

CHAPTER 6

HOUSING

6.01 VILLAGE HOUSING DEVELOPMENT ORDINANCE

(1) **TITLE/PURPOSE.** This ordinance is entitled the "Village of New Auburn Housing Development Ordinance". The purpose of this ordinance is to provide for housing authorities and to regulate housing practices in the Village.

(2) **AUTHORITY.** The Village has the specific statutory authority, powers, and duties, pursuant to Sections 66.23, 66.30, 66.395, 66.40, 66.425, 66.432 and 101.22 (1993-1994) Wisconsin Statutes, to establish and enforce a "Fair Housing Ordinance" for the Village of New Auburn to cooperate with the county, cities, villages and towns in housing development and to establish a Village of New Auburn Housing Authority.

(3) **DISCRIMINATORY HOUSING PRACTICE.** The following practices shall be considered discrimination in housing practices in the Village of New Auburn:

(A) To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny a dwelling to any person because of race, color, handicap, religion, sexual preference, national origin, sex or marital status of a person maintaining a household, lawful source of income, age or ancestry.

(B) To discriminate against any person in the terms, conditions or privileges of sale or rental of a dwelling or in the provisions of services or facilities in connection therewith because of race, color, handicap, religion, sexual preference, national origin, sex or marital status of a person maintaining a household, lawful source of income, age or ancestry.

(C) To 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, handicap, religion, sexual preference, national origin, sex, or marital status of a person maintaining a household, lawful source of income, age or ancestry, or an intention to make such preference, limitation or discrimination.

(D) To represent to any person because of race, color, handicap, religion, sexual preference, national origin, sex or marital status of a person maintaining a household, lawful source of income, age or ancestry that any dwelling is not available for inspection, sale or rental when such dwelling is, in fact, so available.

(E) For profit, to induce or attempt to induce 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, handicap, religion, sexual preference,

national origin, sex or marital status of a person maintaining a household, lawful source of income, age or ancestry.

(F) For any bank, savings and loan association, insurance company or other corporation, association, firm or enterprise whose business consists in whole or in part in the making of commercial real estate loans, to deny a loan or other financial assistance to a person applying therefor for the purpose of purchasing, constructing, improving, repairing or maintaining a dwelling, or to discriminate against him or her in the fixing of the amount, interest rate, duration, or other terms or conditions of such loan or other financial assistance because of the race, color, handicap, religion, sexual preference, national origin, sex or marital status of a person maintaining a household, lawful source of income, age or ancestry of such person, or of any person associated with him or her in connection with such loan or other financial assistance or the purposes of such loan or other financial assistance, or of the dwelling or dwellings in relation to which such loan or other assistance is given, or for a person in the business of insuring against hazards by refusing to enter into, or by exacting different terms, conditions, or privileges with respect to a contract of insurance against hazards to a dwelling because of race, color, handicap, religion, sexual preference, national origin, sex or marital status of the person maintaining the household, lawful source of income, age or ancestry. Provided, however, that nothing contained in this section shall impair the scope of the effectiveness of the exception contained in Section 6.01(4) of this ordinance.

(G) To deny any person access to or membership or participation in any multiple-listing service, real estate broker's organization or other service, organization, or facility relating to the business of selling or renting dwellings or to discriminate against him or her in the terms or conditions of such access, membership or participation on account of race, color, handicap, religion, sexual preference, national origin, sex or marital status of the person maintaining the household, lawful source of income, age or ancestry.

(H) By refusing to renew a lease without cause resulting in the eviction of a tenant from rental housing or engaging in the harassing of a tenant.

(4) EXCEPTIONS. Nothing in this ordinance shall:

(A) Prohibit discrimination on the basis of age in relation to housing in the Village of New Auburn designed to meet the needs of elderly individuals.

(B) Prohibit from exacting different or more stringent terms or conditions for financing housing in the Village of New Auburn based upon the age of the individual applicant for financing if the terms or conditions are reasonably related to the individual applicant.

(C) Prohibit the development of housing designed specifically for a person with a handicap and discrimination on the basis of handicap in relation to such housing.

(5) FAIR AND OPEN HOUSING.

(A) The Village of New Auburn hereby adopts Section 106.50, Wisconsin Statutes, as amended and all subsequent amendments thereto.

(B) The officials and employees of the Village of New Auburn shall assist in the orderly prevention and removal of all discrimination in housing within the Village limits by implementing the authority and enforcement procedures set forth in Section 106.50, Wisconsin Statutes, as amended.

(C) The Municipal Clerk/Treasurer shall maintain forms for complaints to be filed under Section 106.50, Wisconsin Statutes, as amended, and shall assist any person alleging a violation thereof in the Village of New Auburn to file a complaint there under with the Wisconsin Department of Work Force Development, Equal Rights Division, for enforcement of Section 106.50, Wisconsin Statutes, as amended.

(6) REQUIRING REFERENCES. Nothing in this ordinance shall be deemed to prohibit an owner or agent from acquiring from any person who seeks to buy, rent or lease housing in the Village of New Auburn, information concerning family, marital, financial and business status, but not concerning race, color, physical condition, developmental disability, as defined in Section 51.05(5), (1993-1994) Wisconsin Statutes, or creed.

(7) JOINT PARTICIPATION. The Village of New Auburn, under Section 61.73(1), (1993-1994) Wisconsin Statutes, by its Village Board may cooperate with the state, county or other units of government under Section 66.30, (1993-1994) Wisconsin Statutes, including cooperative arrangements involving the acquisition, development, remodeling, construction, equipping, operations and maintenance of land, buildings and facilities for regional projects whether or not located in the Village of New Auburn.

(8) VILLAGE HOUSING AUTHORITY/VILLAGE BUILDINGS

(A) The Village Board may pursuant to Sections 61.73, 66.40 and 66.425 (1993-1994) Wisconsin Statutes, establish and maintain a Village of New Auburn Housing Authority.

(B) The Village of New Auburn real property, pursuant to Section 66.40(10)(h), (1993-1994) Wisconsin Statutes, may not be acquired by the Village of New Auburn Housing Authority or any other housing authority without the consent of the Village Board.

(C) The Village Board, pursuant to Section 66.40(21), (1993-1994) Wisconsin Statutes, may do any and all things legal and necessary to secure the financial aid and the cooperation of the Federal government in the undertaking, construction, maintenance and operations of any housing project which the Village of New Auburn Housing Authority is empowered to undertake.

(D) The Village of New Auburn, by its Village Board, pursuant to Section 66.40(22), (1993-1994) Wisconsin Statutes, may fix the sum to be paid annually in lieu of taxes on a Village housing project. The sum may not exceed the amount that would be levied as the annual tax by the Village upon such project or projects. The Village Board has fixed the sum for the below noted project until changed by Resolution to be:

(List Projects and Taxes)

New Auburn Housing Authority: 10% Shelter Rent or \$1200.00
whichever is more
