

## CHAPTER 32: BOARDS, COMMISSIONS AND AUTHORITIES

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#### 32.10 HOSPITAL AUTHORITY

There is hereby created a hospital authority for the city pursuant to I.C. 5-1-4-4. The name of the hospital authority shall be Hospital Authority of Richmond. (Res. 24-1980)

#### 32.20 STREET TREE COMMISSION

There is established a Commission, to be known as the Street Tree Commission for the City of Richmond, Indiana. (Ord. 15-1986; Ord. 47-1986)

#### 32.30 TELECOMMUNICATIONS COUNCIL

##### (a) Purpose

The Telecommunications Council shall be responsible to the Board of Public Works in reviewing and evaluating the performance of city franchise agreements.

##### (b) Appointments

The council shall consist of five voting members, two of whom shall be appointed by the Mayor and three by the Common Council. In addition, each cable television franchisee may provide a reference person in advisory capacity only as requested by the telecommunications commission.

##### (c) Powers and responsibilities

The powers and responsibilities operating in satisfaction of the terms of the cable television franchise and the applicable state and federal rules and regulations are:

- (1) To evaluate the quality of subscriber service by cable television companies.
- (2) To evaluate whether the company is operating in satisfaction of the terms of the cable television franchise and the applicable state and federal rules and regulations.
- (3) To study the communication needs of the Richmond community franchise and the applicable state and federal rules and regulations; and explore ways of using cable television to meet those needs.
- (4) To assist members of the public and non-profit organizations in the use of cable television, including, to the extent of the council's ability, programming advice, production advice and assistance, and cable-casting arrangements.

(5) To seek out and retain the services of other persons, organizations and companies for purposes of satisfying the responsibilities laid upon the council by this ordinance.

(6) To report at least once a year to the Mayor, the Common Council, and the Board of Public Works, in writing on the Council's activities and expenditures, such report to include the evaluations provided for in (2) and (3), and such report further being made available to the public upon request.

(7) To pursue the preceding responsibilities in the best public interest of the citizen of Richmond.

(d) Procedure

The Board of Public Works shall furnish the Telecommunications Council with rules and regulations for the administration of the telecommunications council.

It is the object of this ordinance that the Telecommunications Council will be supported from the receipt of cable television franchise fees, subject to the approval of the Mayor and Common Council. (Ord. 8-1985)

(e) Terms

The terms of each Commission member shall be for a period of four years; provided, in order to create staggered terms, the initial members shall serve the following terms:

Mayor Appointments: One Two-year term; one Four-year term

Council Appointments: One Two-year term; one Three-year term; one Four-year term.

Successors to all members of the commission shall be appointed for terms of four (4) years except when appointed to fill a vacancy, in which case the appointment shall be for the unexpired term. All terms shall run by calendar year from January 1 (or date of appointment) through December 31. (Ord. 20-1996)

#### 32.40 BOARD OF FINANCE

Pursuant to the provisions of Indiana Code 5-12-1 the City Board of Finance is hereby established and composed of the Mayor and the members of Common Council. The City Controller shall serve as secretary of the City Board of Finance. The Board of Finance shall meet after the first Monday and on or before the third Monday of January annually to meet and organize. After the first Monday and on or before the third Monday in February of each odd numbered year, the Board shall meet for the purpose of designating public depositories for the ensuing two year period. (Ord. 5-1987)

#### 32.50 RICHMOND HUMAN RIGHTS COMMISSION.

I.C. 22-9-1-2 sets forth the policy of the State of Indiana to provide all of its citizens equal opportunity for education, employment, access to public conveniences and accommodations, and acquisition through rental or purchase of real property, and to eliminate segregation or separation based solely on race, religion, color, sex, handicap, national origin or ancestry; and I.C. 22-9-1-12.1(b) authorizes any city to enact an ordinance to effectuate within its territorial jurisdiction to the public policy of the state as declared in I.C. 22-9-1-21.

(a) Purpose

(1) It is the public policy of the City of Richmond to provide all of its citizens equal opportunity for education, employment, access to public conveniences and accommodations and acquisition through purchase or rental of real property including but not limited to housing, and to eliminate segregation or separation based solely on race, religion, color, sex, handicap, national origin or ancestry, since such segregation is an impediment to equal opportunity. Equal education and employment opportunities and equal access to and use of public accommodations and equal opportunity for acquisition of real property are hereby declared to be human rights.

(2) The practice of denying these rights to properly qualified persons by reason of the race, religion, color, sex, handicap, national origin or ancestry of such person is contrary to the principles of freedom and equality of opportunity and is a burden to the objectives of the public policy of this City and shall be considered a discriminatory practice. The promotion of equal opportunity without regard to race, religion, color, sex, handicap, national origin or ancestry through reasonable methods is the purpose of this Ordinance.

(3) It is also the public policy of this City to protect employers, labor organizations, employment agencies, property owners, real estate brokers, builders and lending institutions from unfounded charges of discrimination.

(4) It is hereby declared to be contrary to the public policy of the City of Richmond and an unlawful practice for any person, 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, religion, color, sex, handicap, national origin or ancestry.

(5) This Ordinance shall be construed broadly to effectuate its purpose.

(b) Terms

(1) The term "person" means one (1) or more individuals, partnerships, associations, organizations, corporations, labor organizations, cooperatives, legal representatives, trustees, trustees in bankruptcy, receivers and other organized groups of persons.

(2) The term "commission" means the Human Rights Commission created under Section 32.50(c).

(3) The term "director" means the director of the Richmond Human Rights Commission.

(4) The term "commission attorney" means the City attorney, or such other attorney as may be engaged by the commission.

(5) The term "consent agreement" means a formal agreement entered into in lieu of adjudication.

(6) The term "affirmative action" means those acts which the commission deems necessary to assure compliance with the Richmond Civil Rights Ordinance.

(7) The term "employer" means the civil city of Richmond, and any person employing six (6) or more persons within the City of Richmond; except that the term "employer" does

not include any not-for-profit corporation or association organized exclusively for fraternal or religious purposes; nor any school, educational, or charitable religious institution owned or conducted by, or affiliated with, a church or religious institution; nor any exclusively social club, corporation or association that is not organized for profit.

(8) The term “employee” means any person employed by another for wages or salary, provided, however, that it should not include any individual employed by his parents, spouse or child, in the domestic service of any person.

(9) The term “labor organization” means any organization which exists for the purpose, in whole or in part, of collective bargaining or of dealing with employers concerning grievances, terms or conditions of employment, or for other mutual aid or protection in relation to employment.

(10) The term “employment agency” means any person undertaking with or without compensation to procure, recruit, refer or place employees.

(11) The term “discriminatory practice” means the exclusion of a person, from equal opportunities because of race, religion, color, sex, handicap, national origin or ancestry; or a system which excludes persons from equal opportunities because of race, religion, color, sex, handicap, national origin or ancestry; or the promotion of racial segregation or separation in any manner, including but not limited to, the inducing of, or the attempting to induce, for profit, any person to sell or rent any dwelling by representations regarding the entry or prospective entry in the neighborhood of a person or persons of a particular race, religion, color, sex, handicap, national origin or ancestry. Every discriminatory practice relating to the acquisition or sale of real estate, education, public accommodations, employment, or the extending of credit as “credit” is defined in I. C. 24-4.5-1-301, shall be considered unlawful unless it is specifically exempted by this Ordinance.

(12) The term “public accommodation” means any establishment which caters or offers its services or facilities or goods to the general public.

(13) The term “complainant” means any individual charging on his own behalf to have been personally aggrieved by a discriminatory practice, or the director of the commission charging that a discriminatory practice was committed against a person, other than himself, or a class of people, in order to vindicate the public policy of the State of Indiana as defined in this Ordinance.

(14) The term “complaint” means any written grievance filed by a complainant, or by the Director, with the commission. The original shall be signed and verified before a notary public or other person duly authorized by law to administer oaths and take acknowledgments. Notary service shall be furnished by the commission without charge. To be acceptable by the commission, a complaint shall be sufficiently complete so as to reflect properly the full name and address of the complainant; the name and address of the respondent against whom the complaint is made, the alleged discriminatory practice and a statement of particulars thereof; the date or dates and places of the alleged discriminatory practice, and if the alleged discriminatory practice is of a continuing nature, the dates between which said continuing acts of discrimination are alleged to have occurred; and a statement as to any other action, civil or criminal, instituted in any other form based upon the same grievance as is alleged in the complaint, together with a statement as to the status or disposition of such other action. No complaint shall be valid unless filed within one hundred eighty (180) days from the date of the occurrence of the alleged discriminatory practice, or from the date of the termination of a published and

meaningful grievance procedure provided by a respondent employer, or labor union.  
(Ord. 27-1995)

(15) The term "sex" as it applies to segregation or separation in this Ordinance applies to all types of employment, education, public accommodations and housing: Provided, however, that (1) it shall not be a discriminatory practice to maintain separate rest rooms; and that (2) it shall not be an unlawful employment practice for an employer to hire and employ employees, for an employment agency to classify, or refer for employment any individual, for a labor organization to classify its membership or to classify or refer for employment any individual, or for an employer, labor organization, or joint labor-management committee controlling apprenticeship or other training or retraining programs to admit or employ any other individual in any such program on the basis of sex in those certain instances where sex is a bona fide occupational qualification reasonably necessary to the normal operation of that particular business or enterprise; and that (3) it shall not be a discriminatory

practice for a private or religious educational institution to continue to maintain and enforce a policy of admitting students of one sex only.

(16) "Handicap or handicapped" means the physical or mental condition of a person that constitutes a substantial disability. In reference to employment, under this Ordinance, discrimination because of "handicap" shall be interpreted in accordance with I.C. 22-9-5 et. seq. (Ord. 27-1995)

(c) Membership of Commission

(1) There is hereby created a Human Rights Commission to be known as the Richmond Human Rights Commission of the City of Richmond, Indiana.

(A) The commission shall be composed of seven (7) members.

(B) Members shall serve without compensation.

(C) Members shall represent racial, ethnic, political, religious, economic, educational, and disability awareness groups in the community.

(D) Three members shall be appointed by the Mayor and four shall be appointed by Common Council.

(E) Appointments shall be made not later than sixty (60) days from the date this Ordinance shall be of full force and effect, or from the date any vacancy occurs.

(F) Appointments shall be for terms of four (4) years for two (2) members, three (3) years for two (2) members, two (2) years for two (2) members, and one (1) year for one (1) member.

(G) Successors to all members of the commission shall be appointed for terms of four (4) years excepting when appointed to fill a vacancy in which case such appointment shall be for the unexpired term.

(H) The Mayor, with consent of Council, may remove any member for cause, including unexcused absence at three (3) consecutive commission meetings, or actual or apparent conflict of interest.

(I) All members of the Human Rights Commission shall reside within the City of Richmond during their tenure. (Ord.71 1994).

(2) The Human Rights Commission shall hold an organizational meeting not later than ten (10) ten days after all appointments are made and confirmed by Council and shall at its April meeting thereafter, annually:

(A) The commission shall elect from their body a chairman and vice-chairman.

(B) The commission shall meet once each month as needed thereafter or more often as the chairman may deem necessary.

(C) The commission shall adopt rules of procedure for the conduct of its meetings as determined by a majority of its members.

(D) Hearings by the Commission shall be recorded and witnesses shall give testimony and evidence under oath.

(E) Any person who files a complaint with the Indiana Civil Rights Commission shall have no recourse to the Richmond Civil Rights may not also file a complaint with the Richmond Human Rights Commission concerning any of the matters alleged in such complaint. except as provided in I.C. 22-9-1-12.1(d); however, nothing shall affect such person's right to pursue any and all other rights and remedies available in any other state or federal forum.

(F) A decision of the local agency may be appealed under the terms of I.C. 4-22-1 the same as if it was a decision of a state agency.

(3) Although it is the intent of this Code to promote mediation and conciliation, and while legal counsel for parties is not required, it shall be the duty of the commission and its executive director to inform any complainant or respondent of his, her, or its right to legal counsel of choice. The City Attorney shall act as counsel in an advisory capacity to the commission and shall not give legal advice to, nor represent any private party in proceedings before the commission.

(d) Powers and Duties of the Richmond Human Rights Commission

(1) Investigate, conciliate and hear complaints.

(2) Subpoena and compel the attendance of witnesses or production of pertinent documents and records.

(3) Administer oaths.

(4) Examine witnesses.

(5) Appoint hearing examiners or panels.

(6) Make findings and recommendations.

(7) Issue cease and desist orders or orders requiring remedial action.

- (8) Order payment of actual damages, except that paid as a result of discriminatory practices relating to employment shall be limited to lost wages, salaries, commissions or fringe benefits.
- (9) Institute actions for appropriate legal or equitable relief in a circuit or superior court.
- (10) Utilize an executive director, investigator, and legal counsel as may be provided for in the annual city budget.
- (11) Conduct studies, educational programs and other activities within its territorial boundaries to carry out the public policy of the city, as provided in this Ordinance.
- (12) The Richmond Human Rights Commission shall have no jurisdiction or power over the state or any of its agencies, as defined in I.C. 22-9-1-12.1(a).
- (e) Immediately upon the taking effect of this Ordinance, the Mayor shall select and appoint a director who shall be secretary of the commission and chief administrative officer for the commission. The director may only be removed by a majority vote of the commission. The director shall not engage in or have any interest in any business or activity which may create a conflict of interest. A vacancy shall be filled within sixty (60) days of the date of vacancy.
- (f) So as to insure impartiality, notwithstanding any other provisions of this Ordinance, the Commission shall not adjudicate any complaint or claim in which the City of Richmond, its departments, agencies, officers, or employees are respondents; however, any claims or complaints presented against the City of Richmond, its officers, agencies, departments, or employees shall be promptly referred by the executive director of the commission to an appropriate state or federal agency. The executive director shall monitor the progress of such claims or complaints and shall report the status periodically to the commission.
- (g) This ordinance is passed by authority of and in accordance with I.C. 22-9-1-12.1.
- (h) Neither this ordinance, nor any claims or complaints presented thereunder, shall be construed as a waiver by the City of the notice requirements of the Indiana Tort Claims Act.
- (i) If any part, word or phrase of this Ordinance, or the application thereof to any person shall be adjudged by a court of competent jurisdiction to be invalid, that judgment shall not invalidate the remainder of this Ordinance.
- (j) This Ordinance shall be effective for claims or actions that accrue after September 30, 1987.
- (k) The Human Rights Commission of the City of Richmond, Wayne County, Indiana shall become a permanent Commission of the City of Richmond effective January 1, 1990., having all powers and duties as assigned in Amended Ordinance No. 45-1986. (Ord. 45-1986; Ord. 2-1988; Ord. 71-1989)
- (l) A hearing examiner appointed by the Richmond Human Rights Commission shall have the same powers and duties as a commissioner sitting as a hearing examiner.

(m) Pursuant to I.C. 34-4-16.5-3(5), an attorney at law appointed by the Richmond Human Rights Commission as a hearing examiner under R.C. 32.50(d)(5) shall not be liable for acts within the scope of said appointment. (Ord. 74-1996)

## 32.51 FAIR HOUSING PRACTICES

### 32.5101 POLICY STATEMENT

It shall be the policy of the City of Richmond to provide, within constitutional limitation, for fair housing throughout its corporate limits as provided for under the federal Civil Rights Act of 1968, as amended, the federal Housing and Community Development Act of 1974, as amended, and Indiana Code 22-9.5-1 et. seq.

### 32.5102. DEFINITIONS

The definitions set forth in this Section shall apply throughout Sections 32.5103 through 32.5113:

(a) "Dwelling" means any building, structure, or part of a building or structure that is occupied as, or designed or intended for occupancy as, a residence by one (1) or more families; or any vacant land which is offered for sale or lease for the construction or location of a building, structure, or part of a building or structure that is occupied as, or designed or intended for occupancy as a residence by one (1) or more families (I.C. 22-9.5-2-8).

(b) "Family" includes a single individual (I.C. 22-9.5-2-9), with the status of such family being further defined in subsection (H) of this Section.

(c) "Person" (I.C. 22-9.5-2-11), includes one (1) or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, non-incorporated organizations, trustees, trustees in cases under Title 11 of the United States Code, receivers, and fiduciaries.

(d) "To Rent" (I.C. 22-9.5-2-13), includes to lease, to sublease, to let and otherwise to grant for a consideration the rights to occupy the premises owned by the occupant.

(e) "Discriminatory Housing Practice" means an act that is unlawful under Sections 32.5104 through 32.5108 of this Ordinance or I.C. 22-9.5-5.

(f) 'Handicap' means, with respect to a person:

(1) a physical or mental impairment which substantially limits one or more of such person's major life activities,

(2) a record of having such an impairment,

(3) being regarded as having such an impairment,

(4) an impairment described or defined pursuant to the federal Americans with Disabilities Act of 1990; or

(5) Any other impairment defined under I.C. 22-9.5-2-10.

The term 'Handicap' shall not include current illegal use of or addictions to a controlled substance as defined in Section 802 of Title 21 of the United States Code (I.C. 22-9.5-2-10(b)); nor does the term 'Handicap' include an individual solely because that individual is a transvestite (I.C. 22-9.5-2-10(c)).

(g) An Aggrieved Person includes any person who (I.C. 22-9.5-2-2):

(1) claims to have been injured by a discriminatory housing practice; or

(2) believes that such person will be injured by a discriminatory housing practice that is about to occur.

(h) "Familial Status" means one (1) or more individuals who have not attained the age of eighteen (18) years being domiciled with a parent or another person having legal custody of such individual or the written permission of such parent or other person.

The protections afforded against discrimination on the basis of familial status shall apply to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of eighteen (18) years.

(i) "Commission" (I.C. 22-9.5-2-3) means the Indiana Civil Rights Commission created pursuant to I.C. 22-9-1-4, et seq.

(j) Complainant (I.C. 22-9.5-2-4) means a person, including the Commission, who files a complaint under I.C. 22-9.5-6.

### 32.5103 UNLAWFUL PRACTICE:

Subject to the provisions of subsection (B) of this Section, Section 32.5109 of this Ordinance, and Title 22-9.5-3 of Indiana Code, the prohibitions against discrimination in the sale or rental of housing set forth in section 32.5104 of this Ordinance and Title 22-9.5-5-1 of Indiana Code shall apply to:

(a) All dwellings except as exempted by subsection (B) and Title 22-9.5-3 of Indiana Code.

(b) Other than the provisions of subsection (C) of this Section, nothing in Section 32.5104 shall apply to:

(1) Any single-family house sold or rented by an owner where the private individual owner does not own more than three (3) such single-family houses at any one time; provided that in the sale of such single family house by a private individual owner not residing in the house at the time of sale or the exemption shall apply only to one such sale within any twenty-four (24) month period. The private individual owner may not own any interest in, nor have owned or reserved on his behalf, title to or any right to all or a portion of the proceeds from the sale or rental of more than three (3) such single-family houses at any one time. The sale or rental of any such single family house shall be exempted from application of this section only if such house is sold or rented:

a. without the use in any manner of the sales or rental facilities or services of any real estate broker, agent or salesman, or any person in the business of selling

or renting dwellings, or of any employee or agent of any such broker, agent or salesman, or person; and

b. without the publication, posting or mailing, after notice of advertisement or written notice in violation of Section 32.5104(c) of this Ordinance, but nothing in this provision shall prohibit the use of attorneys, escrow agents, abstracters, title companies and other such professional assistance as necessary to perfect or transfer this title; or

(2) Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four (4) 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 subsection (b), a person shall be deemed to be in the business of selling or renting dwellings if:

(1) They have, within the preceding twelve (12) months, participated as principal in three (3) or more transactions involving the sale or rental of any dwelling or any interest therein, or

(2) They have, within the preceding twelve (12) months, participated as agent, other than in the sale of his own personal residence, in providing sales or rental facilities or services in two (2) or more transactions involving the sale or rental of any dwelling or any interest therein, or

(3) They are the owner of any dwelling unit designed or intended for occupancy by, or occupied by, five (5) or more families.

#### 32.5104 DISCRIMINATION IN THE SALE OR RENTAL OF HOUSING

As made applicable by Section 32.5103 and except as exempted by Section 32.5103 (b) and 32.5109, it shall be unlawful:

(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, sex, handicap, familial status 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 of facilities in connection therewith, because of race, color, religion, sex, handicap, familial status 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, sex, handicap, familial status 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, sex, handicap, familial status 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 perspective entry into the neighborhood of a person or persons of a particular race, color, religion, sex, handicap, familial status or national origin.

(f) To discriminate in the sale or rental, or to otherwise make unavailable or deny, a dwelling to any buyer or renter because of a handicap of:

(1) that buyer or renter;

(2) a person residing in or intending to reside in that dwelling after it is so sold, rented, or made available; or

(3) any person associated with that person.

(g) 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 with such dwelling, because of a handicap of:

(1) that person; or

(2) a person residing in or intending to reside in that dwelling after it is so sold, rented, or made available; or

(3) any person associated with that person.

(h) For purposes of this subsection, discrimination includes:

(1) a refusal to permit, at the expense of the handicapped person, reasonable modifications of existing premises occupied or to be occupied by such person if such modifications may be necessary to afford such person full enjoyment of the premises except that, in the case of a rental, the landlord may where it is reasonable to do so condition permission for a modification on the renter agreeing to restore the interior of the premises to the condition that existed before the modifications, reasonable wear and tear excepted;

(2) a refusal to make reasonable accommodations in rules, policies, practices, or services when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling; or

(3) in connection with the design and construction of covered multi-family dwellings for first occupancy after the date that is 30 months after September 13, 1998, a failure to design and construct those dwellings in such a manner that;

(A) the public use and common use portions of such dwellings are readily accessible to and usable by handicapped persons;

(B) all the doors designed to allow passage into and within all premises within such dwellings are sufficiently wide to allow passage by handicapped persons in wheelchairs; and

(C) all premises within such dwellings contain the following features of adaptive design:

- (i) an accessible route into and through the dwelling;
- (ii) light, switches, electrical outlets, thermostats, and other environmental controls in accessible locations;
- (iii) reinforcements in bathrooms such that an individual in a wheelchair can maneuver about the space.

(4) Compliance with the appropriate requirement Americans with Disabilities Act of 1990 and 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 paragraph (3)(C)(iii).

(5) Nothing in this subsection requires that a dwelling be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals of whose tenancy would result in substantial physical damage to the property of others.

#### 32.5105 DISCRIMINATION IN RESIDENTIAL REAL ESTATE-RELATED TRANSACTIONS

(a) It shall be unlawful for any person or other entity 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 race, color, religion, sex, handicap, familial status, or national origin.

(b) As used in this section, the term residential real estate-related transaction means any of the following:

(1) The making or purchasing of loans or providing other financial assistance:

(A) for purchasing, constructing, improving, repairing, or maintaining a dwelling;  
or

(B) secured by residential real estate.

(2) The selling, brokering, or appraising of residential real property.

(c) Nothing in this Ordinance prohibits a person engaged in the business of furnishing appraisals of real property to take into consideration factors other than race, color, religion, national origin, sex, handicap, or familial status.

#### 32.5106 DISCRIMINATION IN THE PROVISION OF BROKERAGE SERVICE

It shall be unlawful 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, on account of race, color, religion, sex, handicap, familial status or national origin.

#### 32.5107 INTERFERENCE, COERCION, OR INTIMIDATION

It shall be unlawful 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 Sections 32.5103 through 32.5106 of this Ordinance.

#### 32.5108 PREVENTION OF INTIMIDATION IN FAIR HOUSING CASES

Whoever, whether or not acting under code or law, by force or threat of force willfully injures, intimidates or interferes with, or attempt to injure, intimidate or interfere with:

(a) any person because of his race, color, religion, sex, handicap, familial status, 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, sex, handicap, familial status, or national origin, in any of the activities, services, organizations or facilities described in subsection (a); or

(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, sex, handicap, familial status, or national origin, in any of the activities, services, organizations or facilities described in subsection (A), or participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to participate shall be fined according to local, state and federal law; and if bodily injury results shall be fined not more than \$10,000 or imprisoned not more than ten years, or both; and if death results shall be subject to imprisonment for any term of years or for life.

#### 32.5109 EQUAL ACCESS TO HOUSING IN HUD PROGRAMS

Pursuant to Federal Register, Volume 77, Number 23, published on February 3, 2012, the definition of "family" is revised to include families regardless of the actual or perceived sexual orientation, gender identity, or marital status of its members.

#### 32.5110 EXEMPTIONS

(a) Exemptions defined or set forth under Title 22-9.5-3 et seq. of Indiana Code shall be exempt from the provisions of this Ordinance to include those activities or organizations set forth under subsections (b) and (c) of this Section.

(b) Nothing in this Ordinance 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 Ordinance 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 lodging to its members or from giving preference to its members.

(c) Nothing in this Ordinance regarding familial status shall apply with respect to housing for older persons. As used in this Section, 'housing for older persons' means housing:

(1) provided under any state or federal program that the Secretary of the Federal Department of Housing and Urban Development or the state civil rights commission determines is specifically designed and operated to assist elderly person (as defined in the state or federal program) or;

(2) intended for, and solely occupied by, person 62 years of age or older; or

(3) intended and operated for occupancy by at least one person 55 years of age or older per unit.

### 32.5111 ADMINISTRATIVE ENFORCEMENT OF ORDINANCE

(a) The authority and responsibility for properly administering Section 32.5101 through 32.5113 of this Ordinance and referral of complaints hereunder to the Commissioner as set forth in subsection (b) hereof shall be vested in the Human Rights Commission of the City of Richmond, Indiana.

(b) Notwithstanding the provisions of I.C. 22-9.5-4-8, the City of Richmond, Indiana, because of lack of financial and other resources necessary to fully administer enforcement proceedings and possible civil actions under the Ordinance, herein elects to refer all formal complaints of violation of the articles of this Ordinance by complainants to the Indiana Civil Rights Commission for administrative enforcement actions pursuant to Title 22-9.5-6 of Indiana Code and the Mayor of the City of Richmond, Indiana, shall refer all said complaints to the Commission as provided for under subsection (a) of this Section to said Commission for purposes of investigation, resolution and appropriate relief as provided for under Title 22-9.5-6 of Indiana Code.

(c) All executive departments and agencies of the City of Richmond, Indiana shall administer their departments, programs and activities relating to housing and urban development in a manner affirmatively to further the purposes of this Ordinance and shall cooperate with the Mayor and the Commission to further such purposes.

(d) The Mayor of the City of Richmond, Indiana, or the Mayor's designee, shall provide information on remedies available to any aggrieved person or complainant requesting such information.

### 32.5112 ADDITIONAL POWERS AND DUTIES OF THE HUMAN RIGHTS COMMISSION

In addition to those powers and duties as assigned in Richmond Code Section 32.50 the commission shall have the following powers and duties in regard to enforcement of these provisions regarding fair housing:

(a) To accept grants, or other payments to help finance its activities. The commission may receive federal or state funds by worksharing or cooperative agreements or grants with such funds deposited in designated non-reverting funds.

### 32.5113 SEPARABILITY OF PROVISIONS

If any provision of this Ordinance or the application thereof to any person or circumstances shall be determined to be invalid, the remainder of the Ordinance and the application of its provisions to other persons not similarly situated or to other circumstances shall not be affected thereby.

(Ord. 28-1995; Ord. 52-1995; Ord. 72-2013)

### 32.60 RICHMOND REDEVELOPMENT AUTHORITY

I.C. 36-7-14.5 authorizes the Common Council of the City of Richmond, Indiana to create by ordinance a redevelopment authority as a separate corporate and political instrumentality of the City to finance local public improvements for lease to the Richmond Redevelopment Commission.

- (a) There is hereby created the Richmond Redevelopment Authority (the "Authority") as a separate body corporate and politic and as an instrumentality of the City, for the purposes and with all powers and duties now or hereafter granted to it by the Act.
- (b) Composition
  - (1) The Authority shall be under the control of a Board of Directors (the "Board") consisting of three (3) members, who must be residents of the City appointed by the Mayor of the City.
    - (2) A member is entitled to serve a three (3) year term. A member may be reappointed to subsequent terms.
    - (3) If a vacancy occurs on the Board, the Mayor of the City shall fill the vacancy by appointing a new member for the remainder of the vacated term.
    - (4) A Board member may be removed for cause by the Mayor of the City.
    - (5) Each member, before entering upon the duties of office, must take and subscribe an oath of office under I.C. 5-4-1, which shall be endorsed upon the certificate of appointment and filed with the records of the Board.
    - (6) A member may not receive a salary, and no profit or money of the Authority inures to the benefit of a member.
- (c) Severability

If any part of this Ordinance shall be adjudged to be invalid by a Court of proper jurisdiction, it shall be conclusively presumed that the Common Council of the City would have passed the remainder of the Ordinance without such invalid part.

- (d) Effective Date

This Ordinance shall be in full force and effect immediately from and after its passage by the Common Council and approval by the Mayor in the manner provided by law. (Ord. 58-90).

### 32.70 RICHMOND ECONOMIC DEVELOPMENT COMMISSION

(a) There is hereby created the Richmond Economic Department Commission.

(b) The Commission shall consist of five members, all which to be appointed by the Mayor, but who shall be nominated as follows:

(i) two members to be nominated by the Mayor for a term to expire January 31, 2000.

(ii) One member to be nominated by the Mayor for a term to expire on January 31, 1998.

(iii) One member shall be nominated by the Common Council for a term to expire on January 31, 1999.

(iv) One member shall be nominated by the Wayne County Council for a term to expire on January 31, 1998.

Upon completion of the original terms of office, subsequent appointees shall serve terms of four (4) years with each term to expire of January 31 of the appropriate years.

(c) Members of the Commission (the "commissioners") shall serve without compensation, but the Common Council of the City may provide in the Department of Economic Development budget for reimbursement of travel, telephone and other expenses incurred by the Commissioners in the performance of their duties.

(d) The selecting or nominating authorities shall make their selections or nominations in the manner prescribed by the enabling Act and the Mayor, being the executive of the City, shall furnish a certificate of appointment for each person appointed and such appointees shall take and subscribe an oath of office as required by the Act.

(e) The Commission shall meet within thirty (30) days after its creation and shall at that first meeting elect a president, vice president, and secretary who shall serve from the date of their respective elections until January 31 after their respective elections, and until their respective successors are elected and qualified, and who shall immediately undertake the duties imposed upon such Commissioners by the Act. The commission shall hold reorganization meetings during February of each year and the Commission and its members shall have all the powers and duties imposed by the Act and this ordinance and by amendments to either such statute or ordinance. The Commission may adopt such by-laws and rules as are not prohibited by law and as are found desirable to facilitate the conduct of its business and the accomplishment of its purpose.

(f) Any Commissioner having a financial interest in, or having been employed by, any firm or corporation contracting or negotiating with the Commission shall disclose his interest to the Commission and such disclosures shall be made a part of the records of the Commission. Any contract or agreement with any firm or corporation in which a Commissioner has direct financial interest shall be void from its inception unless the nature of that financial interest has been made a part of the record of the Commission. No Commissioner shall vote on any matter in which he has a financial interest. (Ord. 71-1996)

### 32.99 FILING OF AGENDAS, MINUTES, MEMORANDA AND NOTICES

Includes, but not limited to the following:

(a) All boards, commissions, committees, or authorities, created either by City resolution, ordinance, agreement or State law, including, but not limited to the Richmond Sanitary District, Richmond Park Board, Richmond Airport Board, the Board of Zoning Appeals, the Richmond

Planning Commission, the Economic Growth and Development Board, the Economic Development Commission, Police Merit Commission, Police Pension Board, Fire Pension Board, Urban Enterprise Zone, Revolving Loan Fund, Telecommunications Council or which are supported in whole or part by City funds, or for which City officials or employees serve in their official City capacities, shall furnish the City Clerk's office with copies of all meeting notices, agendas, minutes and memoranda. Notices and agendas, if available, shall be furnished to the City Clerk no later than the date on which such meetings are to be held. Meeting minutes and memoranda shall be delivered to the City Clerk no later than five (5) days after the minutes and/or memoranda have been approved by the respective body.

(b) Unless otherwise exempt under law, all of the boards, commissions, authorities, and committees which shall meet the guidelines set forth in paragraph (a) shall make written minutes of all public meetings.

(c) It shall be the duty of the secretary of such board, committee, authority, or other appropriate body to deliver such notices, agendas, minutes and memoranda to the City Clerk.

(d) Failure to comply with this Code provision shall be cause for the Council request for the presence of the presiding officer of such board, commission, authority, or other body at a regularly scheduled meeting of the Council to explain the failure to comply, under the powers and authority granted by I.C. 36-4-6-21.

(e) This ordinance is intended to reflect the policy of making government more accessible to the public. The failure of any board, commission, committee, authority, or other appropriate body to comply with this ordinance shall not invalidate any action taken by such board, committee, commission, authority, or body, unless otherwise provided by law.

(f) The City Clerk shall give notice to each and every board, committee, commission, authority, or other body for which this ordinance would be applicable, by presenting a copy of this ordinance annually at the first meeting of such bodies each year.

(g) Those records or other materials classified as privileged or confidential pursuant to State or Federal Statute shall be exempt from the provisions of this section. (Ord. 9-1985).