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Sidney, NE Code of Ordinances

CHAPTER 622

Fair Housing

EDITOR'S NOTE: Chapter 622, previously a codification of Ordinance 977, passed October 13, 1980, was re-enacted in its entirety by Ordinance 1216, passed March 24, 1992. Chapter 622 was again re-enacted in its entirety by Ordinance 1689, passed February 12, 2013.

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CROSS REFERENCES

Offenses against persons generally - see R.S.N. §§ 28-401 et seq.

Nebraska Fair Housing Act - see R.S.N. §§ 20-301 to 20-344

Discrimination by City against handicapped persons - see GEN. OFF. 606.03

Housing Advisory and Appeals Board - see B. & H. 1498.04

622.01 PURPOSE.

The purpose of this chapter is to promote the general welfare of the residents of the City by endorsing the provisions of the Nebraska Fair Housing Act, Sections 20-301 through 20-344, of the Revised Statutes of Nebraska, to the effect that there shall be no discrimination in the City in the acquisition, ownership,

possession or enjoyment of housing in accordance with Article I, Section 25, of the Constitution of the State of Nebraska.

(Ord. 1689. Passed 2-12-13.)

622.02 DEFINITIONS.

As used in this chapter unless the context otherwise requires:

- (a) "Aggrieved person" means any person who:
 - (1) Claims to have been injured by a discriminatory housing practice; or
 - (2) Believes that he or she will be injured by a discriminatory housing practice that is about to occur.
- (b) "Commission" means the Nebraska Equal Opportunity Commission.
- (c) "Dwelling" means any building, structure or portion thereof which is occupied as or designed or intended for occupancy as a residence for 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, structure or portion thereof.
- (d) "Familial status" means one or more minors being domiciled with:
 - (1) A parent or another person having legal custody of such individual; or
 - (2) The designee of a parent or other person having legal custody, with written permission of the parent or other person.
- (e) "Handicap" means, with respect to a person:
 - (1) A physical or mental impairment, excluding an impairment caused by current illegal use or addiction to a controlled substance as defined in Section 28-401 of the Revised Statutes of Nebraska which substantially limits one or more of such person's major life activities;
 - (2) A record of having such an impairment; or
 - (3) Being regarded as having such an impairment.
- (f) "Person" means one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers and fiduciaries.
- (g) "Rent" means to lease, sublease, let and otherwise grant, for consideration, the right to occupy premises not owned by the occupant.
- (h) "Restrictive covenant" means any specification limiting the transfer, rental or lease of any housing because of race, creed, religion, color, national origin, sex, handicap, familial status or ancestry.

(Ord. 1689. Passed 2-12-13.)

622.03 UNLAWFUL ACTS.

Except as provided in Section 622.07, it shall be unlawful to:

- (a) 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, refuse to show or refuse to receive and transmit an offer for, a dwelling to any person because of race, color, religion, national origin, familial status or sex;
- (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 therewith, because of race, color, religion, national origin, familial status or sex;
- (c) 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;
- (d) 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;
- (e) Cause to be made 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;
- (f) Include in any transfer, sale, rental or lease of housing any restrictive covenant, or honor or exercise or attempt to honor or exercise any restrictive covenant pertaining to housing;
- (g) Discharge or demote an employee or agent or discriminate in the compensation of such employee or agent because of such employee's compliance with the Nebraska Fair Housing Act; or
- (h) 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, national origin, handicap, familial status or sex.

The protections afforded against discrimination on the basis of familial status shall apply to any person who is pregnant or is in the process of securing legal custody of any minor.

(Ord. 1689. Passed 2-12-13.)

622.04 DISCRIMINATORY PRACTICES AGAINST HANDICAPPED PERSONS PROHIBITED; DESIGN AND CONSTRUCTION STANDARDS FOR ACCOMMODATING HANDICAPPED PERSONS.

(a) Except as provided in Section 622.07, it shall be unlawful to:

- (1) 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:
 - A. The buyer or renter;
 - B. Any person associated with the buyer or renter; or
 - C. A person residing in or intending to reside in the dwelling after it is so sold, rented or made

available; or

(2) Discriminate against any person in the terms, conditions or privileges of sale or rental of a dwelling because of a handicap of:

A. Such person;

B. Any person associated with such person; or

C. A person residing in or intending to reside in the dwelling after it is so sold, rented or made available.

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

(1) 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 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;

(2) 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 or enjoy a dwelling; and

(3) In connection with the design and construction of covered multifamily dwellings for first occupancy after September, 1991, a failure to design and construct the dwellings in such a manner than:

A. The public and common use portions of the dwelling are readily accessible to and usable by handicapped persons;

B. All the doors designed to allow passage into and within all premises within the dwelling are sufficiently wide to allow passage by handicapped persons in wheelchairs; and

C. All premises within the dwelling contain the following features of adaptive design:

1. An accessible route into and through the dwelling;

2. Light switches, electrical outlets, thermostats and other environmental controls in accessible locations;

3. Reinforcements in bathroom walls to allow later installation of grab bars;

4. Kitchens and bathrooms designed so that a handicapped person in a wheelchair can maneuver about the space.

(c) Compliance with the appropriate requirements of the American National Standards Institute for buildings and facilities providing accessibility and usability for physically handicapped people, ANSI A117.1, shall satisfy the requirements of division (b)(3)C. hereof.

(d) For purposes of this section, "covered multifamily dwellings" means:

(1) Buildings consisting of four or more units if such buildings have one or more elevators; and

(2) Ground floor units in other buildings consisting of four or more units.

(e) 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.

(Ord. 1689. Passed 2-12-13.)

622.05 TRANSACTIONS RELATED TO RESIDENTIAL REAL ESTATE.

(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 because of race, color, religion, sex, handicap, familial status or national origin.

(b) For purposes of this section, "transactions related to residential real estate" means any of the following:

(1) The making or purchasing of loans or providing other financial assistance for purchasing, constructing, improving, repairing or maintaining a dwelling;

(2) The making or purchasing of loans or providing other financial assistance secured by residential real estate; or

(3) 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, handicap, familial status or sex.

(Ord. 1689. Passed 2-12-13.)

622.06 DISCRIMINATORY PRACTICES BY MULTIPLE LISTING SERVICES, REAL ESTATE BROKERS' ORGANIZATIONS AND OTHER SERVICES.

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 relating to the business of selling or renting dwellings, or to discriminate against any person in the terms or conditions of such access, membership or participation, on account of race, color, religion, national origin, handicap, familial status or sex.

(Ord. 1689. Passed 2-12-13.)

622.07 EXCEPTIONS FOR RELIGIOUS ORGANIZATIONS, PRIVATE HOMES, PRIVATE CLUBS OR HOUSING FOR THE ELDERLY.

(a) Nothing in this chapter shall prohibit 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 a dwelling which it owns or operates for other than commercial purposes 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.

(b) Nothing in this chapter shall prohibit a private club not in fact open to the public, which, as an incident to its primary purpose or purposes, provides lodgings which it owns or operates for other than commercial purposes, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members.

(c) Nothing in this chapter shall prohibit or limit the right of any person or his or her authorized representative to refuse to rent a room or rooms in his or her own home for any reason or for no reason, or to change tenants in his or her own home as often as desired, except that this exception shall not apply to any person who makes available for rental or occupancy more than four sleeping rooms to a person or family within his or her home.

(d) Nothing in this chapter regarding familial status shall apply with respect to housing for older persons. For purposes of this division, "housing for older persons" means housing:

(1) Provided under any State program that the Commission determines is specifically designed and operated to assist elderly persons or is defined in the program;

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

(3) Intended and operated for occupancy by at least one person 55 years of age or older per unit.

(Ord. 1689. Passed 2-12-13.)

622.08 FURNISHING INFORMATION REGARDING NEBRASKA FAIR HOUSING ACT AND NEBRASKA EQUAL OPPORTUNITY COMMISSION.

The Clerk-Treasurer, upon request, shall make available to an aggrieved person, or any other person, at cost, information regarding the Nebraska Fair Housing Act.

(Ord. 1689. Passed 2-12-13.)

622.99 PENALTY.

(EDITOR'S NOTE: See Section 606.99 for general Code penalty if no specific penalty is provided.)