

CLERK'S OFFICE

APPROVED

Date: 1-14-03

Submitted by: Chair of the Assembly at the
Request of the Mayor
Prepared by: Anchorage Equal Rights Commission
For reading: January 14, 2003

ANCHORAGE, ALASKA
AO No. 2002-164(S)

AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE TITLE 5 TO ADD A NEW
CHAPTER PROVIDING FOR FAIR HOUSING PRACTICES AND ENFORCEMENT.

THE ANCHORAGE ASSEMBLY ORDAINS:

Section 1. Anchorage Municipal Code Title 5 is hereby amended to add a new Chapter 5.25 entitled the Fair Housing Act to read as follows:

Chapter 5.25 Fair Housing Act

5.25.010 Policy.

The public policy of the municipality is declared to be equal opportunity for all persons. The assembly finds that invidious discrimination in housing practices based upon race, color, sex, religion, national origin, marital status, age, or physical or mental disability, familial status, adversely affects the welfare of the community. Accordingly, such discrimination is prohibited.

5.25.015 Powers and duties.

- A. This chapter shall be administered and enforced by the Anchorage Equal Rights Commission under title 5 of the Anchorage Municipal Code. This ordinance is intended to incorporate the substantive provisions and protections of Title VIII of the Civil Rights Act of 1968, as amended (42 USC Sections 3601 et seq.), the Fair Housing Act, and is to be interpreted in a manner which is not inconsistent therewith.
- B. To carry out the provisions of this chapter, the commission may exercise ~~the~~ every power and duty enjoyed by the commission as enumerated in title 5 of the Anchorage Municipal Code, and every power and duty shall be retained and exercised to enable the commission to effectuate the goals, policies and provisions of this title.
- C. All provisions of title 5 shall apply to this chapter unless otherwise stated.
- D. The provisions of this chapter shall be liberally construed in order to accomplish the goals of fair housing in Anchorage.

5.25.020 Definitions.

All definitions in chapter 5.20 of this title shall apply to this chapter unless there is a difference

1 **with the definitions in this section, in which event, the definitions in this section shall apply.**
2 The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed
3 to them in this section, except where the context clearly indicates a different meaning:
4

5 *Accessible* means with respect to buildings containing covered multifamily dwellings that the public
6 or common use areas to the building can be approached, entered and used by individuals with
7 physical disabilities.
8

9 *Accessible route* means a continuous unobstructed path connecting accessible elements and space in
10 a building or within a site that can be negotiated by a person with a severe disability using a
11 wheelchair and that is also safe and usable by people with other disabilities.
12

13 *Aggrieved person* means any person who: (a) claims to have been injured by an **unlawful unfair**
14 **practice under this chapter in a real estate transaction**; or (b) believes that he or she will be
15 injured by an **unlawful unfair practice under this chapter in a real estate transaction** that is about
16 to occur.
17

18 *Blockbusting* means any effort, for profit, to induce or attempt to induce a person to sell or rent a
19 dwelling based on representations that a change has occurred, or will or may occur regarding the
20 entry into a block, neighborhood or area, in which the real property is located, of a person or persons
21 of a particular race, color, sex, religion, national origin, marital status, age, or physical or mental
22 disability, or familial status, including but not limited to lower property values, an increase in
23 criminal or antisocial behavior or decline in the quality of the schools or other facilities.
24

25 *Covered multifamily dwelling* means: (a) buildings consisting of four or more dwelling units if such
26 buildings have one or more elevators; and (b) ground floor dwelling units in other buildings
27 consisting of four or more dwelling units.
28

29 *Dwelling* means any building, structure, or portion thereof that is occupied as, or designed or
30 intended for occupancy as, a residence by one or more families, and any vacant land that is offered
31 for sale or lease for the construction or location thereon of any such building, structure, or portion
32 thereof; A *dwelling unit* is a unit of residence for a family of one or more persons.
33

34 *Familial status* means one or more individuals, who have not reached the age of 18, being domiciled
35 with a parent or another person having legal custody of such individual, or the designee of such
36 parent or other person having such custody, with the written permission of such parent or other
37 person, or a person who is pregnant or is seeking legal custody of minor.
38

39 *Premises* means the interior or exterior spaces, parts, components, or elements of a building,
40 including individual dwelling units and the public and common use areas of a building;
41

42 *Real estate transaction* shall mean the making or purchasing of loans or providing other financial
43 assistance for purchasing, constructing, improving, repairing or maintaining a dwelling; or secured
44 by residential real estate; or the selling, brokering or appraising of residential real property.
45

46 *Real property* means a housing accommodation, unimproved property, vacant land offered or
47 intended for the construction or location of housing accommodations, a building or a portion of a
48 building, whether constructed or to be constructed, structures, real estate, lands, tenements,

leaseholds, interest in real estate cooperatives, condominiums and hereditaments, corporeal and incorporeal, or any interest therein, [a mobile home which is or will be used as sleeping quarters of its occupants,] or a trailer park.

5.25.025 **Unlawful practices in the sale or rental of real property or related transactions.**

A. It is unlawful for the owner, lessor, manager, agent, brokerage service, or other person having the right to sell, lease, rent or advertise real property to:

1. Refuse to sell, lease or rent or otherwise make unavailable the real property to a person because of race, color, sex, religion, national origin, marital status, age, physical or mental disability, or familial status.
2. Expel a person from occupancy of real property because of race, color, sex, religion, national origin, marital status, age, physical or mental disability, or familial status due to a term, condition or privilege relating to the use, sale, lease or rental of real property.
3. Make a written or oral inquiry or record of the race, color, sex, religion, national origin, marital status, age, physical or mental disability, or familial status of a person seeking to buy, lease or rent real property.
4. Offer, solicit, accept, use or retain a listing of real property with the understanding that a person may be discriminated against in a real estate transaction or in the furnishing of facilities or sources in connection therewith because of a person's race, color, sex, religion, national origin, marital status, age, physical or mental disability, or familial status.
5. Represent to a person that real property is not available for inspection, sale, rental or lease when in fact it is available, or refuse a person the right to inspect real property, because of the race, color, sex, religion, national origin, marital status, age, physical or mental disability, or familial status of that person or because of any person associated with that person.
6. Engage in blockbusting for profit.
7. Circulate, issue or display, make, print or publish, or cause to be made or displayed, printed or published, any communication, sign, notice, statement or advertisement with respect to the use, sale, lease or rental of real property that indicates any preference, limitation, specification or discrimination based on race, color, sex, religion, national origin, marital status, age, physical or mental disability, or familial status.
8. To 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 with such dwelling, because of a disability of that person; or a person residing in or intending to reside in that dwelling after it is so sold, rented, or made available; or any person associated with that person.

a. For purposes of this subsection, discrimination ~~consistent with federal and state law~~, includes but is not limited to:

i. A refusal to permit, at the expense of the disabled person, reasonable modifications of existing premises occupied or to be occupied by such person if such modifications may be necessary to afford such person full enjoyment of the premises except that, in the case of a rental, the landlord may where 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;

ii. A refusal to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling; or

iii. In connection with the design and construction of covered multifamily dwellings for first occupancy after the date that is 30 months after September 13, 1988, a failure to design and construct those dwellings in such a manner that:

(A) The public use and common use portions of such dwellings are readily accessible to and usable by disabled persons;

(B) All the doors designed to allow passage into and within all premises within such dwellings are sufficiently wide to allow passage by disabled persons in wheelchairs; and

(C) All premises within such dwellings contain the following features of adaptive design: an accessible route into and through the dwelling; light switches, electrical outlets, thermostats, and other environmental controls in accessible locations; reinforcements in bathroom walls to allow later installation of grab bars; and usable kitchens and bathrooms such that an individual in a wheelchair can maneuver about the space.

b. Compliance with the appropriate requirements of the American National Standard for buildings and facilities providing accessibility and usability for physically disabled people (commonly cited as "ANSI A117.1") suffices to satisfy the requirements of subsection 5.25.020A.8.a.iii.

9. It shall be unlawful for any person whose business includes granting mortgage loans or engaging in residential real estate transactions to discriminate against any person in the granting of, refusal to grant, in making available, refusing to make available, or in the terms or conditions of, a loan or transaction because of race, color, sex, religion, national origin, marital status, age, physical or mental disability, or familial status.

10. It shall be unlawful for any person or other entity whose business includes engaging in residential real estate-related transactions to discriminate against any person in making available such a transaction, or in the terms or conditions of such a transaction, because of race, color, sex, religion, national origin, marital status, age, physical or mental disability, or familial status.
11. 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, sex, religion, national origin, physical or mental disability, or familial status.

5.25.030 **Lawful Practices.**

A. Notwithstanding the provisions of this chapter, it shall not apply with respect to the following conditions:

1. 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, lessor, manager, agent, actually maintains and occupies one of such living quarters as his or her residence; or
2. Where the renter or lessee shares common living areas in an individually or privately owned home or dwelling unit with the owner, lessor, manager, agent or other person and the owner, lessor, manager, agent actually occupies the home or dwelling unit as a resident.
3. 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 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, color, sex, ~~religion~~, national origin, marital status, age, physical or mental disability, or familial status.
4. The leasing, rental, or other provision with or without a fee, of a space within a church, temple, synagogue, religious school, or other facility used 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, color, sex, ~~or~~ national origin, marital status, age, physical or mental disability or familial status;
5. Lodging provided by a private club, not open to the public, that as an incident to its primary purpose, provides lodging that it owns or operates for other than a commercial purpose from limiting the rental or occupancy of that lodging to its members or from giving preference to its members;

6. The establishment of government-sponsored housing programs operated either directly by government agencies or indirectly through government subsidization and regulation, which are determined by the cCommission to be specifically designed to assist elderly persons, the disabled, or economically disadvantaged individuals, provided that such programs shall not discriminate among elderly persons, the disabled, or economically disadvantaged on the basis of race, color, sex, religion, national origin, marital status, or familial status;
7. The establishment of housing set aside for, or limited to, elderly persons or the disabled, provided that such establishment shall not discriminate among elderly persons or disabled on the basis of race, color, sex, religion, national origin, marital status, physical or mental disability, or familial status;
8. The establishment of same-sex dormitories or portions thereof by educational facilities, provided that such establishment shall not discriminate among its residents on the basis of race, color, religion, national origin, marital status, age, physical or mental disability, or familial status;
9. The establishment of a hospital, convent, monastery, shelter, asylum, or residential facility for the care and lodging of persons in need of special medical, rehabilitative, social, or psychological support, including, but not limited to half-way houses, drug treatment centers, detoxification facilities, and shelters for the homeless;

5.25.040 **Investigation and conciliation of Fair Housing complaints.**

For all complaints filed under this chapter, the commission shall issue its determination and closure within 100 days after the filing of the complaint, or if impracticable to do so, the commission will notify the parties of the reasons for the delay. In any event, the commission shall issue its determination and closure within one year after filing of the complaint, or if impracticable to do so, the commission will notify the parties in writing of the reasons for the delay.

5.25.060 **Election between Public Hearing and Judicial Action.**

- A. If the commission determines conciliation efforts to eliminate the alleged discrimination are unsuccessful, the complainant or respondent may elect judicial action or a public hearing before the commission. If the parties elect judicial action, the commission will serve a courtesy copy of all pleadings on the municipal attorney.
- B. If neither party elects judicial action and the complaint proceeds to a public hearing before the commission, the case will proceed as specified in chapter 5.70 of this title unless otherwise stated.

5.25.070 **Penalty**

- A. In a public hearing pursuant to chapter 5.70 of this title, if the hearing panel or hearing examiner finds that a respondent has engaged or is about to engage in a discriminatory housing practice, such hearing panel or hearing examiner shall promptly issue an order for such relief as may be appropriate, which may include actual damages suffered by the

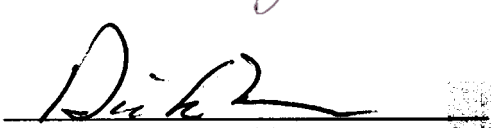
aggrieved person and injunctive or other equitable relief. The order also may, to vindicate the public interest, assess a civil penalty against the respondent as follows:

- 1 In an amount not exceeding \$11,000 if the respondent has not been adjudged to have committed any prior discriminatory housing practice;
- 2 In an amount not exceeding \$27,000 if the respondent has been adjudged to have committed one other discriminatory housing practice during the 5-year period ending on the date of the filing of this complaint; and
- 3 In an amount not exceeding \$50,000 if the respondent has been adjudged to have committed 2 or more discriminatory housing practices during the 7-year period ending on the date of the filing of this complaint; except that if the acts constituting the discriminatory housing practice that is the object of the complaint are committed by the same natural person who has been previously adjudged to have committed acts constituting a discriminatory housing practice, then the civil penalties set forth in subparagraphs 1 and 2 may be imposed without regard to the period of time within which any subsequent discriminatory housing practice occurred.

- B. No order as specified in subsection A. shall affect any contract, sale, encumbrance, or lease consummated before the issuance of such order and involving a bona fide purchaser, encumbrancer, or tenant without actual notice of the complaint filed under this chapter.

Section 2. This ordinance shall be effective on **January 15, 2003, after passage and approval by the Assembly.**

PASSED AND APPROVED by the Anchorage Assembly this 14th day of January, 2003.


Chair of the Assembly

ATTEST:


Municipal Clerk

Acting

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