

TITLE 20

MISCELLANEOUS

CHAPTER

1. FAIR HOUSING REGULATIONS.
2. DONATION POLICY.
3. PUBLIC RECORD PROCEDURES.

CHAPTER 1

FAIR HOUSING REGULATIONS

SECTION

- 20-101. Title.
- 20-102. Definitions.
- 20-103. Purposes of law, construction, effect.
- 20-104. Unlawful housing practices.
- 20-105. Blockbusting.
- 20-106. Exemptions from housing provisions.
- 20-107. Provisions for enforcement.
- 20-108. Agency no defense in proceeding against real estate dealer.
- 20-109. Establishment of procedures for conciliation.
- 20-110. Findings of hearing board; nature of affirmative action.
- 20-111. Investigations, powers, records.
- 20-112. Conspiracy to violate chapter unlawful.

20-101. Title. This chapter shall be known and may be cited as the City of Adamsville "Fair Housing Ordinance." (1984 Code, § 4-501)

20-102. Definitions. Except where the context clearly indicates otherwise, the following terms as used in this chapter shall have the following meanings:

(1) "Hearing board" means that body of citizens duly appointed by the city commission to hear, make determinations, and issue findings in all cases of discriminatory practices in housing resulting from conciliation failure.

(2) "Conciliation agreement" means a written agreement or statement setting forth the terms of the agreement mutually signed and subscribed to by both complainant(s) and respondent(s) and witnessed by a duly authorized enforcing agent.

(3) "Conciliation failure" means any failure to obtain a conciliation agreement between the parties to the discrimination charge or a breach thereof.

(4) "Discrimination" means any direct or indirect act or practice of exclusion, distinction, restriction, segregation, limitation, refusal, denial, or any other act or practice of differentiation or preference in the treatment of a person or persons because of race, color, religion, national origin, or sex or the aiding, abetting, inciting, coercing or compelling thereof.

(5) "Real property" includes building, structures, real estate, lands, tenements, leaseholds, cooperatives, condominiums, and hereditaments, corporeal and incorporeal, or any interest in the above.

(6) "Housing accommodations" includes improved and unimproved property and means a building, structure, lot or part thereof which is used or occupied, or is intended, arranged or designed to be used or occupied as a home or residence of one or more individuals.

(7) "Real estate operator" means any individual or combination of individuals, labor unions, joint apprenticeship, committees, partnerships, associations, corporations, legal representatives, mutual companies, joint stock companies, trust, unincorporated organizations, trustees in bankruptcy, receivers or other legal or commercial entity, the city or county or any of its agencies or any owner of real property that is engaged in the business of selling, purchasing, exchanging, renting or leasing real estate, or the improvements thereof, including options, or that derives income, in whole or in part, from the sale, purchase, exchange, rental or lease of real estate; or an individual employed by or acting in behalf of any of these.

(8) "Real estate broker" or "real estate salesman" means an individual whether licensed or not who, on behalf of others, for a fee commission, salary or other valuable consideration, or who with the intention or expectation of receiving or collecting the same, lists, sells, purchases, exchanges, rents or leases real estate, or the improvements thereon, including options, or who negotiates or attempts to negotiate on behalf of others such an activity; or who advertises or holds themselves out as engaged in such activities, or who negotiates or attempts to negotiate on behalf of others a loan secured by mortgage or other encumbrances upon a transfer of real estate, or who is engaged in the business of charging an advance fee or contracting for collection of a fee in connection with a contract whereby he undertakes to promote the sale, purchase, exchange, rental or lease of real estate through its listing in a publication issued primarily for such purpose, or an individual employed by or acting on behalf of any of these. (1984 Code, § 4-502)

20-103. Purposes of law, construction, effect. (1) The general purposes of this chapter are:

(a) To provide for execution within the City of Adamsville of the city policies embodied in Title VIII of the Federal Civil Rights Act of 1968 as amended.

(b) To safeguard all individuals within the city from discrimination in housing opportunities because of race, color, religion, national origin, or sex, thereby to protect their interest in personal dignity and freedom from humiliation; to secure the city against domestic strife and unrest which would menace its democratic institutions; to preserve the public health and general welfare; and to further the interests, rights, and privileges of individuals within the city.

(2) Nothing contained in the chapter shall be deemed to repeal any other law of this city relating to discrimination because of race, color, religion, national origin, or sex. (1984 Code, § 4-503)

20-104. Unlawful housing practices. It is an unlawful practice for a real estate operator or for a real estate broker, real estate salesman, or any individual employed by or acting on behalf of any of these:

(1) To refuse to sell, exchange, rent or lease or otherwise deny to or withhold real property from an individual because of his or her race, color, religion, national origin, or sex;

(2) To discriminate against an individual because of his or her race, color, religion, national origin, or sex in the terms, conditions, or privileges of this sale, exchange, rental or lease of real property or in the furnishings of facilities or services in connection therewith;

(3) To refuse to receive or transmit a bona fide offer to purchase, rent, or lease real property from an individual because of his or her race, color, religion, national origin, or sex;

(4) To refuse to negotiate for the sale, rental, or lease of real property to an individual because of his or her race, color, religion, national origin, or sex;

(5) To represent to an individual that real property is not available for inspection, sale, rental or lease when in fact it is so available, or to refuse to permit an individual to inspect real property because of his or her race, color, religion, national origin, or sex;

(6) To print, circulate, post or mail or cause to be printed, circulated, posted or mailed an advertisement or sign, or to use a form of application for the purchase, rental, or lease of real property, or to make a record of inquiry in connection with the prospective purchase, rental, or lease of real property, which indicates, directly or indirectly, a limitation, specification or discrimination as to race, color, religion, national origin, or sex or an intent to make such limitation, specification, or discrimination;

(7) To offer, solicit, accept, use or retain a listing of real property for sale, rental, or lease with the understanding that an individual may be discriminated against in the sale, rental, or lease of that real property or in the furnishing of facilities or services in connection therewith because of race, color, religion, national origin, or sex; or

(8) To otherwise deny to or withhold real property from an individual because of race, color, religion, national origin, or sex. (1984 Code, § 4-504)

20-105. Blockbusting. It is an unlawful practice for a real estate owner or operator, a real estate broker, real estate salesman, a financial institution, an employee of any of these or any person, for the purpose of inducing a real estate transaction from which he may benefit financially:

(1) To represent that a change has occurred or will or may occur in the composition with respect to race, color, religion, or national origin of the owners or occupants in the block, neighborhood, or areas in which the real property is located; or

(2) To represent that this change will or may result in the lowering of property values, an increase in criminal or antisocial behavior, or a decline in the quality of schools in the block, neighborhood, or area in which the real property is located. (1984 Code, § 4-505)

20-106. Exemptions from housing provisions. (1) Nothing in § 20-104 shall apply:

(a) To the rental of housing accommodations in a building which contains housing accommodations for not more than four families living independently of each other, if the owner or member of his family resides in one of the housing accommodations;

(b) To the rental of one room or one rooming unit in a housing accommodation by an individual if he or a member of his family resides therein;

(c) To a landlord who refuses to rent to an unmarried male-female couple.

(2) A religious organization, association, or society, or any nonprofit institution or organization operated, supervised or controlled 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 a religion is restricted on account of race, color, sex, or national origin.

(3) Single sex dormitory rental property shall be excluded from the provisions of this act which relate to discrimination based on sex. (1984 Code, § 4-506)

20-107. Provisions for enforcement. (1) The violation of any of the provisions of this chapter shall subject the violator to a civil penalty in the amount of \$200.00 to be recovered in a civil action, provided that in case of a continuing violation, the total penalty shall not exceed \$1,000.00.

(2) The city may sue in a civil act through the general court of justice for appropriate remedies to enforce the provisions of this chapter, including temporary restraining orders and mandatory and prohibitory injunctions.

(3) In addition to the appropriate civil and/or equitable remedies for enforcement of this chapter, a violation of this chapter shall constitute a misdemeanor punishable as provided by law. (1984 Code, § 4-507)

20-108. Agency no defense in proceeding against real estate dealer. It shall be no defense to a violation of this chapter by a real estate owner or operator, real estate broker, real estate salesman, a financial institution, or other person subject to the provisions of this chapter, that the violation was requested, sought, or otherwise procured by a person not subject to the provisions of this chapter. (1984 Code, § 4-508)

20-109. Establishment of procedures for conciliation. (1) The city shall designate an agent(s) to investigate, make determinations of probable cause, and seek to conciliate apparent violations of this chapter. Conciliation efforts may be initiated by any person(s) said to be subject to discrimination as defined in this chapter.

(2) The city commission shall establish a hearing board, which in turn shall adopt formal rules and procedures to hear complaints and make appropriate findings. Such procedures shall be made known to all parties of a given charge of discrimination. Hearings by the board shall commence whenever the agent(s) acting on behalf of the city decides a conciliation failure has occurred and the respondent agrees to participate in the hearing board proceedings. Hearing open to the public may be initiated by the responding party at any time during the conciliation process.

(3) The city commission hereby establishes that the planning commission shall serve as a hearing board on all fair housing matters. (1984 Code, § 4-509)

20-110. Findings of hearing board; nature of affirmative action.

(1) If the hearing board determines that the respondent has not engaged in an unlawful practice, the board shall state its finding of fact and conclusions of law and shall issue an order dismissing the complaint. A copy of the order shall be delivered to the complainant, the respondent, the city attorney, and such other public officers and persons as the board deems proper.

(2) If the hearing board determines that the respondent has engaged in an unlawful practice, it shall state its findings of fact and conclusions of law and shall negotiate such affirmative action as in its judgment will carry out the purposes of this chapter. A copy of the findings shall be delivered to the respondent, the complaint, the city attorney and such other public officials, officers and persons as the board deems proper.

(3) Affirmative action negotiated under this section may include, but not be limited to:

(a) Extension of all individuals of the full and equal enjoyment of the advantages, facilities, privileges, and services of the respondent;

(b) Reporting as to the manner of compliance;

(c) Posting notices in conspicuous places in the respondent's place of business in a form prescribed by the hearing board;

(d) Sale, exchange, lease, rental, assignment, or sublease of real property to an individual.

(e) Payment to the complainant of damages for injury caused by an unlawful practice including compensation for humiliation and embarrassment, and expenses incurred by the complainant in obtaining alternative housing accommodations and for other costs actually incurred by the complainant as a direct result of such unlawful practice.

(4) The provision for conciliation and affirmative action shall not preclude or in any way impair the enforcement provisions of this chapter. (1984 Code, § 4-510)

20-111. Investigations, powers, records. (1) In connection with an investigation of a complaint filed under this chapter, the enforcing agent(s) at any reasonable time may request voluntary access to premises, records and documents relevant to the complaint and may request the right to examine, photograph, and copy evidence.

(2) Every person subject to the chapter shall make, keep and preserve records relevant to the determination of whether unlawful practices have been or are being committed, such records being maintained and preserved in a manner and to the extent required under the Civil Rights Act of 1986 and any regulations promulgated thereunder.

(3) A person who believes that the application to it of a regulation or order issued under this section would result in undue hardship may apply to the hearing board for an exemption from the application of the regulation order. If the board finds that the application of the regulation or order to the person in question would impose an undue hardship, it may grant appropriate relief. (1984 Code, § 4-511)

20-112. Conspiracy to violate this chapter unlawful. It shall be unlawful practice for a person, or for two or more persons to conspire:

(1) To retaliate or discriminate in any manner against a person because he or she has opposed a practice declared unlawful by this chapter, or because he or she had made a charge, filed a complaint, testified, assisted or participated in any manner in any investigation, proceeding, or hearing under this chapter; or

(2) To aid, abet, incite, compel or coerce a person to engage in any of the acts or practices declared unlawful by this chapter; or

(3) To obstruct or prevent a person from complying with the provisions of this chapter or any order issued thereunder; or

(4) To resist, prevent, impede, or interfere with the enforcing agent(s), hearing board, or any of its members or representatives in the lawful performance of duty under this chapter. (1984 Code, § 4-512)

CHAPTER 2

DONATION POLICY

SECTION

20-201. Purpose.

20-202. Enforcement.

20-203. Donations.

20-201. Purpose. The purpose of this chapter is to bring the city into compliance with Public Acts 1978, Chapter 838, Section 1. The act required Tennessee municipalities to adopt guidelines for donations to nonprofit organizations. (Ord. #94021401, March 1994)

20-202. Enforcement. The chief administrative officer of the city or his or her designee shall be responsible for the enforcement of this policy. (Ord. #94021401, March 1994)

20-203. Donations. (1) The city may appropriate funds for only those nonprofit charitable (and nonprofit civic) organizations that provide services benefiting the general welfare of the residents of the municipality as provided by Public Acts 1978, Chapter 838, Section 1(a).

(2) A special resolution shall be adopted for each nonprofit charitable (or nonprofit civic) organization that is to receive municipal funds, stating the purpose for which the funds are being appropriated.

(3) The budget document shall include the name of each nonprofit charitable (or nonprofit civic) organization and the specific amount appropriated for each organization.

(4) Payments to nonprofit charitable (or nonprofit civic) organizations shall be limited to the amount appropriated for such purposes and in keeping with the municipality's guidelines for how the appropriated funds may be spent.

(5) The city shall require each nonprofit (charitable or civic) organization receiving financial assistance from the municipality to file with the disbursing official of the municipality a copy of an annual report of its business affairs and transactions and the proposed use of the contributed funds. This requirement is in addition to the requirement imposed by Public Acts 1978, Chapter 838, Section 1(c). (Ord. #94021401, March 1994)

CHAPTER 3

PUBLIC RECORD PROCEDURES

SECTION

20-301. Access and inspection of public records.

20-302. Fees for inspection and copying of public records.

20-301. Access and inspection of public records. (1) Consistent with the Public Records Act of the State of Tennessee, personnel at the City of Adamsville shall provide full access and assistance in a timely and efficient manner to persons who request access to open public records.

(2) Employees of the City of Adamsville shall protect the integrity and organization of public records with respect to the manner in which such records are inspected and copied. All inspections or copying of records shall be performed by, or under of, employees of the City of Adamsville.

(3) Personnel with the City of Adamsville shall prevent excessive disruptions of essential functions and duties and shall seek to provide access to records at the earliest possible time.

(4) Requests for inspection or copying of records shall be made in writing on a form provided by the City of Adamsville. Such form shall be completed by the person requesting the record, and that city employees may demand reasonable identification of any person requesting a record.

(5) Hours for making requests for inspection or copying records shall be the regular office hours of city hall.

(6) Removal of records from city hall shall not be permitted.

(7) Reproduction of records shall not be undertaken when in the judgment of personnel of the City of Adamsville such reproduction would cause damage to the record(s). (Ord. #94021401, March 1994)

20-302. Fees for inspection and copying of public records.

(1) The Commission of the City of Adamsville may establish reasonable fees to cover the cost of retrieving, supervising, access and inspection, and reproduction of records. Such fees may include the actual cost of reproduction, personnel costs related to time spent retrieving and accessing records, and personnel costs related to time spent supervising inspection or reproduction of records.

(2) All fees for purposes identified in § 20-302(1) above shall be due at the time such costs are incurred.

(3) No fees shall be assessed against officers or employees of the City of Adamsville who make requests which are reasonably necessary to the performance of their official duties.

(4) No reproduction fee shall be assessed when an employee of the City of Adamsville determines that the cost of charging and handling the fee exceeds the cost of providing a copy without charge. (Ord. #94021401, March 1994)