

AN ORDINANCE DECLARING THE POLICY OF THE CITY OF PLANO PROHIBITING DISCRIMINATION IN THE SALE OR RENTAL OF HOUSING; PROHIBITING DISCRIMINATION IN THE FINANCING OF HOUSING; PROHIBITING DISCRIMINATION IN THE PROVISION OF BROKERAGE SERVICES; PROVIDING FOR CERTAIN EXEMPTIONS AND EXCLUSIONS; PROVIDING FOR THE RECEIPT, INVESTIGATION AND CONCILIATION OF COMPLAINTS ALLEGING DISCRIMINATION IN HOUSING; AUTHORIZING THE CITY ATTORNEY TO INSTITUTE LEGAL PROCEEDINGS; FORBIDDING INTIMIDATION; PROVIDING FOR COOPERATION WITH THE SECRETARY OF HOUSING AND URBAN DEVELOPMENT; PROVIDING A PENALTY; REPEALING CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, it is hereby declared to be the policy of the City of Plano to bring about, through fair, orderly and lawful procedures, the opportunity for each person to obtain housing without regard to his race, color, gender, religion, national origin, familial status, or handicap; and

WHEREAS, it is further declared that this policy is based upon a recognition of the right of every person to have access to adequate housing of his own choice without regard to race, color, gender, religion, national origin, familial status or handicap and further that the denial of such right through considerations based on race, color, gender, religion, national origin, familial status or handicap is detrimental to the health, safety and welfare of the inhabitants of the City of Plano and constitutes an unjust denial or deprivation of such rights which is within the power and proper responsibility of government to prevent;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PLANO:

**Section 1 - Definitions**

For the purpose of this ordinance the following terms, phrases, words and their derivations shall have the meanings given herein. When not inconsistent with the context, words so used in the present tense include the future, words in the masculine gender include the feminine, words in the plural number include the singular, and words in the singular include the plural.

- A. "Discriminatory housing practice" means an act that is unlawful under Section 2, 3 or 4 of this ordinance.
- B. "Dwelling" means any building, structure, or portion thereof which is occupied as, or designed and intended for occupancy as a residence by one or more families, or any vacant land which is offered for sale or lease, for the construction or location thereon of any such building, structure or portion thereof.
- C. "Fair Housing Officer" shall be the Director of Community Development.

- D. "Family" includes a single individual.
- E. "Person" includes one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint stock companies, trusts, unincorporated organizations, trustees, fiduciaries, and any other organization or entity of whatever character.
- F. "To rent" includes to lease, to sublease, to let, and to otherwise grant for a consideration, the right to occupy premises not owned by the occupant.
- G. "Handicap" means, with respect to a person, a physical or mental impairment which substantially limits one or more of such person's major life activities; a record of having such an impairment; or being regarded as having such an impairment, but such term does not include current, illegal use of or addiction to a controlled substance (as defined in Section 102 of the Controlled Substances Act (21 U.S.C. 802)).
- H. "Familial status" means one or more individuals (who have not attained the age of 18 years) being domiciled with a parent or another person having legal custody of such individual or individuals; or the designee of such parent or other person having such custody, with the written permission of such parent or other person. 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 individual who has not attained the age of 18 years.
- I. "Conciliation" means the attempted resolution of issues raised by a complaint, or by the investigation of such complaint, through informal negotiations involving the aggrieved person, the respondent, and the Fair Housing Officer.

**Section 2. - Discrimination in the Sale or Rental of Housing**

It shall be unlawful for any person to:

- A. 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, color, gender, religion, national origin, familial status, or handicap;

- B. Discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provisions of services or facilities in connection therewith, because of race, color, gender, religion, national origin, familial status, or handicap;
- C. Make, print, publish, or cause to be made, printed or published any notice, statement or advertisement regarding the sale or rental of a dwelling that indicated any preference, limitation or discrimination based on race, color, gender, religion, national origin, familial status or handicap, or an intention to make any such preference, limitation or discrimination;
- D. Represent to any person, because of race, color, gender, religion, national origin, familial status or handicap, that any dwelling is not available for inspection, sale or rental, when such dwelling is in fact so available.
- E. For profit, or with the hope or expectation of profit, 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, gender, religion, national origin, familial status, or handicap;
- F. For profit, or with the hope or expectation of profit, to influence or attempt to influence, by any words, acts, or failure to act, any seller, purchaser, landlord, or tenant of a dwelling so as to promote the maintenance of racially segregated housing, or so as to retard, obstruct, or discourage racially integrated housing.

**Section 3. - Discrimination in the Financing of Housing**

It shall be unlawful for any bank, building and loan association, credit union, insurance company or other corporation, association, firm or enterprise whose business consists in whole or in part of the making or insuring of commercial or residential real estate loans, to deny a loan or other financial assistance to a person applying therefor for the purpose of purchasing, constructing, improving, repairing or maintaining a dwelling; or to discriminate against any such person in the fixing of the amount, interest rate, brokerage points, duration, or other terms or conditions of such loan or other financial assistance, because of:

- A. The race, color, gender, religion, national origin, familial status, or handicap of such person or any person associated with him in connection with such loan or other financial assistance; or
- B. The race, color, gender, religion, national origin, familial status or handicap of the present or prospective owners, lessees, tenants, or occupants of the dwelling or dwellings for which such loan or other financial assistance is to be made or given.

**Section 4. - Discrimination in the Provision of Brokerage Services**

It shall be unlawful for any person to deny access to or membership or participation in any multiple listing service, real estate broker's organization or other service organization or facility relating to the business of selling or renting dwellings, or to discriminate in terms or conditions of such access, membership or participation on account of race, color, gender, religion, national origin, familial status, or handicap.

**Section 5. - Exemptions and Exclusions**

- A. There shall be exempted from the application of Section 2 hereof all transactions involving:
  - 1. The rental of 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 of such units as his residence;
  - 2. The rental of a single room in a dwelling containing living quarters occupied or intended to be occupied by no more than one family if the person offering such room for rental actually maintains and occupies the remainder of such dwelling as his residence and not more than four such rooms are offered;
  - 3. The sale or rental of any single house by a private individual who owns such house, provided that:
    - a. The sale or rental is made 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 such broker, agent, salesman or person; and

- b. The sale is made without the publication, posting or mailing of any advertisement or written notice in violation of Section 2.C. of this ordinance (this shall not prohibit the use of attorneys, escrow agents, abstract, title companies, and other such professional assistance necessary to perfect or transfer the title); and
  - c. The owner does not own more than three single family houses at the time of sale; and
  - d. The 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 any portion of the proceeds from the sale or rental of more than three such single-family homes at any time.
4. The exemption granted by this sub-section shall apply only with respect to one such sale within any twenty-four month period.
- B. Nothing in this ordinance shall prohibit a religious organization, association, or society of any non-profit institution or organization operated, supervised, or controlled by or in conjunction with a religious 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, gender, national origin, familial status or handicap.
- C. Nothing in this ordinance shall prohibit a bona fide private club, not in fact open to the public, which as an incident to its primary purpose, provides lodging 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.
- D. Nothing in this ordinance shall bar any person from owning and operating a housing accommodation in which a room or rooms are leased, subleased or rented only to persons of the same gender, when such housing accommodation contains a common lavatory, kitchen or similar facilities available for the use of all persons occupying such housing accommodation.

- E. Nothing in this ordinance is intended to prohibit the provision of housing exclusively for persons age 55 or older. Nothing in this ordinance is intended to limit the applicability of any other ordinance limiting the maximum number of persons permitted to occupy a dwelling.

**Section 6. - Complaints**

- A. The person who claims to have been injured by a discriminatory housing practice or who believes he will be irrevocably injured by a discriminatory housing practice that has occurred or is occurring, hereafter referred to as "person aggrieved", may file a complaint with the Fair Housing Officer, or in the alternative his designated representative may prepare and file a complaint and such complaint shall thereafter be treated in the same manner as a complaint filed by a person aggrieved. A complaint shall be in writing, under oath and in the form prescribed by the Fair Housing Officer.
- B. The Fair Housing Officer, or his designated representative, shall also receive and accept notifications and referral complaints from the U.S. Attorney General and the Secretary of Housing and Urban Development pursuant to the provisions of Title VIII, Fair Housing Act of 1968, Public Law 90-284, and from the Texas Commission on Human Rights, and shall treat such complaints hereunder in the same manner as complaints filed pursuant to paragraph (A) of this section.
- C. No complaints may be filed with the Fair Housing Officer later than six (6) months following the occurrence of an alleged discriminatory housing practice. Upon the filing or referral of any complaint, the Fair Housing Officer or his representative shall provide notice of the complaint by mailing a copy of such complaint by certified mail with a five day return requested or by personally serving said notice to the person or persons named therein who allegedly committed or were threatening to commit an alleged discriminatory housing practice. The accused may file an answer to the complaint with the Fair Housing Officer within fifteen (15) days of receipt of the written complaint.

**Section 7. - Investigation**

- A. Upon the filing or referral of a complaint as herein provided, the Fair Housing Officer, or his designated representative, shall cause to be made a prompt and full investigation of the matter stated in the complaint.

- B. During or after the investigation, but subsequent to the mailing or service of the notice of complaint, the Fair Housing Officer or his representative shall, if it appears that a discriminatory housing practice has occurred or is threatening to occur, attempt by informal endeavors to effect conciliation, including voluntary discontinuance of the discriminatory housing practice and adequate assurance of future voluntary compliance with the provisions of this ordinance. Nothing said or done in the course of such informal endeavors may be made public by the Fair Housing Officer or his designated representative, by the complainant or by any other party to the proceedings to the extent possible under the Texas Open Records Act, Article 6252-17A, V.T.C.S. and federal law without the written consent of all persons concerned. For these purposes, complaints and proceedings under this ordinance shall be considered as litigation.
- C. If agreement is reached during the course of the efforts at conciliation, a conciliation agreement shall be prepared, signed by all parties and approved by the City Attorney. The agreement may provide for binding arbitration or other method of dispute resolution. A conciliation agreement shall be made public unless the complainant and the respondent agree otherwise.
- D. Whenever the Fair Housing Officer has reasonable cause to believe that a respondent has breached a conciliation agreement, the Fair Housing Officer shall refer the matter to the City Attorney with the recommendation that the alleged violation be prosecuted in the Municipal Court of the City of Plano.
- E. Upon completion of the investigation and informal endeavors at conciliation by the Fair Housing Officer or his designated representative, but within sixty (60) days of the filing of the complaint, and if the efforts to secure voluntary compliance have been unsuccessful, and if the Fair Housing Officer has reasonable cause to believe that a discriminatory housing practice has in fact occurred, the Fair Housing Officer or his designated representative shall recommend to the City Attorney that such violation be prosecuted in the Municipal Court of the City of Plano. The City Attorney shall, within (30) days after such recommendation, make a determination as to whether to proceed with prosecution of such complaint in Municipal Court. Either the person aggrieved or his

designated representative under Section 6A herein shall sign the official complaint filed in Municipal Court.

**Section 8.- Cumulative Legal Effect**

This ordinance is cumulative in its legal effect and is not in lieu of any and all other legal remedies which the person aggrieved may pursue.

**Section 9. - Unlawful Intimidation**

It shall be unlawful for any person to harass, threaten, harm, damage or otherwise penalize any individual, group or business because he or they have exercised his or their right under this ordinance or enjoyed the benefits of this ordinance or because he or they have made a charge, testified or assisted in any manner in any investigation, or in any proceeding hereunder or have made any report to the Fair Housing Officer, or his representative.

**Section 10. - Cooperation with Secretary of Housing and Urban Development**

The Fair Housing Officer, or his designated representative, and the City Attorney are authorized to cooperate with the Secretary of Housing and Urban Development and the U. S. Attorney General pursuant to the provisions of the Title VIII, Fair Housing Act of 1968, Public Law 90-284, and may render such service to the Secretary as they shall deem appropriate to further the policies of the ordinance.

**Section 11. - Penalty**

Any person, firm, or corporation violating any of the provisions or terms of this Ordinance shall be subject to the penalty as provided for in Section 1-4 in the Code of Ordinances of the City of Plano, Texas.

**Section 12. Repeal of Conflicting Ordinances**

All provisions of the Code of Ordinances of the City of Plano in conflict with the provisions of this Ordinance are hereby repealed, and all other provisions of the Code of Ordinances of the City of Plano, not in conflict with the provisions of this Ordinance, shall remain in full force and effect

**Section 13. Severability**

It is the intention of the City Council that this Ordinance, and every provision thereof, shall be considered severable and the invalidity of any section, clause or provision or part or portion of any section, clause or provision of this Ordinance shall not affect the validity of any other portion of this Ordinance.

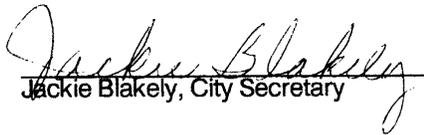
**Section 14. Effective Date**

This ordinance shall become effective from and after its passage and publication as required by law.

DULY PASSED AND APPROVED THIS THE 12th DAY OF  
March, 1992

  
Florence Shapiro, MAYOR

ATTEST:

  
Jackie Blakely, City Secretary

APPROVED AS TO FORM:

  
Gary Chatham, City Attorney