

MOUNT CARMEL, TENNESSEE
FAIR HOUSING ORDINANCE

AN ORDINANCE MAKING IT UNLAWFUL TO REFUSE TO SELL OR RENT A DWELLING TO ANY PERSON BECAUSE OF RACE, COLOR, SEX, RELIGION, OR NATIONAL ORIGIN; TO DISCRIMINATE FOR SUCH REASONS IN THE TERMS, CONDITIONS, OR PRIVILEGES OF SALE OR RENTAL OF THE SAME; TO PUBLICLY INDICATE ANY PREFERENCE ON ACCOUNT OF RACE, COLOR, SEX, RELIGION, OR NATIONAL ORIGIN; TO REPRESENT FALSELY THAT A DWELLING IS NOT AVAILABLE FOR INSPECTION, SALE OR RENTAL FOR SUCH REASONS; TO MAKE ANY DISCRIMINATION FOR SUCH REASONS IN THE PROVISION OF BROKERAGE SERVICES; PROVIDING FOR EDUCATION AND CONCILIATION WITH RELATION TO COMPLIANCE AND ENFORCEMENT OF THIS ORDINANCE; MAKING EXCEPTIONS UNDER STATED CONDITIONS AS TO RELIGIOUS ORGANIZATIONS, ASSOCIATIONS AND SOCIETIES; DEFINING TERMS USED IN THIS ORDINANCE AND PROVIDING PENALTIES FOR VIOLATIONS HEREOF; AND TO FIX THE EFFECTIVE DATE OF SUCH ORDINANCE.

BE IT ORDAINED BY THE TOWN OF MOUNT CARMEL, TENNESSEE
as follows:

SECTION I. Definitions. Whenever used in this ordinance, the following words and terms shall have the following meanings unless the context necessarily requires otherwise:

"Dwelling" means any building, structure, or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location of any such building.

"Family" includes a single individual.

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

"To rent" includes to lease, to sublease, to let and otherwise to grant for a consideration the right to occupy premises not owned by the occupant.

SECTION II. Subject to the exceptions hereinafter set out it shall be unlawful for any person to do any of the following acts:

(a) To refuse to sell or rent after the making of a bona fide offer to do so 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, sex, religion, or national origin.

(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 of facilities in connection therewith, because of race, color, sex, religion, or national origin.

(c) To make, print, or 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, sex, religion, or national origin.

(d) To represent to any person because of race, color, sex, religion, or national origin 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, sex, religion, or national origin.

SECTION III. Nothing in this ordinance 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 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, sex, or national origin.

SECTION IV. 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 him in the terms or conditions of such access, membership or participation on account of race, color, sex, religion, or national origin.

SECTION V. The Human Relations Sub-Committee of the Citizen's Advisory Committee of Mount Carmel, Tennessee is authorized and directed to undertake such educational and conciliatory activities as in its judgment will further the purposes of this ordinance. It may call conference of persons in the housing industry and other interested parties to acquaint them with the provisions hereof and the Committee's suggested means of implementing it. The Sub-Committee shall further endeavor, with the advice of the housing industry and other interested parties, to work out programs of voluntary compliance and may advise appropriate city officials on matters of enforcement. The Sub-Committee may issue reports on such conferences and consultations as it deems appropriate.

SECTION VI. Any person who claims to have been injured by an act made unlawful by this ordinance or who claims that he will be injured by such an act, may file a complaint with the chairman of said Sub-Committee. A complaint shall be filed within 180 days after the alleged unlawful act occurred. Complaints shall be in writing and shall contain such information and be in such form as required by the Human Relations Sub-Committee. Upon receipt of a complaint, the Sub-Committee shall promptly investigate it and shall complete its investigation within fifteen (15) days. If a majority of the Human Relations Sub-Committee finds reasonable cause to believe that a violation of this ordinance has occurred, or if a person charged with violation of this ordinance refuses to furnish information to said Sub-Committee, the Sub-Committee may request the City Attorney to prosecute an action in the City Court against the person charged in the complaint. Such request shall be in writing.

Upon receiving such written request and with the assistance of the aggrieved person and said Sub-Committee, within fifteen (15) days, after receiving such request the City Attorney shall be prepared to prosecute an action in the City Court, provided a warrant is sworn out by the aggrieved person and served upon the person or persons charged with the offense.

Section VII. Any person violating any provision of this ordinance shall be guilty of an offense and upon conviction shall pay a penalty of not more than \$50 for each.

Section VIII. Nothing in this ordinance requires any person claiming to have been injured by an act made unlawful by this ordinance to exhaust the remedies provided herein; nor prevent any such person from seeking relief at any time under the Federal Civil Rights Acts or other applicable legal provisions.

Section IX. Be it further enacted, that if any section or part of this ordinance for any reason be held unconstitutional or invalid, the same shall not affect the constitutionality or validity of the remaining parts or sections of this ordinance, but the same shall remain in full force and effect as if the unconstitutional or invalid part had been omitted.

Section X. This ordinance shall take effect from and after its passage and publication, the public welfare requiring it.

Passed on first reading:

April 13, 1978

Passed on second reading:

May 11, 1978

C. Sidney Snodgrass
Mayor

Attest:

Kim Marsh
Recorder

Approved as to form:

[Signature]
City Attorney