

ORDINANCE NO. 2019-09

AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF LUTHER, OKLAHOMA, ADDING PART 18, CIVIL RIGHTS, OF THE CODE OF ORDINANCES OF THE TOWN OF LUTHER, OKLAHOMA, AND SPECIFICALLY ADDING SECTION 18-101, "DECLARATION OF POLICY AND OBJECTIVES," SETTING FORTH THE POLICIES AND OBJECTIVES OF PART 18 ON CIVIL RIGHTS; ADDING SECTION 18-102, "DEFINITIONS;" ADDING SECTION 18-103, "DISCRIMINATION IN THE SALE OR RENTAL OF HOUSING," PROHIBITING DISCRIMINATION IN THE SALE OR RENTAL OF HOUSING; ADDING SECTION 18-104, "DISCRIMINATION IN FINANCING OR HOUSING," PROHIBITING DISCRIMINATION IN FINANCING OR HOUSING; ADDING SECTION 18-105, "DISCRIMINATION IN THE PROVISION OF BROKERAGE SERVICES," PROHIBITING DISCRIMINATION IN THE PROVISION OF BROKERAGE SERVICES; ADDING SECTION 18-106, "EXCEPTIONS TO DISCRIMINATORY HOUSING PRACTICES;" ADDING SECTION 18-107, "ADDITIONAL EXCEPTIONS," PROVIDING ADDITIONAL EXCEPTIONS FOR RELIGIOUS GROUPS AND OTHERS; ADDING SECTION 18-108, "ADMINISTRATION," SETTING FORTH THE RESPONSIBILITY OF THE BOARD OF TRUSTEES AS TO THIS PART 18; ADDING SECTION 18-109, "ENFORCEMENT," PROVIDING A PROCESS FOR ENFORCEMENT OF THIS PART 18; PROVIDING FOR REPEALER; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF LUTHER, OKLAHOMA:

SECTION I. Section 18-101 of the Code of Ordinances of the Town of Luther, Oklahoma, is hereby added to read as follows:

18-101 DECLARATION OF POLICY AND OBJECTIVES

A. It is the policy of the Town of Luther that all citizens of this community shall have an equal opportunity to purchase, rent, lease or occupy housing accommodations, or to avail themselves of public accommodations, and have an equal opportunity in the job market and the social and economic life of the Town, without regard to race, color, religion, ancestry, sex, national origin, age, place of birth, handicap, or familial status. It is further declared and determined to be the policy of the Town of Luther that all citizens of this community should be provided with an opportunity to reach their full potential as human beings, without being inhibited by conditions relating to race, color, religion, ancestry, sex, national origin, age, place of birth, handicap, or familial status.

B. The provisions and sections of this chapter shall be liberally construed in order to further the general purpose of this declaration of policy and objectives.

SECTION II. Section 18-102 of the Code of Ordinances of the Town of Luther, Oklahoma, is hereby added to read as follows:

18-102 DEFINITIONS

Dwelling means any building, structure or portion thereof which is occupied as or designed or intended for occupation 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, structure or portion thereof.

Family includes a single individual.

Person includes one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees in bankruptcy, receivers and fiduciaries.

To rent includes to lease, to sublease, to let or otherwise to grant for a consideration the right to occupy premises owned by the occupant.

Discriminatory housing practices means an act that is unlawful as set forth herein.

SECTION III. Section 18-103 of the Code of Ordinances of the Town of Luther, Oklahoma, is hereby added to read as follows:

18-103 DISCRIMINATION IN THE SALE OR RENTAL OF HOUSING

It shall be unlawful:

- 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, sex, color, religion, national origin, disability, familial status, sexual orientation, gender identity, political activities, or any other protected characteristic.
- B. To discriminate against any person in the terms, conditions or privileges of sale or rental of a dwelling on in the provision of services or facilities in connection therewith because of race, sex, color, religion, national origin, disability, familial status, sexual orientation, gender identity, political activities, or any other protected characteristic protected by law.
- C. To make, print or publish or cause to be made, printed or published notice, statement or advertisement with respect to the sale or rental of a dwelling that indicates any preference, limitation or discrimination based on race, sex, color, religion, national origin, disability, familial status, sexual orientation, gender identity, political activities, or any other protected characteristic protected by law or an intention to make any such preference, limitation or discrimination.
- D. To represent to any person because of race, sex, color, religion, national origin, disability, familial status, sexual orientation, gender identity, political activities, or any other protected

characteristic protected by law that any dwelling is not available for inspection, sale or rental when such dwelling is, in fact, so available.

- E. To induce or attempt to induce any person to sell or rent any dwelling, for profit, by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, sex, color, religion, national origin, disability, familial status, sexual orientation, gender identity, political activities, or any other protected characteristic protected by law.

SECTION IV. Section 18-104 of the Code of Ordinances of the Town of Luther, Oklahoma, is hereby added to read as follows:

18-104 DISCRIMINATION IN FINANCING OR HOUSING

It shall be unlawful for any bank, building 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 therefore for the purpose of purchasing, constructing, improving, repairing, or maintaining a dwelling or to discriminate against him in the fixing of the amount, interest rate, duration or other terms or conditions of such loan or other financial assistance because of race, sex, color, religion, national origin, disability, familial status, sexual orientation, gender identity, political activities, or any other protected characteristic protected by law of such person or of any person associated with him in connection with such loan or other financial assistance or the purposes of such loan or other financial assistance or of the present or prospective owners, lessees, tenants or occupants of the dwelling or dwellings in relation to which such loan or other financial assistance is to be made or given.

SECTION V. Section 18-105 of the Code of Ordinances of the Town of Luther, Oklahoma, is hereby added to read as follows:

18-105 DISCRIMINATION IN THE PROVISION OF BROKERAGE SERVICES

It shall be unlawful to deny any person access to or membership or participation in any multiple-listing service, rental or facility relating to the business of selling or renting dwellings or to discriminate against him in the terms or conditions of such access, membership or participation on account of race, sex, color, religion, national origin, disability, familial status, sexual orientation, gender identity, political activities, or any other protected characteristic, or any other protected characteristic protected by law.

SECTION VI. Section 18-106 of the Code of Ordinances of the Town of Luther, Oklahoma, is hereby added to read as follows:

18-106 EXCEPTIONS TO DISCRIMINATORY HOUSING PRACTICES

- A. Section 18-103 shall not apply to the following:

1. Any single-family house sold or rented by an owner, provided that such private individual owner does not own more than three such single-family houses at any one time; provided further that, in the case of the sale of any such single-family house by a private individual owner not residing in such house at the time of such sale or who was not the most recent resident of such house prior to such sale, the exemption granted by this subsection shall apply only with respect to one such sale within any twenty-four month period: provided further that such bona fide private individual owner does not own any interest in, nor is there owned or reserved on his behalf, under any express or voluntary agreement, title to or any right to all or a portion of the proceeds from the sale or rental of any such single-family house shall be excepted from the application of this Title only if such house is sold or rented:

a. Without the use in any manner of the sales or rental facilities or the sales or rental services of any real estate broker, agent or salesman or of such facilities or services of any person in the business of selling or renting dwellings or of any employee or agent of any such facilities or services of any person in the business of selling or renting dwellings or of any employee or agent of any such broker, agent, salesman or person; and

b. Without the publication, posting or mailing, after notice, of any advertisement or written notice in violation of Section IV.C of this policy. However, nothing in this provision shall prohibit the use of attorney's, escrow agents, abstractors, title companies and other such professional assistance as is necessary to perfect or transfer the title; or

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

B. A person shall be deemed to be in the business of selling or renting dwellings if he has, within the preceding twelve months, participated as principal in three or more transactions involving the sale or rental of any dwelling or any interest therein; he has, within the preceding twelve months, participated as an agent, other than in the sale of his own personal residence, in providing sales or rental facilities or sales or rental services in two or more transactions involving the sale or rental of any dwelling or any interest therein; he is the owner of any dwelling designed or intended for occupancy by, or occupied by, five or more families.

SECTION VII Section 18-107 of the Code of Ordinances of the Town of Luther, Oklahoma, is hereby added to read as follows:

18-107 ADDITIONAL EXCEPTIONS

Nothing in this Part 18 to the Code of Ordinances shall prohibit a religious organization, association or society or any non-profit 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, sex, color, national origin, disability,

familial status, sexual orientation, gender identity, political activities, or any other protected characteristic protected by law. Nor shall anything in this Policy 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 a commercial purpose, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members.

SECTION VIII Section 18-108 of the Code of Ordinances of the Town of Luther, Oklahoma, is hereby added to read as follows:

18-108 ADMINISTRATION

The authority and responsibility for administering this policy shall be in the Board of Trustees of the Town of Luther. The Board may delegate any of these functions, duties and powers, including functions, duties and powers, with respect to investigating, conciliating, hearing, determining, ordering, certifying, reporting or otherwise acting as to any work, business or matter under this Part 18. The Board shall prescribe such rights of appeal as shall be appropriate and in accordance with law.

SECTION IX. Section 18-109 of the Code of Ordinances of the Town of Luther, Oklahoma, is hereby added to read as follows:

18-109 ENFORCEMENT

A. Any person who claims to have been injured by a discriminatory housing practice or who believes that he will be irrevocably injured by a discriminatory housing practice that is about to occur (hereafter "person aggrieved") may file a complaint with the Town Clerk. Complaints shall be in writing and shall contain such information and be in such form as the Board requires. Upon receipt of such a complaint, the Town Clerk shall furnish a copy of the same to the person or persons who allegedly committed or are about to commit the alleged discriminatory housing practice. Within thirty days after receiving a complaint or within thirty days after the expiration of any period of reference under subsection C, the Board shall order investigation of the complaint and give notice in writing to the person aggrieved whether he intends to resolve it. If the Board decides to try to eliminate or correct the alleged discriminatory housing practice by informal methods of conference, conciliation, and persuasion, nothing said or done in the course of such informal endeavors may be made public or used as evidence in a subsequent proceeding under this policy without the written consent of the persons concerned.

B. A complaint under subsection A shall be filed within 180 days after the alleged discriminatory housing practice occurred. Complaints shall be in writing and shall state the facts upon which the allegations of a discriminatory housing practice are based. Complaints may be reasonably and fairly amended at any time. A respondent may file an answer to the complaint against him and, with the leave of the Board which shall be granted whenever it would be reasonable and fair to do so, may amend his answer at any time. Both complaints and answers shall be verified.

C. If, within thirty days after a complaint is filed with the Town Clerk, the Board has been unable to obtain voluntary compliance, the person aggrieved may, within thirty (30) days thereafter, file a complaint with the Secretary of the Department of Housing and Urban development.

D. If the Board has been unable to obtain voluntary compliance within thirty (30) days of the complaint, the person aggrieved may, within thirty (30) days thereafter, commence a civil action in any appropriate court against the respondent named in the complaint to enforce the rights granted or protected by this ordinance insofar as such rights relate to the subject of the complaint. If the court finds that a discriminatory housing practice has occurred or is about to occur, the court may enjoin the respondent from engaging in such practice or order such affirmative action as may be appropriate.

E. In any proceedings brought pursuant to this section, the burden of proof shall be on the complainant.

F. Whenever an action by an individual shall come to trial, the Board shall immediately terminate all efforts to obtain voluntary compliance.

SECTION X. All ordinances in conflict herewith are hereby repealed.

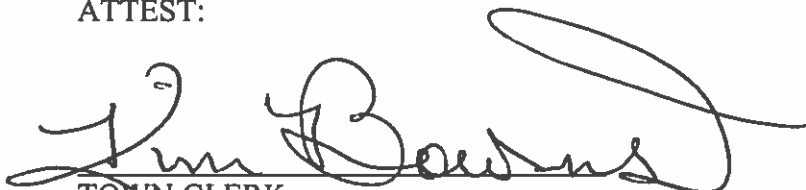
SECTION XI. If any section, sentence, clause or phrase of this ordinance or any part thereof is for any reason found to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remainder of this ordinance or any part thereof.

SECTION XII. It being immediately necessary for the preservation of the public peace, health, safety, and welfare of the Town of Luther and the inhabitants thereof that this ordinance be put into full force and effect, an emergency is hereby declared to exist by reason whereof this ordinance shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED and the Emergency Clause ruled upon separately this 8th day of October, 2019.


MAYOR JENNI WHITE

ATTEST:


TOWN CLERK

Approved as to form and legality:

Beth Anne Childs
Town Attorney