

**ORDINANCE NO. 2018-17-CM**  
**AMENDING TIPPECANOE COUNTY CODE CHAPTER 92**

**WHEREAS**, it is the policy of Tippecanoe County to provide for fair housing 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 IC 22-9.5-1.; and

**WHEREAS**, the Office of Community and Rural Affairs has requested an update to Tippecanoe County's Fair Housing Ordinance to more closely reflect state and federal fair housing provisions;

**NOW, THEREFORE, BE IT ORDAINED** by the Board of Commissioners of Tippecanoe County, Indiana, that the Tippecanoe County Code Chapter 92 be amended to replace the existing Chapter 92 with a new Chapter 92 reading as follows:

**CHAPTER 92 FAIR HOUSING**

**Section 92.01. Definitions** - The following definitions apply throughout this Chapter.

- (a) The definitions in IC 22-9.5-2 shall have the meanings set forth therein.
- (b) "Discriminatory Housing Practice" means those practices that are unlawful under IC 22-9.5-5 and section 92.03 herein.
- (c) "Handicap" has the meaning set forth in 910 I.A.C. 2-3-2(14).
- (d) "Discriminatory act committed because of familial status" has the meaning set forth under IC 22-9.5-1-2.
- (e) "Family" has the meaning set forth in IC 22-9.5-2-9, 24 CFR 5.403 and 24 CFR 574.3. The term includes, but is not limited to, the following, regardless of actual or perceived sexual orientation, gender identity, or marital status:
  - (1) A single person, who may be an elderly person, displaced person, disabled person, near-elderly person, or any other single person; or
  - (2) A group of persons residing together, and such group includes, but is not limited to:
    - (i) A family with or without children (a child who is temporarily away from the home because of placement in foster care is considered a member of the family);
    - (ii) An elderly family;
    - (iii) A near-elderly family;
    - (iv) A disabled family;
    - (v) A displaced family; and
    - (vi) The remaining member of a tenant family.

**Section 92.02. Application**

- (a) This Chapter applies throughout Tippecanoe County except that this Chapter does not apply to the City of Lafayette, the City of West Lafayette, or other incorporated parts of the County that have adopted ordinances with respect to fair housing.
- (b) Pursuant to IC 22-9.5-3-2, this Chapter does not prohibit a religious organization, an association, or a society or a nonprofit institution or an organization operated, supervised, or controlled by or in conjunction with a religious organization, an association, or a society from:
  - (1) limiting the sale, rental, or occupancy of dwellings that it owns or operates for other than a commercial purpose to persons of the same religion; or
  - (2) giving preference to persons of the same religion, unless membership in the

religion is restricted because of race, color, or national origin.

(c) Pursuant to IC 22-9.5-3-3, this Chapter does not 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.

**Section 92.03. Discrimination in the Sale or Rental of Housing**

(a) The exemptions described under IC 22-9.5-3-1 and IC 22-9.5-3-4 to the application of IC 22-9.5-5 shall serve as exemptions to the application of this section.

(b) Those acts set forth as prohibited under IC 22-9.5-5 are prohibited under this Chapter including without limitation:

- (1) IC 22-9.5-5-1: Discrimination in connection with sale or rental;
- (2) IC 22-9.5-5-2: Publication of notice indicating intent to discriminate;
- (3) IC 22-9.5-5-3: Discriminatory misrepresentation as to availability;
- (4) IC 22-9.5-5-4: Discriminatory inducement concerning sale or rental;
- (5) IC 22-9.5-5-5: Discrimination based on disability;
- (6) IC 22-9.5-5-6: Discrimination in residential real estate related transaction;
- (7) IC 22-9.5-5-7: Discrimination related to the business of selling or renting dwellings.
- (8) IC 22-9.5-5-8: Intimidation or interference with exercise of another's rights.

**Section 92.04. Enforcement**

(a) The Tippecanoe County Board of Commissioners hereby elects to refer all formal complaints of violation under this Chapter to the Indiana Civil Rights Commission for administrative enforcement actions under IC 22-9.5-6 including, without limitation, investigation, resolution, and award of appropriate relief with respect to such complaints.

(b) Departments and agencies of Tippecanoe County shall administer their departments, programs, and activities with respect to housing and urban development in a manner consistent with this Chapter and shall cooperate with the Board of Commissioners and the Indiana Civil Rights Commission with respect to enforcement of this Chapter.

(c) The Board of Commissioners or its designee shall provide information concerning available remedies under this Chapter to an aggrieved person or complainant requesting such information.

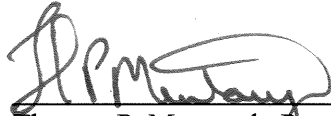
This Ordinance shall be in full force and effect upon its passage and signing and publication as required by law.

Presented to the Board of Commissioners of Tippecanoe County, Indiana, and approved on first reading this 4<sup>th</sup> day of September, 2018, by the following vote:


BOARD OF COMMISSIONERS OF  
TIPPECANOE COUNTY

VOTE

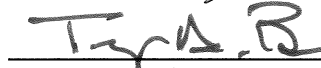
Yes

  
Thomas P. Murtaugh, President

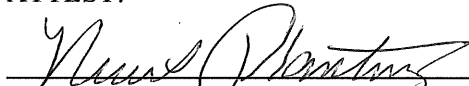
Yes

  
David S. Byers, Vice President

Yes

  
Tracy A. Brown, Member

ATTEST:

  
Robert Plantenga, Auditor of Tippecanoe County

Presented to the Board of Commissioners of Tippecanoe County, Indiana, and approved on second reading this 17 day of SEPTEMBER, 2018, by the following vote:

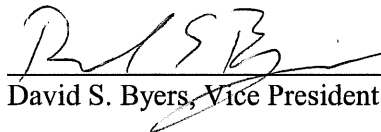
BOARD OF COMMISSIONERS OF  
TIPPECANOE COUNTY

VOTE


—

Absent  
Thomas P. Murtaugh, President

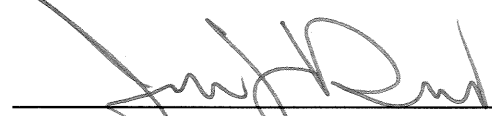
YES

  
David S. Byers, Vice President

YES

  
Tracy A. Brown, Member

ATTEST:

  
Robert Plantenga, Auditor of Tippecanoe County  
JEREMY DIEHL - CHIEF DEPUTY