

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

AN ORDINANCE)
TO PROVIDE)
FAIR HOUSING)
_____)

ORDINANCE NO. 84-7

FAIR HOUSING ORDINANCE

An ordinance prohibiting discrimination on the basis of race, color, religion, national origin, ancestry, place of birth, sex, age, marital status, personal appearance, sexual orientation, political affiliation, physical handicap, source of income, and place of residence or business in regard to housing accommodations within the County of Columbia, Oregon: declaring the policy of the County; defining the terms used; prohibiting certain practices which would constitute discrimination in connection with the sale, purchase, leasing, or financing of housing facilities; exemptions and exceptions to the application of this ordinance for certain groups of persons; providing for procedure, other remedies, and penalties; repealing conflicting County ordinances, laws and resolutions; providing for severability of invalid sections or sub-sections; and providing for an effective date.

Be it ordained by the Board of Commissioners of Columbia County that:

SECTION 1. DECLARATION OF POLICY

It is hereby declared to be the policy of Columbia County, Oregon, in the exercise of its police power to assure equal opportunity to all persons to live in decent housing facilities and, to that end, to prohibit discrimination in housing by any person.

SECTION 2. DEFINITIONS

The following words and terms when used in this ordinance have the following meanings:

(1) "Age" means eighteen years of age or older except that, in a case of employment, age shall be defined as eighteen to seventy years of age, unless otherwise prohibited by law.

(2) "County" means the county of Columbia, Oregon.

(3) "Discrimination" or "discriminatory housing practice" means any difference in treatment based upon race, color, religion, national origin, ancestry, place of birth, sex, age, marital status, personal appearance, sexual orientation, political affiliation, physical handicap, source of income, or place of residence or business; or any act that is unlawful under this ordinance.

(4) "Family Responsibilities" means the state of being, or the potential to become, a contributor to the support of a person or persons in a dependent relationship, irrespective of numbers.

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

(6) "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.

(7) "Marital status" means the state of being married, single, divorced, separated, or widowed and the usual conditions associated therewith, including pregnancy or parenthood.

(8) "Owner" means any person, or any one of a number of persons in whom is vested all or any part of the legal or equitable ownership or possession of, or the right to sell, rent or lease, any real property.

(9) "Person" means any individual, firm, partnership, mutual company, joint stock company, corporation, association, organization, unincorporated organization, labor union, government agency, incorporation society, statutory or common law trust, estate, executor, administrator, receiver, trustee, conservator, liquidator, trustee in bankruptcy, committee, assignee, officer, employee, principal or agent, legal or personal representative, real estate broker or salesman or any agent or representative of any of the foregoing.

(10) "Personal Appearance" means the outward appearance of any person, irrespective of sex, with regard to bodily condition or characteristics, manner or style of dress, and manner or style of personal grooming, including, but not limited to, hair style and beards. It shall not relate, however, to the requirement of cleanliness, uniforms, or prescribed standards, when uniformly applied for admittance to a public accommodation, or when uniformly applied to a class of employees, for a reasonable business purpose; or when such bodily conditions or characteristics, style or manner of dress or personal grooming presents a danger to the health, welfare or safety of any individual.

(11) "Physical Handicap" means a bodily or mental disablement which may be the result of injury, illness or congenital condition for which reasonable accommodation can be made.

(12) "Political Affiliation" means the state of belonging to or endorsing any political party.

(13) "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 accommodation, including options thereupon, or who negotiates or attempts to negotiate such activities; or who advertises or holds himself out as engaged in such activities; or who negotitates 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.

(14) "Real Property" includes buildings, structures, lands, tenements, leaseholds, cooperatives and condominiums.

(15) "Sexual Orientation" means male or female homosexuality, heterosexuality and bisexuality, by preference or practice.

(16) "Unlawful Discrimination Practice" means those discriminatory practices prohibited by this ordinance.

SECTION 3. GENERAL PROHIBITED ACTS OF DISCRIMINATION

(a) General.

It shall be an unlawful discriminatory practice to do any of the following acts, wholly or partially for a discriminatory reason based on the race, color, religion, national origin, ancestry, place of birth, sex, age, marital status, personal appearance, sexual orientation, political affiliation, physical handicap, source of income, or place of residence or business of any individual:

(1) To interrupt or terminate, or refuse or fail to initiate or conduct any transaction in real property; or to require different terms for such transactions; or to represent falsely that an interest in real property is not available.

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(2) To include in the terms or conditions of a transaction in real property, any clause, condition or restriction.

(3) To refuse to lend money, guarantee a loan, accept a deed of trust or mortgage, or otherwise refuse to make funds available for the purchase, acquisition, construction, alteration, rehabilitation, repair or maintenance of real property; or impose different conditions on such financing; or refuse to provide title or other insurance relating to the ownership or use of any interest in real property.

(4) To refuse or restrict facilities, services, repairs or improvements for a tenant or lessee.

(5) To make, print, or publish, or cause to be made, printed, or published any notice, statement, or advertisement, with respect to a transaction, or proposed transaction, in real property, or financing relation thereto, which notice statement or advertisement unlawfully indicates or attempts unlawfully to indicate any preference, limitation, or discrimination.

(6) To discriminate in any financial transaction involving real property, on account of the location of residence or business.

(7) To coerce, threaten, retaliate against, or interfere with any person in the exercise or enjoyment of, or on account of having exercised or enjoyed, or on account of having aided or encouraged any other person in the exercise or enjoyment of any right granted or protected under this ordinance.

(8) To require, request, or suggest that a person retaliate against, interfere with, intimidate or discriminate against a person, because that person has opposed any practice made unlawful by this ordinance, or because that person had made a charge, testified, assisted or participated in any manner in an investigation, proceeding or hearing authorized under this ordinance.

(9) To cause or coerce, or attempt to cause or coerce, directly or indirectly, any person to prevent any person from complying with the provisions of this ordinance.

(10) To aid, abet, invite, compel or coerce the doing of any of the acts forbidden under the provisions of this ordinance or to attempt to do so.

(b) Subterfuge.

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It shall further be an unlawful discriminatory practice to do any of the above said acts for any reason that would not have been asserted but for, wholly or partially, a discriminatory reason based on the race, color, religion, national origin, ancestry, place of birth, sex, age, marital status, personal appearance, sexual orientation, political affiliation, physical handicap, source of income, or place of residence or business of any individual.

(c) Blockbusting and steering.

It shall be an unlawful discriminatory practice for any person, whether or not acting for monetary gain, directly or indirectly to engage in the practices of "blockbusting" and "steering" including, but not limited to the commission of any one or more of the following acts:

(1) To promote, induce, or influence a transaction in real property through any representation, means or devise whatsoever calculated to induce a person to discriminate or to engage in such transaction wholly or partially in response to discrimination, prejudice, fear or unrest added by such means, device or representation.

(2) To place a sign, or display any other device, either purporting to offer or tending to lead to the belief that an offer is being made for a transaction in real property that is not in fact available or offered for transaction, or which purports that any transaction in real property has occurred that in fact has not.

(d) Acts of Discrimination by broker or salesman.

It shall be an unlawful discriminatory practice for any real estate broker or real estate salesman, to commit any act of discrimination prohibited under the provisions of this ordinance, if such act or the property involved is within unincorporated Columbia County.

SECTION 4. EXEMPTIONS

(a) This ordinance shall not apply to:

(1) Any religious or political organizations, or any organization operated for charitable or educational purposes, which is operated, supervised or controlled in a manner giving preference to persons of the same religion or political persuasion,

or to members of the same charitable or educational organization, as is calculated by such organization to promote the principles for which it is established or maintained.

(2) The rental or leasing of housing accommodations in a building in which the owner, or members of his family occupy one of the living units and in which there are, or the owner intends that there be, accommodations for not more than:

(A) Five families, and only with respect to a prospective tenant, not related to the owner-occupant with whom the owner-occupant anticipates the necessity of sharing a kitchen or bath; and

(B) Two families living independently of each other.

(3) The sale or rental of a single-family house provided the owner was the most recent resident of such house prior to such sale or rental.

(b) Nothing contained in the provisions of this ordinance, shall be deemed to permit any rental or occupancy otherwise prohibited by any statute, or by any regulation previously enacted and not repealed herein.

SECTION 5. PROCEDURE

Any person aggrieved by an unlawful practice prohibited by this Ordinance may file a complaint with the County Attorney 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 County 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 and compliance with this Ordinance shall cause the County Attorney to forward the complaint and his findings to appropriate state and/or Federal officials.

SECTION 6. OTHER REMEDIES

Nothing this Ordinance 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. PENALTIES

Any person violating any provision of this Ordinance shall, upon conviction thereof, be punished as provided by law.

SECTION 8. 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, subsections, clauses or provision 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, subsections, clauses or provisions to any other situation, circumstance or person, and it is intended that this Ordinance shall be constructed and applied as if such section or provision so held unconstitutional or invalid had not been included in this Ordinance.

SECTION 9. EFFECTIVE DATE

This ordinance being necessary for the immediate protection of the public health, safety and welfare, an emergency is declared to exist and this ordinance shall take effect on its passage.

REGULARLY PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY THIS 21st DAY OF NOVEMBER 1984.

First Reading: 11-21-84 *
Second Reading: 11-21-84 *

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

AYE	NAY	
<u>X</u>	___	Commissioner King
<u>X</u>	___	Commissioner Hunt
<u>X</u>	___	Commissioner Dillard

Robert King
Chairman

Robert M. Hunt
Commissioner

Max W. Dillard
Commissioner

Roberta Stubbs
Recording Secretary

* By title only