

ORDINANCE NO. 85

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SAN LUIS, ARIZONA, PROHIBITING DISCRIMINATION ON THE BASIS OF SEX, RACE, COLOR, AGE, CREED, NATIONAL ORIGIN, OR ANCESTRY IN HOUSING AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SAN LUIS, ARIZONA AS FOLLOWS:

SECTION 1. DECLARATION OF POLICY

It is declared to be among the civil rights of the people of the City of San Luis, Arizona, to be free from discrimination in housing, and it to be contrary to the policy of the City and un-lawful to discriminate against any person because of sex, race, color, age, creed, national origin, or ancestry in housing.

SECTION 2. DEFINITIONS

In this article, unless the context otherwise requires:

1. "Person" means an individual and a group of any one or more persons such as but not limited to, labor unions, joint apprenticeship committees, partnerships, associations, corporations, unincorporated organizations, mutual companies, joint stock companies, trusts, legal representatives, trustees in bankruptcy, receivers, any individuals acting in a financial or representative capacity either appointed by a court or otherwise, the City or any of this agencies, and any other legal governmental or commercial entity, as well as a natural person or persons. The term persons, when applied to any of the foregoing, includes members, representatives, officers and directors, agents and employees.
2. "Owners" include a lessee, sublessee, co-tenant, assignee, managing agent or other person having the right of ownership or possession or the right to sell, rent or lease any housing.
3. "Financial Institution" means any person as defined herein engaged in the business of lending money or guaranteeing losses.
4. "Discriminate or discrimination" means to make, directly or indirectly, any distinction with respect to any person or persons based on the color, religion or national origin or ancestry.
5. "Real Estate Broker" or Real Estate Salesperson" means an individual, whether licensed or not, who, for a fee, commission, salary or for other valuable consideration, or who with the intention or

expectation of receiving or collecting same, lists, sells, purchases, exchanges, rents or leases any housing accommodation, including options thereupon, or who negotiates or attempts to negotiate such activities; or who advertises or holds her/himself out as engaged in such activities; or who negotiates or attempts to negotiate a loan, secured by a mortgage or other encumbrance, upon transfer to any housing accommodation; or who is engaged in the business or charging an advance fee or contracting for collection of a fee in connection with a contract whereby she/he undertakes to promote the sale, purchase, exchange, rental or lease of any housing accommodation through its listing in a publication issued primarily for such purposes; or an individual employed by or acting on behalf of any of these.

6. "Housing" means:

- (a) Any parcel or parcels of real property or lands, or any interest therein, whether contiguous or noncontiguous, located in the City of San Luis used for the building or the placing of one or more housing or rooming units owned by, or otherwise subject to the control of, one or more persons; and/or
- (b) Any real property, or any interest therein, located in the City of San Luis; and/or
- (c) Any single family dwelling or multiple family dwelling or trailer house or trailer space or any portion thereof, including a housing unit or a rooming unit, or any interest therein located in the City of San Luis, which is used or occupied, or intended, arranged assigned or designated to be used or occupied, as the home, homesite, residence or sleeping place of one or more persons; and/or
- (d) A single room, suite of rooms or apartments with or without cooking and kitchen facilities, occupies, or intended for occupancy as living quarters, by a person, by a family or by a group of persons living together.

SECTION 3. ENFORCEMENT COMMITTEE

- 1. The City of San Luis, shall establish a Housing Committee appointed by the Mayor and City Council.
- 2. Each Committee member shall serve for a term of one (1) year and until his/her successor is appointed. One of the members of the Committee shall be elected by the members of such Committee to be Chair of the Committee.
- 3. All communications authorized or required to be lodged with a Committee shall be furnished to the Chair of Committee, or in his/her absence, any one of the Committee members.

4. Any orders or findings issued by a Committee may be over the signature of any one of the members.
5. A quorum of the Committee shall be necessary for the conducting of any vote. A quorum shall consist of a majority number of the members of the Committee.
6. A majority of the full Committee shall be required on any vote taken for any proposed action to be effective.
7. All findings or orders of the Committee shall be filed with the City Attorney's Office and upon such filing shall be deemed public records of the City.
8. This Committee shall be considered to be a sub-committee of the City of San Luis and must comply with State of Arizona open meeting laws.

#### SECTION 4. PROHIBITED ACTS

1. For any person, including but not limited to owners, lessees, agents, real estate brokers, real estate salespersons, trustees, mortgages, financial institutions, title companies or insurance companies:
  - (a) To discriminate against any person because of sex, race, age, color, religion, ancestry or national origin in the sale, lease, rental or other transfer of interest housing.
  - (b) To so discriminate in the extension of loans, credit, insurance, or other services relating to the transfer of interest in housing.
  - (c) To print or circulate, or cause to be printed or circulated, any publications, or to use any form of application or to make inquiry in connection with prospective sales, leases, rentals or other transfers of interest in housing, or the extension of credit, loans, insurance or other services relating to the transfer of interest in housing, which expresses directly or indirectly any limitation, specification or discrimination as to sex, race, age, color, religion, ancestry or national origin, or expresses any intent to any such limitation, specification or discrimination.
2. To refuse to receive or transmit a bona fide offer to sell, purchase, exchange, rent or lease any housing from or to a person because of his/her sex, race, age, color, religion, ancestry, national origin.

3. To refuse to negotiate for the sale, purchase, exchange, rental or lease of any housing to a person because of his/her sex, race, age, color, religion, ancestry, national origin.
4. To represent to a person that any housing is not available for inspection, sale, purchase, exchange, rental or lease when in fact it is so available, or to refuse to permit a person to inspect any housing because of his/her sex, race, age, color, religion, ancestry, national origin.
5. For any person to aid, abet, incite, compel or coerce the doing of any of the acts forbidden under this Section or to attempt to do so.
6. For any person to go upon the premises of another, for the purpose of abusing the occupants thereof by the use of language or conduct which reflects unfavorably on the occupants' sex, age, color, religion, ancestry, national origin.
7. The above subsection shall not be a violation of the City Code unless and until the City Attorney or its duly appointed agent has sent a prior written notice to the person charged with going upon the property of another and committing the above described acts, said notice advising the offending party that she/he is unwelcome on the occupant's property and that she/he may be charged under this subsection if she/he, after receipt of the notice, commits acts which are in violation of this subsection.
8. This subsection does not preclude the offending party from being charged with a violation of any offense that she/he might have committed not covered herein merely because the offending party did not receive written notice.

#### SECTION 5. PROCEDURES, POWERS AND ENFORCEMENT

1. The City Attorney, or the Housing Committee, may authorize the city staff to effectuate conciliations between an aggrieved person and an alleged violator prior to a formal finding of any unlawful practices when the facts and circumstances properly indicate such action. If the finding is made that an unlawful practice has been or is being committed, the Committee shall endeavor to eliminate the unlawful practice by conference, conciliation and persuasion. If the Committee fails thereby to eliminate such unlawful practices:
  - (a) In the case of a violation of Section 4, it shall issue an order to the violator within the aforesaid thirty-day (30)

period, to cease and desist from further violations of this section and shall promptly mail a copy of such order to the violator; or

- (b) In the case of a violation of any other under Section 4, it shall file a criminal complaint with the City Attorney for appropriate action.
2. If the Committee finds that no unlawful practices has been or is being committed, a copy of such finding shall be promptly mailed to the grievant. The grievant shall thereafter have the right to file a criminal complaint with the City Attorney for appropriate action.
  3. If the Committee fails to file its findings or a statement setting forth valid reasons for not having done so with the City Attorney within sixty (60) days after a grievance is filed with the Housing Committee, the grievant shall thereafter have the right to file a criminal complaint.
  4. If another grievance is filed against a person, after a cease and desist order pursuant to Section 5-1a of this section has been issued by the Committee against the person, and upon investigation, the Committee finds that such person has committed any further violation of this ordinance, a criminal complaint may be filed with the City Attorney by the aggrieved person or by the Committee.
  5. No criminal complaint for the enforcement of any provisions of this section may be filed unless such filing is specifically authorized by this section.
  6. All complaints alleging violations of Section 4 of the Code of the City of San Luis shall be in writing and filed with the Housing Committee. Said complaints shall be filed within thirty (30) working days from the date of violation. All complaints shall be resolved within 120 days from the time they are filed. The Housing Committee shall cause a summary of complaints to be given to the chairperson of the Committee. In carrying out the above provisions, the Housing Committee shall have full authority to investigate and resolve said complaints.

## SECTION 6. PENALTIES

Upon conviction of each violation of any provisions of this ordinance not otherwise provided for, the person so convicted shall be guilty of a misdemeanor and shall be punished by a fine of not more than Three Hundred Dollars (\$2,500.00) or by imprisonment i the city jail for a period not to exceed six (6) months, or both.

## SECTION 7. ADMINISTRATIVE PROVISIONS

The City of San Luis and the appropriate committee thereof shall have the following powers:

1. To make rules and regulations which promote the administration of and compliance with the provisions of this ordinance. Such rules and regulations to become effective upon their approval by the San Luis City Council.
2. The City Attorney is empowered to take all necessary action in the appropriate court to secure the production of all records, documents, or other evidence necessary to assist the Housing Committee in carrying out the provisions of this ordinance.

## SECTION 8. CONCILIATION AGREEMENT VIOLATIONS

If the City Attorney or Housing Committee and a person accused of violation of this Chapter shall reach agreement and execute a conciliation agreement, and such person shall then violate any terms and conditions of said conciliation agreement, it shall be as if such agreement had never been executed.

In such event, the City of San Luis City Attorney shall file such criminal charges as are proper under the City Ordinance, and further shall take such other civil criminal action as may be permitted under the Arizona Revised Statutes.

## SECTION 9. POWER OF SUBPOENA

The City Attorney or the Housing Committee may: subpoena witnesses at hearings and compel their attendance; administer oaths, take the testimony of any person under oath, and when deemed necessary record such testimony; and require the production for examination of books and paper relating to any matter before the Housing Committee. Failure to obey a subpoena issued pursuant to this section shall constitute a contempt punishable upon action of the City Attorney before the Superior Court.

Any person appearing pursuant to this section shall have the right to be represented by legal Council.

## SECTION 10. EMERGENCY CLAUSE

WHEREAS, the immediate operation of the provisions of this ordinance is necessary for the preservation of the public peace, health and safety of the City of San Luis, Arizona and this ordinance shall become immediately operative and in force from and after the date of posting hereof.

PASSED AND ADOPTED by the Mayor and City Council of the City of San Luis, Arizona this 27th day of June, 1990.



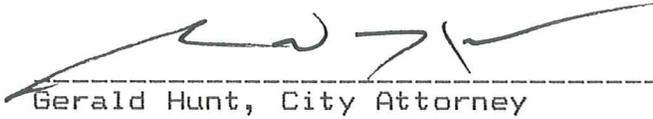
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Marco Antonio Reyes, Mayor

ATTEST:



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Mark A. Espinoza, City Manager/Clerk

APPROVED AS TO FORM:



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Gerald Hunt, City Attorney