

Chapter 11.06

HOUSING

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11.06.010 Housing Policy of City.

It is the policy of the City of Lincoln that there shall be no discrimination in the acquisition, ownership, possession, or enjoyment of housing throughout the City of Lincoln in accordance with Article I, Section 25 of the Constitution of the State of Nebraska. (Ord. 10917 §2; October 1, 1973).

11.06.020 Unlawful Acts Enumerated.

Except as exempted by Section 11.06.070, it shall be unlawful 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, or to refuse to show, or to refuse to receive and transmit an offer for, a dwelling to any person because of race, color, religion, sex, disability, national origin, familial status, handicap, ancestry, or marital status;
- (b) Discriminate against any person in the terms, conditions, privileges of sale or rental of a dwelling, or in the provision of service or facilities in connection therewith, because of race, color, religion, sex, disability, national origin, familial status, handicap, ancestry, or marital status;
- (c) 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, religion, sex, disability, national origin, familial status, handicap, ancestry, or marital status, or an intention to make any such preference, limitation, or discrimination;

(d) Represent to any person because of race, color, religion, sex, disability, national origin, familial status, handicap, ancestry, or marital status, that any dwelling is not available for inspection, sale, or rental when such dwelling is, in fact, so available;

(e) Cause to be made any written or oral inquiry or record concerning the race, color, religion, sex, disability, national origin, familial status, handicap, ancestry, or marital status of a person seeking to purchase, rent, or lease any housing;

(f) Include in any transfer, sale, rental or lease of housing any unlawful restrictive covenants, or to honor or exercise or attempt to honor or exercise any unlawful restrictive covenants pertaining to housing;

(g) Discharge or demote an employee or agent or discriminate in the compensation of such employee or agent because of such employee's or agent's obedience to the provisions of this chapter;

(h) Induce or attempt to induce, for profit, any person to sell or rent any dwelling by representation regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, sex, disability, national origin, familial status, handicap, ancestry, or marital status;

(i) Discriminate in the sale or rental of or otherwise make unavailable or deny a dwelling to any buyer or renter because of a handicap of:

(1) The buyer or renter;

(2) Any person associated with the buyer or renter; or

(3) A person residing in or intending to reside in the dwelling after it is so sold, rented, or made available.

(j) 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 a dwelling because of a handicap of:

(1) Such person;

(2) Any person associated with such person; or

(3) A person residing in or intending to reside in the dwelling after it is so sold, rented, or made available. (Ord. 15966 §4; September 9, 1991: P.C. §11.06.030: Ord. 13793 §6; March 26, 1984: Ord. 12849 §17; February 19, 1980: Ord. 12621 §9; July 2, 1979: Ord. 12151 §17; November 21, 1977: Ord. 10917 §2; October 1, 1973).

11.06.030 Housing Accommodations; Modification; Discrimination Defined.

For purposes of Section 11.06.020(i) and (j), discrimination shall include:

(a) A refusal to permit, at the expense of the handicapped person, reasonable modifications of existing premises occupied or to be occupied by the person if the modifications may be necessary to afford the person full enjoyment of the premises, except that in the case of a rental, the landlord may, when 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;

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

(c) In connection with the design and construction of covered multi-family dwellings for first occupancy after September 1, 1991, a failure to design and construct the dwellings in such manner that:

(1) The public use and common use portions of the dwellings are readily accessible to and usable by handicapped persons;

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

(3) All premises within the dwellings contain the following features of adaptive design:

(i) An accessible route into and through the dwelling;

(ii) Light switches, electrical outlets, thermostats, and other environmental controls in accessible locations;

(iii) Reinforcements in bathroom walls to allow later installation of grab bars; and

(iv) Kitchens and bathrooms such that a handicapped person in a wheelchair can maneuver about the space.

(v) At least one dwelling entrance on an accessible route, unless it is impracticable to do so because of the terrain or unusual characteristics of the site.

Compliance with the appropriate requirements of the American National Standards Institute standard for buildings and facilities providing accessibility and usability for physically handicapped people, ANSI A117.1, shall satisfy the requirements of subsection (c)(3) of this section.

Nothing in this section shall require that a dwelling be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others. (Ord. 17031 §1; July 15, 1996; prior Ord. 15966 §5; September 9, 1991: P.C. §11.06.032: Ord. 12151 §18; November 21, 1977).

11.06.040 Dog Guide; Access to Housing Accommodations; Terms and Conditions.

Every totally or partially blind person who has a dog guide or who obtains a dog guide shall have full and equal access to all housing accommodations with such dog guide. Such person shall not be required to pay extra compensation for such dog guide. Such person shall be liable for any damage done to such premises by such dog guide. Any person who rents, leases, or provides housing accommodations for compensation may demand or receive a reasonable dog guide deposit, not to exceed one-fourth of one month's periodic rent, from any totally or partially blind person who has or obtains a dog guide. (P.C. §11.06.035: Ord. 12151 §19; November 21, 1977).

11.06.050 Discriminatory Denial of Loan; Unlawful.

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 within the city, to deny a loan or other financial assistance to a person applying therefor for the purpose of purchasing, constructing, making of commercial real estate loans within the city, 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 a person in the fixing of the amount, interest rate, duration, or other terms or conditions of such loan or other financial assistance because of race, color, religion, sex, national origin, familial status, handicap, disability, ancestry, or marital status of such person or of any person associated with such person in connection with such loan or other

financial assistance for 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; provided, that nothing contained in this section shall impair the scope or effectiveness of the exceptions contained in Section 11.06.070. (Ord. 15966 § 6; September 9, 1991: P.C. §11.06.040: Ord. 13793 §7; March 26, 1984: Ord. 12849 §18; February 19, 1980: Ord. 12151 §20; November 21, 1977: Ord. 10917 §2; October 1, 1973).

11.06.060 Discrimination in Multiple Listing Service or Other Real Estate Service Organization; Discriminatory Refusal of Access or Membership; Unlawful.

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 participate or discriminate against any person in the terms or conditions of such access, membership, or participation on account of race, color, religion, sex, national origin, disability, ancestry, familial status, or marital status. (Ord. 17031 §2; July 15, 1996: prior Ord. 15966 §7; September 9, 1991: P.C. §11.06.050: Ord. 13793 §8; March 26, 1984: Ord. 12849 §19; February 19, 1980: Ord. 12151 §21; November 21, 1977: Ord. 10917 §2; October 1, 1973).

11.06.065 Residential Real Estate Transactions; Discriminatory Refusal to Make Available Transactions.

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

(b) For purposes of this section, transaction related to residential real estate shall mean any of the following:

- (1) The making or purchasing of loans or providing other financial assistance:
 - (i) For purchasing, constructing, improving, repairing, or maintaining a dwelling; or
 - (ii) Secured by residential real estate; or
- (2) The selling, brokering, or appraising of residential real property.

(c) Nothing in this section shall prohibit a person engaged in the business of furnishing appraisals of real property from taking into consideration factors other than race, color, religion, national origin, ancestry, sex, disability, marital status, or familial status. (Ord. 17031 §3; July 15, 1996: prior Ord. 15966 §8; September 9, 1991).

11.06.070 Exceptions; Religious or Private Clubs; Private Homes; Housing for Older Persons.

(a) Nothing in this chapter shall prohibit a religious organization, association, or society or any non-profit institutional organization operated, supervised, or controlled by or in conjunction with a religious organization, association, or society from limiting the sale, rental, or occupancy of a dwelling which it owns or operates for other than commercial purposes to persons of the same religion, or from giving preferences to such persons, unless membership in such religion is restricted on account of race, color, or national origin.

(b) Nothing in this chapter shall prohibit a private club not in fact open to the public, which, as an instance to its primary purpose or purposes, provides lodging, which it owns or operates for other than commercial purposes, from limiting the rental or occupancy of such lodging to its members or from giving preference to its members.

(c) Nothing in this chapter (except Section 11.06.020(c)) shall prohibit or limit the right of any person or their authorized representative to refuse to rent a room or rooms in such person's own home for any reason, or for no reason, or to change the tenants in such home as often as may be desired; provided, that this exception shall not apply to any person who makes available for rental or occupancy more than four sleeping rooms to a person or a family within such home.

(d) Nothing in this chapter shall limit the applicability of restrictions regarding the maximum number of occupants permitted to occupy a dwelling, and nothing in this chapter regarding familial status shall apply with respect to housing for older persons as defined in Section 11.01.010.

(e) Nothing in this chapter shall prohibit conduct against a person because such person has been convicted by any court of competent jurisdiction of the illegal manufacture or distribution of a controlled substance as defined by state law. (Ord. 17031 §4; July 15, 1996: prior Ord. 15966 §9; September 9, 1991: P.C. §11.06.060; Ord. 12849 §20; February 19, 1980: Ord. 12621 §10; July 2, 1979: Ord. 10917 §2; October 1, 1973).

11.06.080 Equal Opportunity Officer; Educational and Conciliatory Activities.

The equal opportunity officer shall commence such educational and conciliatory activities as in such person's judgment will further the purposes of this chapter. Such officer shall call conferences of persons in the housing industry and other interested persons to acquaint them with the provisions of this chapter and suggested means for implementing them; and such officer shall endeavor, with their advice, to develop and implement programs of voluntary compliance and of enforcement. The equal opportunity officer shall issue regular written reports to the commission on the activities under this section. (P.C. §11.06.080; Ord. 12849 §21; February 19, 1980: Ord. 12621 §11; July 2, 1979: Ord. 10917 §2; October 1, 1973).

11.06.090 Complaint; Failure to Show Housing; Order.

If a complaint is based on an alleged failure to show housing, the commission, after investigation and determination that probable cause exists for crediting the allegation in the complaint, shall at the direction of the chairperson of the commission issue a written order upon the respondent named in the complaint that the housing involved be shown to the complainant. Such written order shall be final and not subject to review by the commission. If the respondent refuses without good cause to comply with such order within three days, the chairperson of the commission, in their discretion, may refer such order together with a full written report of the facts to the City Attorney for the institution of such action as the City Attorney may deem necessary, which may include the filing of a petition for injunctive relief in the district court seeking enforcement of such order. In such cases, if the court finds that the refusal to show is based on an unfair housing practice, the City Attorney shall request a court order directing the respondent to immediately show such housing and to make full disclosure to the public of all information concerning such housing. (P.C. §11.06.100; Ord. 12849 §22; February 19, 1980: Ord. 12151 §25; November 21, 1977: Ord. 10917 §2; October 1, 1973).