

TOMAHAWK MUNICIPAL CODE

Chapter 46

Human Relations*

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Article I. In General

Sections 46-1 – 46-30. Reserved.

Article II. Fair Housing

Section 46-31. Declaration of Policy.

It shall be the policy of the city to assure equal opportunity to all persons to live in decent housing facilities regardless of sex, race, color, sexual orientation, disability, religion, ancestry, national origin, sex, marital status, family status, lawful source of income, place of birth or age and to prohibit discrimination in housing by any persons.

(Code 1989, § 9.20(1))

Section 46-32. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Dwelling means a structure or that part of a structure that is used or intended to be used as a home, residence or sleeping place by one person or by two or more persons who are maintaining a common household, to the exclusion of all others and any vacant land which is offered for sale or lease for the construction thereon of any such building or structure.

Discrimination and Discriminatory Housing Practice means the segregation, separation, exclusion or treatment of a person or class of persons unequally in a manner described in Wisconsin Statute § 106.50(2), (2m) or (2r) because of sex, race, color, sexual orientation, disability, religion, national origin, marital status, family status, lawful source of income, age or ancestry.

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

Person includes a single individual.

To Rent means to lease, sublease, to let or to otherwise grant for consideration the right of a tenant to occupy premises not owned by the occupant.

(Code 1989, § 9.20(2))

Section 46-33. Unlawful Practices.

In connection with any of the transactions set forth in this section which affect any housing accommodation on the open market or in connection with any public sale, purchase, rental, financing or lease of any housing accommodation, no person, owner, financial institution, real estate broker, real estate salesperson or any representative of the above shall engage in discrimination within the city by:

- (1) Refusing to sell, rent, finance or contract to construct housing or by refusing to negotiate or discuss the terms thereof.

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- (2) Refusing to permit inspection or exacting different or more stringent price, terms or conditions for the sale, lease, financing or rental of housing.
- (3) Refusing to finance or sell an unimproved residential lot or to construct a home or residence upon such lot.
- (4) Advertising in a manner that indicates discrimination by a preference or limitation.
- (5) 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.
- (6) Refusing to renew a lease, causing the eviction of a tenant from rental housing or engaging in the harassment of a tenant.
- (7) In providing the privileges, services or facilities that are available in connection with housing.
- (8) Falsely representing that housing is unavailable for inspection, rental or sale.
- (9) Denying access to, or membership or participation in, a multiple listing service or other real estate service.
- (10) Coercing, intimidating, threatening or interfering with a person in the exercise of enjoyment of, or on account of his or her having exercised or enjoyed, a right granted or protected under this section, or with a person who has aided or encouraged another person in the exercise or enjoyment of a right granted or protected under this section.
- (11) In making available any of the following transactions, or in the terms or conditions of such transactions for a person whose business includes engaging in residential real estate-related transactions:
 - a. The making or purchasing of loans or the provision of other financial assistance for purchasing, constructing, improving, repairing or maintaining housing or the making or purchasing of loans or the provision of other financial assistance secured by residential real estate.
 - b. Selling, brokering or appraising residential real property.
- (12) Otherwise making unavailable or denying housing.
- (13) Including or attempting to induce a person to sell or rent housing by representations regarding the present or prospective entry into the neighborhood of a person of a particular economic status or a member of a protected class, or by representations to the effect that such present or prospective entry will or may result in any of the following:
 - a. The lowering of real estate values in the area concerned.
 - b. A deterioration in the character of the area concerned.
 - c. An increase in criminal or antisocial behavior in the area concerned.
 - d. A decline in the quality of the schools or other public facilities serving the area.

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- (14) Segregating, separating, excluding or treating unequally in the sale or rental of, or otherwise making unavailable or denying housing to a buyer or renter because of a disability of that buyer or renter, a disability of a person residing in or intending to reside in that housing after it is sold, rented or made available or a disability of a person associated with that buyer or renter.
- (15) Segregating, separating, excluding or treating unequally a person in the terms, conditions or privileges of sale or rental of housing, or in the provision of services or facilities in connection with such housing, because of a disability of that person, a disability of a person residing in or intending to reside in that housing after it is sold, rented or made available or a disability of a person associated with that person.
- (16) Refusing to permit, at the expense of a person with a disability, reasonable modifications of existing housing that is occupied, or is to be occupied, by such a person if the modifications may be necessary to afford the person full enjoyment of the housing, except that in case of rental housing the landlord may, where it is reasonable to do so, condition permission for a modification on the tenant's agreement to restore the interior of the housing to the condition that existed before the modification, other than reasonable wear and tear. The landlord may not increase any customarily required security deposit. Where it is necessary to ensure that funds will be available to pay for the restorations at the end of the tenancy, the landlord may negotiate as part of a restoration agreement a requirement that the tenant pay into an interest-bearing escrow account, over a reasonable period, a reasonable amount of money not to exceed the cost of the restorations. The interest in any such account shall accrue to the benefit of the tenant. If escrowed funds are not used by the landlord for restorations, they shall be returned to the tenant.
- (17) Refuse to make reasonable accommodations in rules, policies, practices or services that are associated with the housing, when such accommodations may be necessary to afford the person equal opportunity to use and enjoy housing, unless the accommodation would impose an undue hardship on the owner of the housing.
- (18) If an individual's vision, hearing or mobility is impaired, refusing to rent or sell housing to the individual, causing the eviction of the individual from housing, requiring to extra compensation from an individual as a condition of continued residence in housing or engaging in the harassment of the individual because he or she keeps an animal that is specially trained to lead or assist the individual with impaired vision, hearing or mobility if all of the following apply:
 - a. Upon request, the individual shows to the lessor, seller or representative of the condominium association credentials issued by a school recognized by the department as accredited to train animals for individuals with impaired vision, hearing or mobility.
 - b. The individual accepts liability for sanitation with respect to, and damage to the premises caused by, the animal.

Subsection (18) of this section does not apply in the case of the rental of owner-occupied housing if the owner or a member of his or her immediate family occupying the housing possesses and, upon request, presents to the individual a certificate signed by a physician which states that the owner or family member is allergic to the type of animal the individual possesses.

(Code 1989, § 9.20(3))

State Law Reference – Similar Provisions, Wisconsin Statute, § 106.50.

Section 46-34. Procedure.

Any person aggrieved by a practice prohibited by this section may file a complaint with the city 30 days after the aggrieved person becomes aware of the alleged prohibited practice and in no event more than 60 days after the alleged prohibited practice has occurred. The city shall receive such complaint and attempt to resolve each complaint. Failure to achieve a resolution acceptable to both parties and compliance with this section shall cause the chairperson of the city housing authority to forward the complaint and findings to the appropriate state and federal agencies.

(Code 1989, § 9.20(5))