

ORDINANCE NO. 3174

AN ORDINANCE to amend and reordain subsections (a), (b), (c) and (d), and to amend subsection (e) by adding a new subsection (4), all of Section 12-4-4, Chapter 4, Title 12 of The Code of the City of Alexandria, Virginia, 1981, as amended; which Title 12 relates to EDUCATION, SOCIAL SERVICES AND WELFARE, which Chapter 4 relates to HUMAN RIGHTS, which Section 12-4-4 relates to UNLAWFUL HOUSING PRACTICES, which new subsection (4) relates to ALL-ADULT AND ALL-ELDERLY HOUSING COMMUNITIES, which subsection (e) relates to EXEMPTIONS AND EXCEPTIONS, which subsection (d) relates to UNLAWFUL HOUSING PRACTICES--RESTRICTIVE COVENANTS, AS DEFINED, which subsection (c) relates to UNLAWFUL HOUSING PRACTICES--BROKERAGE SERVICES, which subsection (b) relates to UNLAWFUL HOUSING PRACTICES--FINANCING and which subsection (a) relates to UNLAWFUL HOUSING PRACTICES--SALE OR RENTAL.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That subsections (a), (b), (c) and (d), Section 12-4-4, Chapter 4, Title 12 of The Code of the City of Alexandria, Virginia, 1981, as amended, be and the same hereby are amended and reordained to read as follows:

Sec. 12-4-4. Unlawful housing practices.

(a) **Unlawful housing practices--sale or rental.** Except as provided in subsection (e) of this section, it shall be unlawful for any person:

(1) 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, housing to any person because of race, color, sex, religion, ancestry, national origin, marital status, age, parenthood or handicap.

(2) To discriminate against any person in the terms, conditions or privileges of sale or rental of housing, or in the provision of services or facilities in connection therewith, because of race, color, sex, religion, ancestry, national origin, marital status, age, parenthood or handicap.

(3) 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 housing that indicates any preference, limitation or discrimination based on race, color, sex, religion, ancestry, national origin, marital status, age, parenthood or handicap, or an intention to make any such preference, limitation or discrimination.

(4) To represent to any person because of race, color, sex, religion, ancestry, national origin, marital status, age, parenthood or handicap, that any housing is not available for inspection, sale or rental, when the housing is in fact so available.

(5) For profit, to induce or attempt to induce any person to sell or not sell or rent or not rent any housing by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, sex, religion, ancestry, national origin, marital status, age, parenthood or handicap.

(6) Except in connection with a written affirmative action plan, to make an oral inquiry or to use a written inquiry or form of application or photograph, as a condition of the transaction in connection with the sale or rental of housing that elicits or attempts to elicit information concerning race, color, religion, ancestry, national origin or handicap.

(b) Unlawful housing practices--financing.

(1)a. It shall be unlawful for any lending institution to deny a loan or other financial assistance to a person applying therefor for the purpose of purchasing, constructing, improving, repairing or maintaining housing, or to discriminate against him or her in the fixing of the amount, interest rate, duration or other terms or conditions of the loan or other financial assistance because of the race, color, sex, religion, ancestry, national origin, marital status, age, parenthood or handicap of such person.

b. It shall also be unlawful for any lending institution to deny a loan or other financial assistance because of the race, color, sex, religion, ancestry, national origin, marital status, age, parenthood or handicap of the present or prospective owners, lessees, tenants or occupants of the housing in relation to which the loan or other financial assistance is to be made or given.

c. It shall also be unlawful for any lending institution to deny such a loan or other financial assistance to any person because of the race, color, sex, religion, ancestry, national origin, marital status, age, parenthood or handicap of any person associated with such person in connection with the loan or other financial assistance or the purposes of the loan or other financial assistance.

(2) It shall also 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

discriminate against any person applying for a loan or other financial assistance, the proceeds of which are to be used for the purchase, construction, improvement, repair or maintenance of housing:

a. by denying a loan or other financial assistance or because of the race, color, religion, ancestry, national origin, sex, marital status, age, parenthood or handicap of the residents of the neighborhood in which the housing is located, or

b. in the fixing of the amount, interest rate, duration or other terms or conditions of the loan or other financial assistance, because of the race, color, religion, ancestry, national origin, sex, marital status, age, parenthood or handicap of the residents of the neighborhood in which the housing is located.

(c) Unlawful housing practices--brokerage services.

(1) 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 housing, or to discriminate against any person in the terms or conditions of access, membership or participation, on account of race, color, sex, religion, ancestry, national origin, marital status, age, parenthood or handicap of such persons.

(2) It shall be unlawful for any real estate broker or salesperson or other person in the business of selling or renting housing to solicit the sale or rental of housing or discourage the purchase or rental of housing by representations regarding the existing or potential proximity to real property owned, used or occupied by a person or persons of a particular race, color, sex, ancestry, national origin, marital status, age, parenthood or handicap.

(d) Unlawful housing practices--restrictive covenants, as defined.

(1) It shall be unlawful for any person who prepares or supervises the preparation of any deed, mortgage, deed of trust, lease or contract affecting title to or any interest in land or housing in the city willfully and knowingly to include therein any restrictive covenant that discriminates on the basis of race, color, religion, national origin, parenthood or handicap, except that nothing in this subsection shall be construed to prohibit any person from conveying, or preparing any legal document for any conveyance of housing or land to a religious organization for use only by members of such religious organization.

(2) It shall be unlawful for any person who prepares or supervises the preparation of any deed, mortgage, deed of trust, lease or contract affecting title to or any interest in land or housing in the city, wherein any restrictive covenant prohibited by subsection (1) above is incorporated by reference to another document or instrument, to fail to include therein a statement that such restrictive covenant is invalid and unenforceable.

(3) The Clerk of the Circuit Court for the City of Alexandria, Virginia, is hereby authorized and directed:

a. To post in a conspicuous location in the clerk's office and in the land record room the following notice printed in 14 point type:

"It is a violation of the Human Rights Code of the City of Alexandria, Virginia, for any person to include any provision in a deed, mortgage, deed of trust, lease or contract affecting title or any interest in land which purports to restrict or affect, on the basis of race, color, religion, national origin, parenthood or handicap the holding, occupancy or transfer of any interest in land, and any such provision are invalid and unenforceable."

b. When a copy of any deed, mortgage, deed of trust, lease or contract affecting title or interest in land or housing recorded in the clerk's office is requested, to affix to such copy a statement that any provision contained in such legal instrument which purports to restrict or affect the holding, occupancy, ownership, rental, lease or transfer of any interest on the basis of race, color, religion, national origin, parenthood or handicap is invalid or unenforceable.

Section 2. That subsection (e), Section 12-4-4, Chapter 4, Title 12 of The Code of the City of Alexandria, Virginia, 1981, as amended, be and the same hereby is amended by adding a new subsection (4) to read as follows:

(4) Notwithstanding any other provision of this section, it shall not be a discriminatory housing practice to establish, operate and maintain an all-elderly housing community or an all-adult housing community, provided that any such community that shall come into existence on or after January 24, 1987, shall have first been registered with the city. An all-elderly housing community shall be defined as one or more residential buildings, or a section or sections thereof, whose occupancy is limited to persons who are 60 years of age or older and which, through promotional literature, applications, leases and other published

materials, are consistently represented as providing housing that is available only to persons 60 years of age or older. An all-adult housing community shall be defined as one or more residential buildings, or a section or sections thereof, whose occupancy is limited to adults and which, through promotional literature, applications, leases and other published materials, are consistently represented as providing housing that is available only to adults. Registration of an all-elderly or an all-adult housing community shall be accomplished by filing with the division chief of the city's landlord-tenant relations office two copies of a written statement which shall contain the name and location of the housing community and the occupancy limitations applicable thereto. One copy shall be forwarded by the landlord-tenant relations office to the administrator of the Alexandria Human Rights Commission.

Section 3. That the title of and an informal memorandum explaining 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 city clerk shall have the full text of this ordinance printed in sufficient numbers to supply copies to meet request. The city clerk 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.

JAMES P. MORAN, JR.
Mayor

Final Passage: January 24, 1987