

## **ORDINANCE NUMBER 17-013**

An ordinance to amend Section 11-4, 11-5, and 11-6, add Section 11-7, 11-8, and 11-9, and repeal sections 11-4.1 and 11-4.2 of the Beatrice City Code regarding the Fair Housing Article of the Beatrice City Code; and to provide for publication in pamphlet form and for an effective date of this ordinance.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF  
BEATRICE, NEBRASKA:

**SECTION 1.** That Section 11-4 of the Beatrice City Code be and is hereby amended as follows:

**“11-4 – Discrimination in housing - Generally.**

It shall be unlawful to

- (1) Refuse to sell or rent after the making of a bona fide offer, refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, or refuse to show, refuse to receive and transmit an offer for, a dwelling to any person because of race, color, religion, national origin, familial status or sex;
- (2) Discriminate against any person in the terms, conditions or privileges of the sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, religion, national origin, familial status or sex;
- (3) Make, print, 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, national origin, handicap, familial status or sex, or an intention to make any such preference, limitation or discrimination;

- (4) Represent to any person because of race, color, religion, national origin, handicap, familial status, or sex that any dwelling is not available for inspection, sale or rental when such dwelling is in fact so available;
- (5) Induce or attempt to induce, for profit, any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, or national origin, handicap, familial status, or sex;
- (6) Cause to be made by any written or oral inquiry or record concerning the race, color, religion, national origin, handicap, familial status or sex of a person seeking to purchase, rent or lease any housing;
- (7) Include in any transfer, sale, rental or lease of housing any restrictive covenants, or to honor or exercise any attempt to honor or exercise any restrictive covenant pertaining to housing; and
- (8) Discharge or demote an employee or agent or discriminate in the compensation of such employee or agent because of such employee's or agent's compliance with the provisions of this Article.”

**SECTION 2.** That Sections 11-4.1 and 11-4.2 of the Beatrice City Code be and hereby are repealed.

**SECTION 3.** That Section 11-5 of the Beatrice City Code be and hereby is amended as follows:

**“11-5 – Same – Handicap of buyer or renter.**

- (1) It shall be unlawful to:

a. Discriminate in the sale or rental of or otherwise make unavailable or deny a dwelling to any buyer or renter because of a handicap of:

1. The buyer or renter;
2. Any person associated with the buyer or renter; or
3. A person residing in or intending to reside in the dwelling after it is so sold, rented or made available; or

b. 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 a dwelling because of a handicap of:

1. Such person;
2. Any person associated with such person; or
3. A person residing in or intending to reside in the dwelling after it is so sold, rented, or made available.

(2) For purposes of this section, discrimination shall include:

- a. A refusal to permit, at the expense of the handicapped person, 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, except that in the case of a rental, the landlord may, when it is reasonable to do so, condition permission for a modification on the renter agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted;

- b. A refusal to make reasonable accommodations in rules, policies, practices, or services when such accommodations may be necessary to afford the handicapped person equal opportunity to use and enjoy a dwelling; and
- c. In connection with the design and construction of covered multifamily dwellings for first occupancy after the effective date of this ordinance, a failure to design and construct the dwellings in such a manner that:

- 1. The public use and common use portions of the dwellings are readily accessible to and usable by handicapped persons;
- 2. All the doors designed to allow passage into and within all premises within the dwellings are sufficiently wide to allow passage by handicapped persons in wheelchairs; and
- 3. All premises within the dwellings contain the following features of adaptive design:
  - (i) An accessible route into and through the dwelling;
  - (ii) Light switches, electrical outlets, thermostats, and other environmental controls in accessible locations;
  - (iii) Reinforcements in bathroom walls to allow later installation of grab bars; and
  - (iv) Kitchens and bathrooms such that a handicapped person in a wheelchair can maneuver about the space.

- (3) Compliance with the appropriate requirements of the American National Standards Institute standard for buildings and facilities providing accessibility and usability for

physically handicapped people, ANSI A117.1, shall satisfy the requirements of subdivision (2)(c)(3) of this section.

(4) For purposes of this section, covered multifamily dwellings shall mean:

- a. Buildings consisting of four (4) or more units if such buildings have one (1) or more elevators; and
- b. Ground floor units in other buildings consisting of four (4) or more units.

(5) Nothing in this section shall require 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.”

**SECTION 4.** That Section 11-6 of the Beatrice City Code be and hereby is amended as follows:

**“Sec. 11-6 – Same – Real estate business.**

- (a) It shall be unlawful for any person or other entity whose business includes engaging in transactions related to residential real estate to discriminate against any person in making available such a transaction or in the terms or conditions of such a transaction because of race, color, religion, sex, handicap, familial status, or national origin.
- (b) For purposes of this section, transactions related to residential real estate shall mean any of the following:
  - (1) The making or purchasing of loans or providing other financial assistance:
    - a. For purchasing, constructing, improving, repairing, or maintaining a dwelling; or

- b. Secured by residential real estate; or
- (2) The selling, brokering, or appraising of residential real property.
- (c) Nothing in this section shall prohibit a person engaged in the business of furnishing appraisals of real property from taking into consideration factors other than race, color, religion, national origin, sex, handicap, or familial status.”

**SECTION 5.** That Section 11-7 of the Beatrice City Code be and hereby is added as follows:

**“Sec. 11-7 – Same – Multiple listing service.**

It shall be unlawful to deny any person access to or membership or participation in any multiple listing service, real estate brokers organization, or other service, organization or facility relation to the business of selling or renting dwellings or to discriminate against any person in the terms or conditions or such access, membership, or participation on account of race, color, religion, national origin, handicap, familial status, or sex.”

**SECTION 6.** That Section 11-8 of the Beatrice City Code be and hereby is added as follows:

**“Sec. 11-8 – Same – Exceptions.**

- (a) The prohibitions against discrimination in the sale or rental of housing set forth in this Article shall not apply to:

- (1) Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four (4) families living independently of each other, if the owner actually maintains and occupies one (1) of such living quarters as his residence;

(2) A religious organization, association or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association or society, from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color, national origin, handicap, familial status or sex;

(3) A private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodging which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members; or

(4) Housing for older persons with respect to familial status.

(b) For purposes of subsection (a)(4) of this section, housing for older persons shall mean housing:

(1) Provided under any state program that the commission determines is specifically designed and operated to assist elderly persons as defined in the program;

(2) Intended for and solely occupied by persons sixty-two (62) years of age or older; or

(3) Intended and operated for occupancy by at least one (1) person fifty-five (55) years of age or older per unit. In determining whether housing

qualifies as housing for older persons under this subdivision, the commission shall develop regulations which require at least the following factors:

- a. The existence of significant facilities and services specifically designed to meet the physical or social needs of older persons or, if the provision of such facilities and services is not practicable, that such housing is necessary to provide important housing opportunities for older persons;
- b. That at least eighty (80) percent of the units are occupied by at least one (1) person fifty-five (55) years of age or older per unit; and
- c. The publication of and adherence to policies and procedures which demonstrate an intent by the owner or manager to provide housing for persons fifty-five (55) years of age or older.

(c) Housing shall not fail to meet the requirements of housing for older persons by reason of:

- (1) Persons residing in the housing as of the effective date of this section who do not meet the age requirements of subsection (b)(2) or (b)(3) of this subsection if succeeding occupants of the housing meet the age requirements; or
- (2) Unoccupied units if the units are reserved for occupancy by persons who meet the age requirements.”

**SECTION 7.** That Section 11-9 of the Beatrice City Code be and hereby is added as follows:



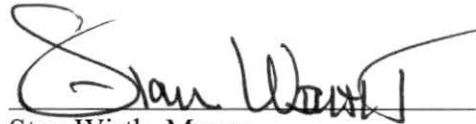
**“Sec. 11-9 – Same-Definitions.**

For the purpose of sections this Article, the definitions found in the Nebraska Fair Housing Act, Neb.Rev.Stat. Sections 20-304 to 20-317, as amended, shall be used.”

**SECTION 8.** That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION 9.** That this ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as provided by law.

PASSED AND APPROVED this 19<sup>th</sup> day of June, 2017.

  
Stan Wirth, Mayor

Attest:

  
Erin Saathoff, City Clerk