

## ARTICLE IIB. - FAIR HOUSING

### Footnotes:

--- (3) ---

**Editor's note**— Ord. No. 10-08, pt. 1, adopted June 1, 2010, repealed art. IIB in its entirety and enacted a new art. IIB as set out herein. The former art. IIB pertained to similar subject matter. See also the Code Comparative Table.

### Sec. 62-43. - Discriminatory practices in housing prohibited.

It shall be a prohibited discriminatory practice for any person:

- (1) For profit, to induce or attempt to induce any person to sell, rent or lease, or not to sell, rent or lease, or contract to construct such housing or accommodation to any person by representations regarding the entry or prospective entry into the neighborhood of a person of or with a particular age, sex, race, color, veteran's status, disabled veteran's status, religion, disability or disabilities, national origin, marital status, gender identity, sexual orientation, familial status, lawful source of income, or economic status.
- (2) 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 age, sex, race, color, veteran's status, disabled veteran's status, religion, disability or disabilities, national origin, marital status, gender identity, sexual orientation, familial status, lawful source of income, or economic status.
- (3) To represent to any person because of such person's age, sex, race, color, veteran's status, disabled veteran's status, religion, disability or disabilities, national origin, marital status, gender identity, sexual orientation, familial status, lawful source of income, or economic status that any housing or accommodation is not available for inspection, sale, or rental when such housing or accommodation is in fact so available, or to refuse to offer or negotiate for the transfer, sale, rental or lease, or contract to construct, or to refuse to transfer, sell, rent or lease, or contract to construct, or to otherwise make unavailable to any person, after the making of a bona fide offer, any housing or accommodation because of age, sex, race, color, veteran's status, disabled veteran's status, religion, disability or disabilities, national origin, marital status, gender identity, sexual orientation, familial status, lawful source of income, or economic status.
- (4) To discriminate against any person in the terms, conditions, privileges, or provisions pertaining to the transfer, sale, rental or lease, or contract to construct of any housing or accommodation or in the furnishing of facilities or services in connection therewith, or in any other manner, because of age, sex, race, color, veteran's status, disabled veteran's status, religion, disability or disabilities, national origin, marital status, gender identity, sexual orientation, familial status, lawful source of income, or economic status.
- (5) To print, broadcast, make, or publish, or cause to be printed, broadcasted, made, or published, any notice, statement, or advertisement relating to the transfer, sale, rental or lease of any housing or accommodation that expresses limitation specification or discrimination as to age, sex, race, color, veteran's status, disabled veteran's status, religion, disability or disabilities, national origin, gender identity, sexual orientation, familial status, lawful source of income, or economic status, or an intention to make any such preference, limitation, or discrimination.
- (6) To refuse to lend money or security, guarantee any loan, accept any mortgage, to exact different or more stringent price, terms, services, or conditions for the sale, lease, financing, or rental of housing or accommodation, or in any other manner make available any other funds or resources for the construction, acquisition, purchase, rehabilitation, repair or maintenance of any housing or housing accommodation when

such refusal is based on a consideration of the age, sex, race, color, veteran's status, disabled veteran's status, religion, disability or disabilities, national origin, marital status, gender identity, sexual orientation, familial status, lawful source of income, or economic status of the person refused.

- (7) Who is engaged in the business of insuring against hazards, to refusing to enter into, or to exact different terms, conditions, or privileges with respect to, a contract of insurance against hazards to housing or accommodation, because of age, sex, race, color, veteran's status, disabled veteran's status, religion, disability or disabilities, national origin, marital status, gender identity, sexual orientation, familial status, lawful source of income, or economic status.
- (8)
  - a. To discriminate in the sale or rental, or to otherwise make unavailable or deny, housing or accommodation to any buyer or renter because of a disability or disabilities of that buyer or renter, a person residing in or intending to reside in that housing or accommodation after it is so sold, rented, or made available, or any person associated with that buyer or renter.
  - b. To discriminate against any person in the terms, conditions, or privileges of sale or rental of housing or accommodation, or in the provision of services or facilities in connection with such housing or accommodation, because of a disability or disabilities of that person, or a person residing in or intending to reside in that housing or accommodation after it is so sold, rented, or made available, any person associated with that person.
- (9) To segregate, separate, exclude or treat unequally in the sale or rental of, or otherwise make unavailable or deny, housing or accommodation to a buyer or renter because of a disability of that buyer or renter, a disability of a person residing in or intending to reside in that housing or accommodation after it is sold, rented or made available or a disability of a person associated with that buyer or renter.
- (10) To segregate, separate, exclude or treat unequally a person in the terms, conditions or privileges of sale or rental of housing, or in the provision of services or facilities in connection with such housing or accommodation, because of a disability of that person, a disability of a person residing in or intending to reside in that housing or accommodation after it is sold, rented or made available or a disability of a person associated with that person.
- (11) To refuse to permit, at the expense of a person with a disability, reasonable modifications of existing housing or accommodation that is occupied, or is to be occupied, by such a person if the modifications may be necessary to afford the person full enjoyment of the housing or accommodation, except that in the case of rental housing the landlord may, where it is reasonable to do so, condition permission for a modification on the tenant's agreement to restore the interior of the housing or accommodation to the condition that existed before the modification, other than reasonable wear and tear. The landlord may not increase any customarily required security deposit. Where it is necessary to ensure that funds will be available to pay for the restorations at the end of the tenancy, the landlord may negotiate as part of a restoration agreement a requirement that the tenant pay into an interest-bearing escrow account, over a reasonable period, a reasonable amount of money not to exceed the cost of the restorations. The interest in any such account shall accrue to the benefit of the tenant. If escrowed funds are not used by the landlord for restorations, they shall be returned to the tenant.
- (12) To refuse to make reasonable modifications in rules, policies, practices or services that are associated with the housing or accommodation, when such modifications may be necessary to afford the person equal opportunity to use and enjoy housing or accommodation, unless the modification would impose an undue hardship on the owner of the housing or accommodation.
- (13) If an individual's vision, hearing, or mobility is impaired, to refuse to rent or sell housing or accommodation to the individual, cause the eviction of the individual from housing or accommodation, require extra compensation from an individual as a condition of continued residence in housing or accommodation or

engage in the harassment of the individual because he or she keeps an animal that is specially trained to lead or assist the individual with impaired vision, hearing, or mobility. No additional liability for sanitation with respect to, and damage to the premises caused by, the animal may be imposed unless the housing or accommodation provider imposes liability for sanitation with respect to, and damage to the premises caused by an animal to all persons to whom housing or accommodation is provided.

- (14) To design or construct covered multifamily housing unless:
- a. The public use and common use portions of such housing is readily accessible to and usable by handicapped persons;
  - b. All the doors designed to allow passage into and within all premises within such housing are sufficiently wide to allow passage by handicapped persons in wheelchairs; and
  - c. All premises within such housing contain the following features of adaptive design:
    1. An accessible route into and through the housing;
    2. Light switches, electrical outlets, thermostats, and other environmental controls in accessible locations;
    3. Reinforcements in bathroom walls to allow later installation of grab bars; and
    4. Usable kitchens and bathrooms such that an individual in a wheelchair can maneuver about the space.

Compliance with the appropriate requirements of the American National Standard for buildings and facilities providing accessibility and usability for physically handicapped people (commonly cited as "ANSI A117.1") suffices to satisfy the requirements of this subsection.

- (15) 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 him in the terms or conditions of such access, membership, or participation, because of age, sex, race, color, veteran's status, disabled veteran's status, religion, disability or disabilities, national origin, marital status, gender identity, sexual orientation, familial status, lawful source of income, or economic status.
- (16) To coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of his having exercised or enjoyed, or on account of his having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by this article.

(Ord. No. 10-08, pt. 1, 6-1-10; Ord. No. 0014-18, pt. 6, 10-2-18)

#### Sec. 62-44. - Exemption for housing the elderly.

Housing for older persons shall be exempt from the prohibition against age and familial status discrimination under this article if:

- (1) The Secretary of Housing and Urban Development (HUD) has determined that such housing is specifically designed for and operated to assist elderly persons under a federal, state, or local government program;
- (2) Such housing is intended for, and solely occupied by, persons who are 62 years of age or older; or
- (3) Intended and operated for occupancy by persons 55 years of age or older; and
  - a. At least 80 percent of the occupied units are occupied by at least one person who is 55 years of age or older;
  - b. The housing facility or community publishes and adheres to policies and procedures that demonstrate the intent required under this subsection; and

- c. The housing facility or community complies with rules issued by HUD for verification of occupancy, which shall include verification by reliable surveys and affidavits and include examples of the types of policies and procedures for determination of compliance with the requirement of subsection b. Such surveys and affidavits shall be admissible in administrative and judicial proceedings for the purposes of such verification.
- (4) Housing shall not fail to meet the requirements for housing for older persons by reason of:
- a. Persons residing in such housing as of the date of enactment of this article who do not meet the age requirements of subsections (2) or (3), provided that new occupants of such housing meet the age requirements of subsections (2) or (3); or
  - b. Unoccupied units, provided that such units are reserved for occupancy by persons who meet the age requirements of subsections (2) or (3).

(Ord. No. 10-08, pt. 1, 6-1-10)

Sec. 62-45. - Information allowed.

Nothing in this article shall be deemed to prohibit an owner or employer, or his agent, from requiring that any person who seeks to buy, rent, or lease any housing supply information concerning his prior residence, family, marital, financial, and business status.

(Ord. No. 10-08, pt. 1, 6-1-10)

Sec. 62-46. - Person's ability to pay, past history, consideration allowed.

Nothing in this article shall be deemed to prohibit an owner or owner's agent from refusing to sell, rent, or lease any housing to any person on the basis of such person's treatment of any property formerly occupied by such person or on the basis of such person's record in paying rent or other obligations when due or such person's ability to pay.

(Ord. No. 10-08, pt. 1, 6-1-10)

Sec. 62-47. - Complaints.

- (a) *Form and content.* Any complaint charging a violation of any provision of article IIB. shall be in writing and shall be verified and signed by the complainant. Such complaints may be initiated by the aggrieved person as complainant, or by an interested person, who shall mail or hand-deliver the complaint to the commission, or dictate it to a commissioner, who shall thereupon reduce the complaint to writing and the complainant shall execute and verify the complaint. The department is authorized and directed to accept complaints on behalf of the commission. All such complaints shall contain the following:
  - (1) The name and address of the complainant, and the name and address of the aggrieved person if different from the complainant;
  - (2) The name and address of the respondent or respondents;
  - (3) A statement setting forth the particulars of the alleged violation or discriminatory practice; and
  - (4) The date or dates of the alleged violation or discriminatory practice.
- (b) *Where filed.* Complaints shall be filed with the commission by the complainant or his duly authorized agent and may be filed in person or by mail. Complaints received by department personnel for filing shall be considered properly filed.
- (c) *When filed.* Complaints shall be filed no later than one year after the complainant knew or should reasonably have known the alleged act or acts occurred or terminated. The commission, on the commission's own initiative, may also file such a complaint. The commission may also investigate housing practices to determine whether a

complaint should be brought under this section.

- (d) *Amendment and withdrawal.* A complaint may be reasonably and fairly amended by the complainant at any time. A complaint may be withdrawn by the complainant at any time with and subject to approval of the commission and under such terms as the commission shall direct. If the aggrieved person is not the complainant, the aggrieved person may seek to amend or withdraw the complaint at any time with and subject to approval of the commission and under such terms as the commission shall direct.
- (e) *Additional or substitute respondent.* A person who is not named as a respondent in a complaint, but who is identified as a respondent in the course of investigation, may be joined as an additional or substitute respondent upon written notice, under subsection 62-48(2), to such person, from the department. Such notice, in addition to meeting the requirements of subsection 62-48(2), shall explain the basis for the commission's belief that the person to whom the notice is addressed is properly joined as a respondent.
- (f) *Methods of delivery.* The requirement that notices be sent by certified mail does not preclude notice also being given by other methods, including personal service.

(Ord. No. 10-08, pt. 1, 6-1-10)

#### Sec. 62-48. - Enforcement procedures.

The commission shall use the following procedures in acting on complaints of discrimination under article IIB:

- (1) The department shall, within three days of receipt of a complaint, serve notice on the complainant, and on the aggrieved person if different from the complainant, acknowledging the filing of the complaint and advising of the time limits and choice of forums provided under this subsection and the right to bring a private civil action under subsection (13).
- (2) Upon the filing of an initial, amended, final, or supplemental complaint, the department shall, within five days, serve a copy of the complaint upon the respondent, except where testing may be conducted. The initial complaint shall be served before the commencement of the investigation by the department, except where testing may be conducted. The notice shall be sent by certified mail, return receipt requested. The notice to the respondent shall include a written statement from the department directing the respondent to respond in writing to the allegations in the complaint within 20 days after the date of the notice and further stating that, if the respondent fails to answer the complaint in writing, the department will make an initial determination as to whether discrimination has occurred based only on the department's investigation and the information supplied by the complainant.
- (3) The department shall conduct an initial investigation of the complaint. The department may test as part of this investigation for the purpose of establishing violations of this chapter. The results of such initial investigation shall be reported to the commission no later than at its first regularly scheduled meeting after 20 days after the date of service of the complaint upon the respondent. The commission may dismiss a no probable cause complaint at such meeting or thereafter. If the commission does not dismiss the complaint at such meeting, the department shall, within five days of such meeting, serve a copy of the complaint upon the respondent.
- (4) The commission may dismiss the complaint if the complainant fails to respond to the department within 20 days from the date of mailing of any correspondence from the department concerning the complaint, if the department's correspondence requests a response, and if the correspondence is sent by certified mail, return receipt requested, to the last known address of the complainant.
- (5) The commission and its duly authorized agents may hold hearings, subpoena witnesses, take testimony, and make investigations as provided in this subsection. The commission may order the full range of discovery available in civil actions for the purpose of its investigations and hearings. The department, with the approval of the commission, shall develop and implement an investigation manual for use in conducting investigations.

- a. Under no circumstances may an individual member of the commission undertake an investigation independent commission or department investigation.
- b. At the end of each investigation under this section, the commission shall prepare a final investigative report containing:
  1. The names and dates of contacts with witnesses;
  2. A summary and the dates of correspondence and other contacts with the aggrieved person and the respondent;
  3. A summary description of other pertinent records;
  4. A summary of witness statements; and
  5. Answers to interrogatories.

A final report under this subsection may be amended if additional evidence is later discovered.

(6) Subcommittee.

- a. The commission shall appoint a subcommittee of three commissioners to investigate all complaints that allege a fair housing violation and that are timely filed. The subcommittee may subpoena persons or documents and order discovery for the purpose of investigation. If during an investigation it appears that the respondent has engaged in, is engaging in, or is about to engage in discrimination against the complainant, or an aggrieved person, that is not alleged in the complaint, the commission or the subcommittee may advise the complainant that the complaint should be amended. If the complaint is amended, the subcommittee shall also investigate the allegations of the amended complaint.
- b. At the conclusion of the investigation of the allegations, the subcommittee shall make a determination as to whether probable cause exists to believe that discrimination has occurred or is about to occur.
  1. If the subcommittee determines that probable cause exists, the subcommittee shall immediately issue a charge on behalf of the aggrieved person and refer the charge to the city attorney. The city attorney shall represent the aggrieved person at the hearing under subsection (8) or, if an election is made under subsection (6)d., shall commence a civil action in the name of the state on behalf of the aggrieved person under subsection (13).
  2. If the subcommittee initially determines that there is no probable cause to believe that discrimination occurred as alleged in the complaint, it may dismiss those allegations. The department shall, by a notice to be served with the determination, notify the parties of the complainant's right to appeal the dismissal of the claim to the commission for a hearing on the issue under subsection (9). Service of the determination shall be made by certified mail, return receipt requested.
- c. Service of copies of the charge shall be made on the complainant, the respondent, and the aggrieved person by certified mail, return receipt requested.
- d. After a charge is filed, a complainant, a respondent, or an aggrieved person on whose behalf the complaint was filed may elect to have the claims asserted in that charge decided in a civil action under subsection (13) in lieu of a hearing under subsection (8). The election shall be made no later than 20 days after the receipt by the electing person of service of the charge, along with information about how to make the election. If an election is made, the person making the election shall give notice of doing so to the commission and to all other complainants and respondents to whom the charge relates. The commission shall notify the aggrieved persons that an election is made. Not later than 30 days after the election is made, the city attorney shall commence and maintain, a civil action on behalf of the aggrieved

person in Racine County Circuit Court seeking relief under this article. Any aggrieved person with respect to the issues to be determined in a civil action under this article may intervene as of right in that civil action.

- e. No charge may be issued regarding alleged discrimination after the beginning of a the trial of a civil action commenced by the aggrieved party under subsection (13) or 42 USC 3613, seeking relief with respect to that discriminatory act.

(7) *Temporary judicial relief or conciliation.*

- a. At any time after a complaint is filed alleging fair housing discrimination, the commission may request the city attorney file a petition in the circuit court for the county in which the act of discrimination allegedly occurred or for the county in which a respondent resides or transacts business, seeking a temporary injunction or restraining order against the respondent to prevent the respondent from performing an act that would tend to render ineffectual an order that the department may enter with respect to the complaint, pending final determination of proceedings under this section. On receipt of the commission's request, the city attorney shall promptly file the petition and maintain such action.
- b. Upon the filing of a complaint alleging fair housing discrimination, the department shall endeavor, to the extent feasible, to eliminate the discrimination by conference, conciliation and persuasion. The department shall notify the parties that conciliation services are available.
- c. Conciliation efforts may be undertaken by the city conflict resolution center during the period beginning with the filing of the complaint and ending with the dismissal of the complaint under subsection (6)b.2. or the issuance of a charge under subsection (6)b.1.
- d. If conciliation resolves the dispute, a written conciliation agreement shall be prepared that shall state all measures to be taken by each party. The agreement may provide for dismissal of the complaint if the dismissal is without prejudice to the complainant's right to pursue the complaint against any respondent who fails to comply with the terms of the agreement. The agreement shall be signed by the respondent, the complainant, and the aggrieved person and is subject to approval by the commission. A conciliation agreement entered into under this subdivision is a public record and is subject to inspection under Wis. Stats. § 19.35, unless the parties to the agreement request that the record be exempt from disclosure and the commission finds that disclosure is not required to further the purposes of this article.
- e. Whenever the commission has reasonable cause to believe that a respondent has breached a conciliation agreement, the commission shall refer the matter to the city attorney with a recommendation that a civil action be filed for enforcement of the agreement.
- f. Nothing said or done in the course of conciliation hereunder may be made public or used as evidence in a subsequent proceeding without the written consent of the persons concerned. Notwithstanding the foregoing, the commission shall make available to the aggrieved person and the respondent, at any time, upon request following completion of the commission's investigation, information derived from an investigation and any final investigative report relating to that investigation.

(8) *Hearing procedures.*

- a. After a subcommittee issues a charge under subsection (6)b.1., the department shall serve the charge, along with a written notice of hearing, specifying the nature and acts of discrimination that appear to have been committed, and requiring the respondent to answer the charge at a hearing before the commission. The notice shall specify a time of hearing, not less than ten days after service of the charge and a place of hearing.
- b. If an election to file a civil action is not made under subsection (6)d., the hearing shall be conducted by the commission.
  - 1. The aggrieved person on whose behalf the charge was issued shall be represented by the city

attorney unless such person elects to be represented by privately-retained counsel.

2. Any aggrieved person may intervene as a party in the proceeding.
  3. At a hearing under this section, each party may appear in person, be represented by privately-retained counsel, present evidence, cross-examine witnesses, and obtain the issuance of subpoenas.
- c. The commission, the city attorney, or a party's attorney of record may issue a subpoena to compel the attendance of a witness or the production of evidence. A subpoena issued by an attorney shall be in substantially the same form as provided in Wis. Stats. § 805.07(4), and shall be served in the manner provided in Wis. Stats. § 805.07(5). The attorney shall, at the time of issuance, send a copy of the subpoena to the commission.
  - d. Discovery shall be conducted as expeditiously and inexpensively as possible, consistent with the need of all parties to obtain relevant evidence. However, the commission may order the full range of discovery available in civil actions for the purpose of its investigations and hearings.
  - e. The testimony at the hearing shall be recorded by the commission. The hearing under this paragraph shall be conducted as expeditiously and inexpensively as possible, consistent with the needs and rights of the parties to obtain a fair hearing and a complete record. The burden of proof is on the party alleging discrimination. The commission shall admit all testimony and other evidence having reasonable probative value, but shall exclude immaterial, irrelevant, or unduly repetitious testimony or evidence that is inadmissible under Wis. Stats. § 901.05. The commission shall give effect to the rules of privilege recognized by Wisconsin law. Basic principles of relevancy, materiality, and probative value shall govern the proof of all questions of fact. Hearsay shall be admitted or excluded pursuant to Wis. Stats. ch. 908. Objections to evidentiary offers and offers of proof of evidence not admitted may be made and shall be noted in the record. The president of the commission shall make all rulings on the admission of evidence.
  - f. If, after the hearing, the commission finds by a preponderance of the evidence that the respondent has committed a fair housing discrimination violation, the commission shall make written findings and order the respondent to take actions that will effectuate the purpose of this article, and may order other penalties, damages, and costs as provided in subsections (10) and (11). The department shall serve a certified copy of the final findings and order on the aggrieved party, the complainant, and the respondent. The enforcement of the order is automatically stayed upon the filing of a petition for review under subsection (12).
  - g. If the commission finds that the respondent has not engaged in discrimination as alleged in the complaint, the department shall serve a certified copy of the commission's findings on the aggrieved party, the complainant, and the respondent together with an order dismissing the complaint.
  - h. Notwithstanding anything else contained herein, any resolution of a charge before a final order under this section shall require the consent of the aggrieved person on whose behalf the charge is issued.
- (9) *Time limitations.*
- a. The department shall commence proceedings with respect to a complaint before the end of the fifth day after receipt of the complaint.
  - b. The subcommittee shall investigate the allegations of the complaint and complete the investigation not later than 45 days after receipt of the complaint. If the subcommittee is unable to complete the investigation within 45 days, it shall notify the commission, complainant, and respondent in writing of the reasons for not doing so.
  - c. If a hearing is conducted under subsection (8), the commission shall conduct such hearing and issue written findings not later than 100 days after receipt of the complaint. If the commission is unable to complete the investigation within 100 days, it shall notify the complainant and respondent in writing of



the reasons for not doing so.

- d. The department shall make final administrative disposition of a complaint within one year after the date of receipt of a complaint, unless it is impracticable to do so. If the department is unable to do so, it shall notify the complainant and respondent in writing of the reasons for not doing so.

(10) *Damages and penalties.*

- a. If the commission finds that a respondent has engaged in, is engaging in, or is about to engage in a discriminatory act prohibited under this chapter, the commission shall promptly issue an order for such relief as may be appropriate, which may include economic and noneconomic damages suffered by the aggrieved person, regardless of whether he or she intervened in the action, and injunctive or other equitable relief. The commission may not order punitive damages.
- b. In addition to any damages ordered under subsection a, the commission may assess a forfeiture against a respondent as provided in section 1-15, plus the costs of prosecution. Such forfeiture may be assessed on a daily basis for each and every day such violation shall continue without limit. Notwithstanding the foregoing, if a respondent has been adjudged to have committed one other discriminatory act under this article during the preceding five-year period, based on the offense date of the prior discriminatory act, the commission may assess a daily-basis forfeiture against a respondent as provided in section 1-15, plus the costs of prosecution, and shall assess an additional forfeiture in an amount not exceeding \$25,000.00. Notwithstanding the foregoing, if a respondent has been adjudged to have committed two or more prior other discriminatory act under this article during the preceding seven-year period, based on the offense date of the prior discriminatory act, the commission may assess a daily-basis forfeiture against a respondent as provided in section 1-15, plus the costs of prosecution, and shall assess an additional forfeiture in an amount not exceeding \$50,000.00.

- (11) *Attorney fees and costs.* The commission may allow a prevailing plaintiff, including the city, reasonable attorney fees and costs. The city shall be liable for those fees and costs if the city is a respondent and is determined to have committed a discriminatory act.

- (12) *Judicial review.* Within 30 days after service upon all parties of an order or determination of the commission under this article, the respondent, the complainant or the aggrieved party may appeal the order or the determination to the circuit court for the county in which the alleged discrimination took place by the filing of a petition for review. The court shall review the order or determination as provided in Wis. Stats. §§ 227.52 to 227.58.

(13) *Civil actions.*

- a. Any person alleging a fair housing discrimination violation, including the city attorney on behalf of an aggrieved person, may bring a civil action for injunctive relief, for damages, including punitive damages, and, in the case of a prevailing plaintiff, for court costs and reasonable attorney fees.
- b. An action commenced under subsection (13)a. may be brought in the circuit court for the county where the alleged violation occurred or for the county where the person against whom the civil complaint is filed resides or has a principal place of business, and shall be commenced within one year after the alleged violation occurred or terminated. The one-year statute of limitations under this section shall be tolled while an administrative proceeding with respect to the same complaint is pending.
- c. The court may issue a permanent or temporary injunction or restraining order to assure the rights granted by this section. The court may order other relief that the court considers appropriate, including monetary damages, actual and punitive, a forfeiture as provided in subsection (10) and costs and fees as provided in subsection (11).

(14) *Discrimination by licensed or chartered persons.*

- a. If the commission finds probable cause to believe that an act of discrimination has been or is being

committed in violation of this article by a person and that the person is licensed or chartered by any governmental licensing or supervisory authority, the commission shall notify the licensing or chartering agency of its findings and may file a complaint with such agency together with a request that the agency initiate proceedings to suspend or revoke the license or charter of such person or take other less restrictive disciplinary action.

- b. Upon filing a complaint under subsection (14)a., the commission shall make available to the appropriate licensing or chartering agency all pertinent documents and files in its custody, and shall cooperate fully with such agency in the agency's proceedings.

(Ord. No. 10-08, pt. 1, 6-1-10)