

ORDINANCE NO. 3231

AN ORDINANCE to amend and reordain subsection (3), subsection (e), Section 12-4-4 and subsection (b), Section 12-4-15, both of 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 subsection (e) relates to EXEMPTIONS AND EXCEPTIONS, which subsection (3) relates to EXCEPTIONS, which Section 12-4-15 relates to POWERS AND DUTIES OF THE HUMAN RIGHTS COMMISSION and which subsection (b) relates to SUBPOENAS.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That subsection (3), 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 and reordained to read as follows:

(3) Nothing in section 12-4-4 shall be construed to:

a. bar any person from restricting sales, rentals, leases or occupancy, or from giving preference, to persons of a given age for bona fide housing intended solely for the elderly or bona fide housing intended solely for minors;

b. make it an unlawful act to require that a person have legal capacity to enter into a contract or lease;

c. prohibit any private, state-owned or state-supported educational institution, hospital, nursing home, or religious or correctional institution from requiring that persons of both sexes not occupy any single-family residence or any room or unit in dwellings or other buildings which it owns or operates or that persons of both sexes not utilize any rest room in said room or unit in dwellings or other buildings which it owns or operates;

d. bar any person from selling, renting or advertising any housing which is planned exclusively for, and occupied exclusively by, unmarried individuals to unmarried individuals only;

e. bar any person from refusing to sell or rent any housing to unmarried individuals cohabiting contrary to law;

f. bar any person from refusing a loan or other financial assistance to any person whose life expectancy, according to generally accepted mortality tables, is less than the term for which the loan is requested; or

g. require any person selling or renting housing to modify the housing in any way, or to exercise a higher degree of care, for a person having a handicap than for a person who does

not have a handicap; or to forbid distinctions based on the inability to fulfill the terms or conditions including financial obligations of any such lease, contract of sale, deed or mortgage.

Section 2. That subsection (b), Section 12-4-15, Chapter 4, Title 12 of The Code of the City of Alexandria, Virginia, 1981, as amended, be and the same hereby is amended and reordained by deleting it in its entirety and inserting the following new language:

(b) **Subpoenas.** In the course of any investigation of a complaint under this chapter or in any hearing held by the commission in accordance with section 12-4-18 or section 12-4-21 of this chapter, the commission, by majority vote of those members present, may apply to the appropriate circuit court for a subpoena or subpoena duces tecum to compel the attendance and testimony of witnesses and the production of evidence; provided, that, at the time it votes to apply to the court, the commission shall have grounds to believe that unlawful discrimination has occurred, shall have made a good faith effort to obtain the data and other information necessary to determine whether such discrimination has occurred, and shall have been unable to obtain such data and information on a voluntary basis. At least five days prior to applying for a subpoena, the commission shall notify the city manager of its intention to apply for the subpoena and its reasons for doing so. The judge of the circuit court, upon good cause shown, may cause the subpoena to be issued. Any person failing to comply with such subpoena shall be subject to punishment for contempt by the court issuing the subpoena.

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 requests. 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 on July 1, 1987.

JAMES P. MORAN, JR.
Mayor

Final Passage: June 24, 1987