

ORDINANCE NO. 1838

AN ORDINANCE to amend Chapter 17A of The Code of the City of Alexandria, Virginia, 1963, as amended, by adding thereto a new section numbered 17A-2.1, by amending and reordaining Section 17A-4, by amending and reordaining subsection 1 of Section 17A-5, and by amending Section 17A-5 by adding thereto new subsections 3 and 4; which Chapter 17A relates to HOUSING AVAILABILITY, which Section 17A-2.1 relates to FINDINGS OF FACT AND DECLARATION OF POLICY; SEX AND MARITAL STATUS; which Section 17A-4 relates to UNLAWFUL HOUSING PRACTICES, and which Section 17A-5 relates to EXEMPTIONS AND EXCEPTIONS.

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 with regard to sex and marital status 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 in the city with respect to sex and marital status; and

WHEREAS, the City Council has found that discrimination in housing opportunities on the basis of sex and marital status does exist in the City of Alexandria; and

WHEREAS, the City Council has found that families headed by females have encountered great difficulty in obtaining suitable housing as a consequence of discrimination on the basis of sex and marital status; and

WHEREAS, the City Council has found that unmarried women have suffered grave emotional stress and economic hardship as a result of discrimination in the sale and rental of housing on the basis of sex and marital status; and

WHEREAS, the City Council has determined that such discrimination has injured the public health and general welfare of the citizens of the city; and

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

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Chapter 17A of The Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby is amended by adding thereto a new section numbered 17A-2.1 to read as follows:

Sec. 17A-2.1. Findings of fact and declaration of policy; sex and marital status.

The city council of the City of Alexandria, Virginia finds: That many persons in the City of Alexandria, Virginia live in substandard and unsuitable conditions caused in part by discrimination in the sale and rental of housing on the basis of sex and marital status. That this discrimination has caused or is capable of causing unstable family life, social disequilibrium and economic hardship, thereby injuring the public health and general welfare of the citizens of the city. That such discrimination has caused great hardship for children of divorced women who have been forced to live in substandard housing, which is detrimental to the health and welfare of such children. That such discrimination has narrowed housing opportunities for unmarried women in the city, thereby creating social stress and demeaning the public morality. That it is contrary to the public policy of the

city to permit the above mentioned conditions to continue or arise. That present law is insufficient to remedy these conditions. That it is the duty of the city to exercise its power to protect its citizens from such conditions and to preserve the comfort, convenience, morals and general welfare of the city's inhabitants.

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 sex or marital status.

Section 2. That Section 17A-4 of Chapter 17A of The Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby is amended and reordained to read as follows:

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, national origin, sex, or marital status.

(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, national origin, sex, or marital status.

(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, national origin, sex, or marital status, or an intention to make any such preference, limitation, or discrimination.

(d) To represent to any person because of race, color, religion, national origin, sex, or marital status 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, national origin, sex, or marital status.

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, national origin, sex or marital status 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, national origin, sex or marital status.

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, national origin, sex or marital status, 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, national origin, sex or marital status, 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, national origin, sex or marital status, 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.

Section 3. That subsection 1 of Section 17A-5 of Chapter 17A of The Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby is amended and reordained to read as follows:

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, national origin, sex or marital status. 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.

Section 4. That Section 17A-5, Chapter 17A of The Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby is amended, by adding thereto new subsections 3 and 4 to read as follows:

3. Nothing in this chapter shall be construed to bar any person from refusing to sell, rent or advertise any dwelling which is planned exclusively for, and occupied exclusively by, individuals of one sex, to any individual of the opposite sex on the basis of sex. Nor shall anything in this chapter be construed to bar any person from selling, renting or advertising any dwelling which is planned exclusively for, and occupied exclusively by, unmarried individuals to unmarried individuals only.

4. Nothing in this chapter shall be construed to bar any person from refusing to sell or rent any dwelling to unmarried individuals cohabiting contrary to law.

Section 5. That this ordinance shall be published in a newspaper of general circulation published 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: February 27, 1973