

RESOLUTION NO. 9-13-90

A RESOLUTION AMENDING RESOLUTION NO 6-12-80, REGARDING FAIR HOUSING POLICY OF THE CITY OF EDGERTON, KANSAS.

WHEREAS, the Governing Body of the City of Edgerton, Kansas hereby declares it to be the public policy of said City to eliminate discrimination and safeguard the right of any person to sell, purchase, lease, rent, or obtain real property without regard to race, color, religion, sex, national origin, handicap or familial status.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY of the City of Edgerton, Kansas, it is deemed an exercise of the home rule powers of the City of Edgerton, for the protection of the public welfare, prosperity, health and peace of the people of said City.

SECTION ONE. DEFINITIONS. For the purpose of this resolution the following terms, phrases, words and their derivations shall have the meaning given herein unless the context otherwise indicates:

- a. "Person" shall include any individual, firm, partnership or corporation.
- b. "Discriminate" To make distinctions in treatment because of race, color, religion, sex, national origin, handicap or familial status of any person.
- c. "Family" shall include a single individual.

SECTION TWO. DISCRIMINATORY PRACTICES DEFINED. It shall be a discriminatory practice and unlawful:

- a. For any person, having the right, responsibility, or authority to sell, rent, lease, assign or sub-lease any dwelling unit, commercial unit or real property or any part or portion thereof or interest therein, to refuse to sell, rent, lease, assign, or sub-lease any dwelling unit, commercial unit, real property or part or portion thereof or interest therein, to any person because of the race, color, religion, sex, national origin, handicap or familial status of said person.

- b. For any person, having the right, responsibility, or authority to sell, rent, lease, assign or sub-lease any dwelling unit, commercial unit or real property or any part or portion thereof or interest therein, to impose upon any person because of the race, color, religion, sex, national origin, handicap or familial status of such person unusual, extraordinarily onerous terms, conditions or privileges in the sale, rental, leasing assignment or subleasing of any dwelling unit, commercial unit or real property or any part or portion thereof or interest therein,

or to require a higher burdensome upon any person because of race, color, religion, sex, national origin, handicap or familial status and which would not be required of other persons.

c. For any person, engaged in lending money, guaranteeing loans, accepting mortgages or otherwise making available funds for the purchase, acquisition, construction, rehabilitation, repair or maintenance of any dwelling unit, commercial unit or real property or any part or portion thereof or interest therein, to discriminate because of race, color, religion, sex, national origin, handicap or familial status of any person applying for loans or guarantees or mortgages in lending money, guaranteeing loans, accepting mortgages or otherwise making available funds for the purchase, acquisition, construction, rehabilitation, repair or maintenance of any dwelling unit, commercial unit or real property or any part or portion thereof or interest therein, or to place unusual extraordinary, onerous rates of interest, terms or conditions on the lending of said money, the guaranteeing of said loans, acceptance of said mortgages or the availability of such funds.

d. For any person to discriminate in furnishing any facilities or services to any dwelling unit, commercial unit, real property or any part or portion thereof or interest therein, because of the race, color, religion, sex, national origin, handicap or familial status of any person making application for such facilities or services.

e. For any person in the real estate business, whether a dealer, broker or regardless of the capacity in which serving to discriminate in the selling, renting, leasing, assigning or sub-leasing of any dwelling unit, commercial unit, real property or any part or portion thereof or interest therein, against any person because of race, color, religion, sex, national origin, handicap, or familial status of such person and further, to indicate in any way that any dwelling unit, commercial unit, real property or any part or portion thereof or interest therein, is not available for inspection, sales, rental, lease, assignment or sub-lease, or otherwise to deny or withhold any dwelling unit, commercial unit, real property or any part or portion thereof or interest therein, from any person because of race, color, religion, sex, national origin, handicap, or familial status of such person.

f. For any person to include in any agreement relating to the sale, rental, lease, assignment or sub-lease of any dwelling unit, commercial unit, or real property or any part or portion thereof or interest therein, as a condition of said transaction, that the purchaser, renter, tenant, occupant or assignee does agree not to sell, rent, lease, assign or sub-lease the said dwelling unit, commercial unit, or real property or any part or portion thereof or interest therein, to any person because of race, color, religion, sex, national origin, handicap or familial status of such person.

g. For any person to engage in any form of threats or reprisal, or to engage in, or hire, or conspire with others to commit acts or activities of any nature, the purpose of which is to harass, degrade, embarrass, or to cause physical harm or economic loss to any person because such person complies with the provisions of this resolution or has opposed any practice forbidden under this act, or has filed a complaint, testified or assisted in any proceeding under this resolution.

h. For any person to aid, abet, incite, compel, coerce, cooperate or participate in the doing of any act declared to be a discriminatory practice under the provisions of this resolution, or to obstruct or prevent compliance with the provisions of this resolution, or to attempt directly or indirectly to commit any act declared by this resolution to be a discriminatory practice.

i. For any person to induce or attempt to induce the sale or listing for sale of any dwelling unit, commercial unit or real property or any part or portion thereof or interest therein, by representing that a change has occurred or will or may occur with respect to the racial, religious or ethnic composition of the block, neighborhood or area in which the property is located, or to induce or attempt to induce such sale by representing that the presence or anticipated presence of persons of any particular race, color, religion, sex, national origin, handicap, or familial status in the area will or may result in:

- (1) the lowering of property values;
- (2) a change in the racial, religious or ethnic composition of the block, neighborhood or area in which the property is located;
- (3) an increase in criminal or antisocial behavior in the area;
- (4) a decline in the quality of the schools serving the area.

j. To make any representations to any prospective seller, real estate broker, salesman, agent, owner, or to any financial institution for the purpose of obtaining facts or evidence of a discriminatory practice when such representation is not made for a bona fide purchase, rental or lease of real property; provided, however, this section shall not apply to any person employed by the City or the State whose duty it is to assist in the prosecution of violations of civil rights relating to open housing.

k. For any person having the right, responsibility or authority to sell, rent, lease, assign or sub-lease any dwelling unit, commercial unit or real property or any part or portion thereof or interest therein, to directly or indirectly advertise, or in any other manner indicate or publicize, that the purchase, rental, lease, sub-lease or assignment, listing, showing or the lending of funds in connection with any dwelling unit, commercial unit, real property or any part or portion thereof or interest therein, by persons of any particular race, color, religion, sex,

national origin, handicap or familial status is unwelcome, objectionable, not acceptable, or not solicited.

SECTION THREE. APPLICABILITY. The provisions of this resolution shall not apply to the following:

a. Any bona fide religious institutions with respect to any qualifications it may impose based upon religion when such qualifications are related to a bona fide religious purpose.

b. A rental or leasing of a dwelling unit in a building which contains housing accommodations for not more than two (2) families living independently of each other if the owner or members of his family reside in such dwelling unit.

c. A rental or leasing to less than five (5) persons living in a dwelling unit by the owner if the owner or members of his family reside therein.

SECTION FOUR. ADMINISTRATION.

a. Any person claiming to have been subjected to any discriminatory practice as defined by this resolution may file a complaint by appearing before the City Governing Body of Edgerton, Kansas and furnishing such information as the City Council may require. Any complaint filed pursuant to this resolution must be filed with the City within sixty (60) days of the date of the alleged incident.

b. Every complaint of a violation of this resolution shall be referred to the Governing Body of the City of Edgerton, Kansas, the City shall forthwith notify the person against whom the complaint is made. The identity of the aggrieved person shall be made known to the person against whom the complaint is made at that time. If the City, after its investigation and the investigation, if any, conducted by authorized employees of the City, finds that there is no merit to the complaint, the same shall be dismissed. If the City finds that there is merit to the complaint, in their opinion, then and in that event, the City will endeavor to eliminate the alleged discriminatory practice by conference and conciliation.

c. Nothing in this resolution shall prohibit the Mayor of the City of Edgerton, Kansas, from appointing a committee to assist in the review, investigation and determination of any grievances filed hereunder, and the Mayor may delegate the necessary authority to said committee to perform any of the duties required of the Mayor by this resolution.

d. If the City is unable to eliminate the alleged discriminatory practice by conference and conciliation, then and in that event, the City shall forward said complaint to the City Attorney for handling. The final determination of whether or not to prosecute on said complaint shall be left to the City

Attorney.

SECTION FIVE. ENFORCEMENT.

a. Any person convicted of a violation of this resolution shall be punished by a fine of not more than \$1,000.00 or by confinement in the County jail for not more than thirty (30) days, or by both such fine and imprisonment.

b. The City Attorney, instead of filing a complaint in the Municipal Court of said City, may, as an alternative remedy, seek to have the alleged discriminatory practices abated by an action for an injunction to be maintained in the appropriate District Court of the State of Kansas.

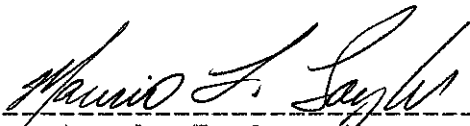
SECTION SIX. VALIDITY.

a. The provisions of this resolution are severable and if any provision, sentence, clause, section or part thereof is held illegal, invalid or unconstitutional or inapplicable to any person or circumstance, such illegality, invalidity, unconstitutionality, or inapplicability shall not affect or impair any of remaining provisions, sentences, clauses, sections or parts of this resolution or their application to other persons or circumstances. It is hereby declared to be the intent of the Governing Body that this resolution would have been adopted if such illegal, invalid or unconstitutional provision, sentence, clause, section, or part had not been included therein, and if the person or circumstances to which the resolution or any part thereof is inapplicable had been specifically exempted therefrom.

SECTION SEVEN. A copy of this resolution shall be made available to any person who wishes to see it at the office of the City Clerk, City Hall, Edgerton, Kansas, for viewing during business hours, and photostatic copies of the same may be obtained at cost of person requesting same at the office of the City Clerk, Edgerton, Kansas, during normal business hours.

SECTION EIGHT. This resolution shall be in force and effect from and after its passage and publication according to law.

PASSED AND APPROVED this 13 day of SEPTEMBER, 1990.

  
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Maurice L. Taylor, Mayor

Attest:

  
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Rita M. Moore, City Clerk