

RESOLUTION 2012 - 13

A RESOLUTION AMENDING RESOLUTION 1994-4 FAIR HOUSING

WHEREAS, the Office of Community and Rural Affairs (OCRA) has updated its sample Fair Housing Ordinance to reflect changes.

NOW THEREFORE the following Section and definitions are hereto added:

Section 2 Definitions

The definitions set forth in this Section shall apply throughout this Resolution:

- 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. Also, pursuant to 24 CFR Part 5, 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.
- 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 4,5,6,7 or 8 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, or
 - 3. being regarded as having such an impairment,
 - 4. an impairment described or defined pursuant to the federal Americans with Disabilities Act of 1990.
 - 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)).

RESOLUTION NO. 2012 – 13

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.

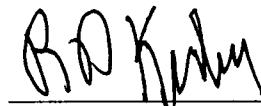
H. Familial Status means one or more individuals who have not attained the age of 18 years being domiciled with a parent or another person having legal custody of such individual or the written permission of such parent or other person.

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 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.

**PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF NASHVILLE,
BROWN COUNTY, INDIANA, THIS 29TH DAY OF NOVEMBER, 2012.**



Robert Kirlin, Council President

☒ yea ☐ nay ☐ abstain

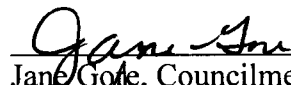


Charles B. King, Council Vice-President

☒ yea ☐ nay ☐ abstain

R. Sean Cassiday, Councilmember

☐ yea ☐ nay ☐ abstain



Jane Gole, Councilmember

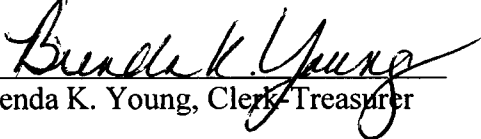
☒ yea ☐ nay ☐ abstain



Arthur Omberg, Councilmember

☒ yea ☐ nay ☐ abstain

ATTEST:



Brenda K. Young, Clerk-Treasurer