated listing for sale or the sale of any housing accommodation and/or real property for the purpose of inducing or attempting to induce the sale or listing for sale of any housing accommodation and/or real property by representing that the presence or anticipated presence of persons of any particular race, color, religion, national origin or ancestry, sex, sexual orientation, creed, or disability in the area will or may result in the lowering of property values in the block, neighborhood or area in which the property is located.
- (g). For an owner to solicit any real estate broker to sell, rent or otherwise deal with such owner's housing accommodations and/or real property with any limitation on its sale based on race, color, religion, national origin or ancestry, sex, sexual orientation, creed, or disability.
- (h). For an owner to refuse to sell, rent, or otherwise deal with any housing accommodation and/or real property because of race, color, religion, national origin or ancestry, sex, sexual orientation, creed, or disability of the proposed buyer or tenant.

§ 41-4. Violations; Penalty.

- (a). Any person who violates any provision of this Chapter shall be responsible for a municipal civil infraction as defined in Public Act 126 of 1994, amending Public Act 236 of 1961, being Sections 600.101 - 600.9939 of the Michigan Compiled Laws and shall be punished as follows:
 - 1. For a first offense, the person shall be fined not less than \$50.00, nor more than \$100.00, plus the costs of prosecution and other sanctions provided by law.
 - 2. For a second offense occurring within two (2) years of the date the person was found responsible for the first or immediately preceding offense, the person shall be fined not less than \$100.00 nor more than \$200.00, plus the costs of prosecution and other sanctions provided by law.
 - 3. For a third or subsequent offense occurring within two (2) years of the date the person was found responsible for the second or immediately preceding offense, the person shall

be fined not less than \$200.00 nor more than \$500.00, plus the costs of prosecution and other sanctions provided by law.

- (b). Each day this Ordinance is violated shall be considered a separate violation.
- (c). Officers of the Bellaire Police Department, and other Village officials designated by resolution of the Village Council, are hereby authorized to issue municipal civil infractions under this Ordinance directing offenders to appear in court.

§ 41-5. Nuisance Per Se.

A violation of this Chapter is hereby declared to be a nuisance per se and is declared to be offensive to the public health, safety and welfare.

§ 41-6. Separate Court Action.

In addition to enforcing this Chapter through the use of a municipal civil infraction proceeding, the Village may initiate proceedings in the Circuit Court to abate or eliminate the nuisance per se or any other violation of this Chapter.

§ 41-7. Repeal.

That all Ordinances and parts thereof in conflict herewith are expressly repealed and are of no other force and effect.

§ 41-8. Severability.

If any section, provision or clause of this Chapter or the application thereof to any person or circumstance shall be invalid, such invalidity shall not affect any remaining portion or application of this Chapter which can be given effect without the invalid portion or application.