

ORDINANCE NO. 1551

AN ORDINANCE to amend The Code of the City of Alexandria, Virginia, 1963, as amended, by adding thereto a new Chapter numbered 17A entitled HOUSING AVAILABILITY; which new Chapter numbered 17A adopts a HOUSING AVAILABILITY CODE and relates to HOUSING AVAILABILITY FOR ALL PERSONS WITHOUT REGARD TO RACE, COLOR, RELIGION OR NATIONAL ORIGIN; PRESCRIBES STANDARDS AND REGULATIONS THEREFOR; PRESCRIBES UNLAWFUL HOUSING PRACTICES; PROVIDES FOR A HOUSING AVAILABILITY BOARD AND PRESCRIBES ITS POWERS AND DUTIES; PROVIDES FOR A HOUSING ADMINISTRATOR AND PRESCRIBES HIS POWERS AND DUTIES; PROVIDES FOR CONCILIATION AND ENFORCEMENT AND PRESCRIBES PENALTIES FOR VIOLATIONS.

WHEREAS the City Council of the City of Alexandria, Virginia has had the matter of housing availability for all persons in the City of Alexandria without regard to race, color, religion or national origin brought to its attention; and

WHEREAS the City Council has conducted public hearings, heard testimony, received exhibits and otherwise inquired into the matter of housing availability for all persons in the City; and

WHEREAS as a result thereof the Council is of the opinion that an ordinance on the matter is needed, has found and determined the facts recited in the Code hereinafter set forth and has agreed upon the policy recited in the Code hereinafter set forth; therefore

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby is amended by adding thereto a new chapter numbered 17A to read as follows:

CHAPTER 17A

HOUSING AVAILABILITY

Sec. 17A-1. Short title.

This chapter shall be known and may be cited as the "Housing Availability Code of the City of Alexandria, Virginia."

Sec. 17A-2. Findings of fact and declaration of policy.

The City Council of the City of Alexandria, Virginia finds: That the population of the City of Alexandria, Virginia consists of people of various races, colors, religions and national origins, many of whom live in circumscribed and segregated areas within the City under substandard, unhealthful, unsafe, unsanitary and overcrowded living conditions, caused at least in part by discrimination in the sale and rental of housing. That these conditions have caused or are capable of causing or encouraging crime, riots, disturbances, disorders, delinquency, breach of peaceful coexistence among citizens, fires and risk of fires, poverty, slums, blighted areas, overcrowding, unhealthful conditions, unsanitary conditions, disease, increased mortality, unstable family life, increased cost of government, excessive welfare problems, unemployment, loss of manpower, loss of tax revenue, loss of trade, commerce, business manufacture, and productivity, and other evils, thereby injuring the public safety, public health and general welfare of the citizens of the City. That present

codes are insufficient in that in many instances they tend to treat the symptom rather than the cause. That is contrary to the public policy of the City to permit the above-mentioned conditions to continue or to arise. That it is essential, indispensable and the duty of the City to exercise all available means and every power it possesses to protect the City and its citizens from such conditions.

THEREFORE, it is hereby declared to be the policy of the City, in the exercise of its police power; and all other power it may possess to preserve the safety, health, peace, good order, comfort, convenience, morals and welfare of its inhabitants; to assure housing availability in the City by affording all people in the City the opportunity to buy, rent or finance housing in the City without regard to race, color, religion or national origin, and to that end this chapter of the Alexandria City Code of 1963 is adopted.

Sec. 17A-3. Definitions.

Board. Housing Availability Board.

Discriminatory housing practice. An act that is unlawful under Section 17A-4.

Dwelling. Any building, structure or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction of location thereon of any such building, structure, or portion thereof.

Family. Includes a single individual.

Housing Administrator. The Director of Housing and Community Development of the City or his authorized representative.

Person. Includes one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers, and fiduciaries.

Secretary. The Director of Housing and Community Development of the City or his authorized representative.

To Rent. Includes to lease, to sublease, to let and otherwise to grant for a consideration the right to occupy premises not owned by the occupant.

Sec. 17A-4. Unlawful housing practices.

1. Unlawful housing practices - sale or rental.

Except as provided in Section 17A-5 it shall be unlawful for any person:

(a) To 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, religion or national origin.

(b) To 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 therewith, because of race, color, religion or national origin.

(c) To 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, or national origin, or an intention to make any such preference, limitation, or discrimination.

(d) To represent to any person because of race, color, religion or national origin that any dwelling is not available for inspection, sale, or rental when such dwelling is in fact so available.

(e) For profit, to 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, religion or national origin.

2. Unlawful housing practices - financing.

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, 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 him in the fixing of the amount, interest rate, duration or other terms or conditions of such loan or other financial assistance, because of the race, color, religion or national origin of such person or of any person associated with him in connection with such loan or other financial assistance or 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 of effectiveness of the exception contained in subsection 2 of Section 17A-5.

3. Unlawful housing practices - brokerage services.

It shall be unlawful for any person 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 such person in the terms or conditions of such access, membership, or participation, on account of race, color, religion, or national origin.

4. Unlawful housing practices - interference, coercion, or intimidation.

It shall be unlawful for any person 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 subsections 1, 2 and 3 of Section 17A-4.

5. Unlawful housing practices - prevention of intimidation.

Whoever, whether or not acting under color of law, by force or threat of force willfully injures, intimidates or interferes with, or attempts to injure, intimidate or interfere with --

(a) any person because of his race, color, religion or national origin, and because he is or has been selling, purchasing, renting, financing, occupying, or contracting or negotiating for the sale, purchase, rental, financing or occupation of any dwelling, or applying for or participating in any service, organization, or facility relating to the business of selling or renting dwellings; or

(b) any person because he is or has been, or in order to intimidate such person or any other person or any class of persons from --

(1) participating, without discrimination on account of race, color, religion or national origin, in any of the activities, services, organizations or facilities described in subsection (a) of subsection 5 of Section 17A-4.

(2) affording another person or class of persons opportunity or protection so to participate; or

(c) any citizen because he is or has been, or in order to discourage such citizen or any other citizen from lawfully aiding or encouraging other persons to participate, without discrimination on account of race, color, religion or national origin, in any of the activities, services, organizations or facilities described in subsection (a) of subsection 5 of Section 17A-4, or participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to so participate --

shall upon conviction be punished as provided in Section 17A-17.

Sec. 17A-5. Exemptions and exceptions.

1. Nothing in this chapter shall prohibit a religious organization, association, or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction 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 religion is restricted on account of race, color, or national origin. Nor shall anything in this chapter prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodgings 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.

2. Nothing in Section 17A-4 (other than subsection (c) of subsection 1) shall apply to:

(a) any single-family house sold or rented by an owner: Provided, That such private individual owner does not own more than three such single-family houses at any one time: Provided further, That in the case of the sale of any such single-family house by a private individual owner not residing in such house at the time of such sale or who was not the most recent resident of such house prior to such sale, the exemption granted by this subsection shall apply only with respect to one such sale within any twenty-four month period: Provided further, That such bona fide private individual 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 a portion of the proceeds from the sale or rental of, more than three such single-family houses at any one time: Provided further, That after December 31, 1969, the sale or rental of any such single-family house shall be excepted from the application of this title only if such house is sold or rented (A) 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 agency of any such broker, agent, salesman, or person and (B) without the publication, posting or mailing, after notice, of any advertisement or written notice in violation of subsection (c) of subsection 1 of Section 17A-4 of this chapter; but nothing in this proviso shall prohibit the use of attorneys, escrow agent, abstractors, title companies, and other such professional assistance as necessary to perfect or transfer the title, or

(b) rooms or 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 living quarters as his residence.

(c) For the purposes of this subsection 2, a person shall be deemed to be in the business of selling or renting dwellings if:

- (1) he has, within the preceding twelve months, participated as principal in three or more transactions involving the sale or rental of any dwelling or any interest therein, or
- (2) he has, within the preceding twelve months, participated as agent, other than in the sale of his own personal residence in providing sales or rental facilities or sales or rental services in two or more transactions involving the sale or rental of any dwelling or any interest therein, or
- (3) he is the owner of any dwelling designed or intended for occupancy by, or occupied by, five or more families.

Sec. 17A-6. Housing Administrator; powers and duties.

The Housing Administrator shall, under the City Manager:

1. Be responsible for administering this chapter.
2. Make studies with respect to the matters and extent of discriminatory housing practices in the City and its various neighborhoods.
3. Maintain records and publish and disseminate reports, recommendations, and information derived from such studies.
4. Cooperate with and render technical assistance to Federal, State, local and other public or private agencies, organizations and institutions which are formulating, or carrying on programs to prevent or eliminate discriminatory housing practices; and
5. Perform such other duties in connection with this chapter as may be assigned to him by the City Manager or are contained in the provisions of this chapter.

Sec. 17A-7. Housing availability board; creation, composition.

For the purpose of making effective the provisions of this chapter there is hereby created a board to be known as the "Housing Availability Board", herein referred to as the Board, which shall consist of five members, each of whom shall reside in the City while serving and shall have resided in the City for at least one year next preceding his appointment. The members shall be appointed by the City Council and of the members first appointed two (2) shall be appointed for terms of one (1) year, two (2) shall be appointed for terms of two (2) years and one (1) shall be appointed for a term of three (3) years. Thereafter members shall be appointed for terms of three (3) years each. Any vacancy shall be filled by the Council for the unexpired portion of a term. Members shall serve without compensation but may receive such reimbursement for expenses as Council may allow.

Sec. 17A-8. Housing availability board; organization, meetings, secretary, the Board shall elect its chairman from its membership.

All members of the Board shall be entitled to vote and the decisions of the Board shall be determined by a majority vote of the members present. A quorum of four members present is required before the Board may take official action. A member present but not voting shall be considered in counting a quorum. When voting on any question the determination may be made by secret ballot but no proxy shall be allowed at any time. All meetings of the Board shall be open to

the public and a full and impartial hearing shall be granted on all matters. Insofar as reasonably possible, all hearings shall be informal and free from technical rules of law and evidence. The secretary to the Board shall cause minutes of its proceedings kept and all findings, decisions, and orders to be reduced to writing and entered as a matter of public record in the office of the secretary. In matters concerning the procedure for meetings not covered by this chapter, the Board may establish its own rules; provided these are not contrary to the mandate or spirit of this chapter. The Board shall render each year to the City Manager a written report of its activities under the provisions of this chapter along with such comments and recommendations as it may choose to make.

Sec. 17A-9. Complaint, filing and procedure.

Any person who claims himself to be the subject of a discriminatory housing practice and wishes to prevent such practice by means of the provisions of this chapter must first file a complaint with the secretary at his office in City Hall. Complaints shall be under oath, in writing, and accompanied by an affidavit. Such complaints shall be made in duplicate with an additional copy for each alleged respondent if more than one. Any complaint shall be on a form furnished by the secretary, shall state the name and address of each respondent, the address of the complainant, the date of the alleged offense and the alleged facts surrounding the acts complained of. The secretary shall forthwith transmit a copy of the complaint to each respondent by ordinary mail. Each complaint shall be held in confidence by the secretary unless or until the complainant and the respondent consent to its being made public, or until the time a hearing procedure such as described in Section 17A-14 has begun. A complaint must be filed within 60 days after the date of the alleged discriminatory housing practice and not later.

Sec. 17A-10. Complaint, investigation, probable cause.

Upon the filing of such a complaint the secretary shall make an investigation to determine whether there is probable cause to credit the allegations of the complaint. If he determines after such investigation that there is no probable cause to credit the allegations of the complaint, the secretary shall within five (5) days after such determination so notify by registered mail each party to the action. The notice shall further state that the complaint will be dismissed unless, within ten (10) days after receipt of said notice, the complainant files with the secretary a written request for a review hearing by the Board. Upon request for such a hearing the secretary shall notify the Board of such request and the Board shall afford the complainant an opportunity to appear before the Board at a public hearing in person or by counsel. If, after such hearing, the Board determines that no probable cause exists for crediting the allegations of the complaint, the complaint shall be dismissed. There shall be no appeal from such determination or other review thereof.

Sec. 17A-11. Complaint, conciliation.

If the secretary, after investigation or at the direction of the Board, determines that there is probable cause to credit the allegations of the complaint, he shall immediately endeavor to eliminate the discriminatory housing practice complained of. His effort initially shall consist of conciliation and persuasion. Conferences and other efforts at conciliation and persuasion shall be informal and may be conducted by the secretary or any member of his staff so designated. Nothing said or done during and as part of such conciliation efforts shall be made public or used as evidence in a subsequent proceeding instituted under this chapter unless each of the interested parties agrees thereto in writing.

If conciliation succeeds, the terms of the agreement reached shall be reduced to writing and signed by or on behalf of the parties and the secretary. Copies of such agreement shall be given each signatory and shall not be made public except at the request of all of the persons accused.

Nothing in this chapter shall prohibit the secretary from continuing his efforts to reach conciliation at any time. A conciliation agreement shall, as soon as concluded, put an end to proceedings under this chapter, including any criminal proceedings brought hereunder.

Sec. 17A-12. Complaints, amendments.

Complaints may be reasonably and fairly amended at any time prior to the fourteenth calendar day before the date of a hearing held pursuant to Section 17A-14. Amendments must also be under oath, in writing, and accompanied by an affidavit and filed in duplicate with the secretary. The secretary shall forthwith send a copy of any such amendment to each respondent by registered mail.

Sec. 17A-13. Answers.

Each respondent may file with the secretary an answer at any time within seven days prior to the hearing held pursuant to Section 17A-14, provided it be under oath, in writing, accompanied by an affidavit and in duplicate. Answers may also be reasonably and fairly amended any time prior to same as above, if under oath, in writing, accompanied by an affidavit and filed in duplicate with the secretary. The secretary shall forthwith send a copy of any such amendment to the complainant by registered mail.

Sec. 17A-14. Board, determination, hearing, order.

In the event the secretary is unable to obtain conciliation he shall promptly so notify the Board and the Board shall thereupon schedule a public hearing to determine if a violation of this chapter has been committed. The Board shall first verify that each respondent has received a copy of the complaint and any amendment thereto. Notice of the time and place of hearing shall be mailed to each respondent and complainant no later than two (2) weeks prior to the date of such hearing. The Board shall schedule for hearing all parties named by the complainant, but may upon request or its own motion, schedule separate hearings for each respondent in any case. Each party respondent may appear at such hearing in person or by a duly authorized representative including an attorney. Each party may present testimony and evidence. The right to cross-examine witnesses shall be preserved. The secretary shall cause a qualified reporter or stenographer to be present throughout the hearing, who shall record and, upon direction of the Board, transcribe the proceedings. All testimony shall be given under oath administered by the chairman or his representative.

If, at the conclusion of the hearing, the Board shall determine, upon the preponderance of the evidence, that the respondent has violated any provisions of this chapter, the Board shall:

- (a) not later than twenty-one (21) days thereafter render and announce a decision, which shall include a written statement of its findings;
- (b) designate appropriate parts of the hearing to be transcribed for the public record at the cost of the City; and
- (c) permit the complainant or each respondent to obtain copies of any part or all of the transcript of the proceedings at his cost,
- (d) Seven (7) days after the release of said written statement of findings the Board shall issue and cause to be served on each respondent, by registered mail, an order requiring each respondent, within fifteen (15) days of receipt thereof, to take such action as necessary to bring himself into compliance with this chapter.

If upon all the evidence at the hearing the Board shall determine that a respondent has not violated any provision of this chapter, the Board shall not later than twenty-one (21) days following the conclusion of the hearing render and announce a decision, and record said decision in the minutes. The case shall then be closed and no further action shall be taken by the Board in the matter.

Sec. 17A-15. Violation.

No person shall be convicted of a violation of Section 17A-4 of this chapter unless the Board shall have first issued an order for the violation complained of.

Sec. 17A-16. Enforcement by injunction.

Failure, refusal or neglect of any person to comply with an order issued pursuant to Section 17A-14 of this chapter may, in addition to the penalty provided in Section 17A-17 of this chapter or in place thereof, be restrained, prohibited or enjoined by an appropriate proceeding in a Court of Competent jurisdiction.

Sec. 17A-17. Penalties.

Any person violating the provisions of Section 17A-4 of this chapter shall, upon conviction thereof, be punished by a fine of not more than five hundred dollars or by imprisonment not exceeding six months, or both, for each violation, within the discretion of the Court.

Section 2. That this ordinance shall be published in a newspaper of general circulation in the City not later than five days following its introduction together with a notice containing the time and place for a public hearing. The Clerk of the Council shall note the date of introduction and first reading, the date of publication, the date of the public hearing, and the date of the second reading and final passage in the minutes of the meeting. This ordinance shall become effective the date of its final passage.

CHARLES E. BEATLEY, JR.
Mayor

Final Passage 2/25/69