

ORDINANCE NO. NS-628

27

AN ORDINANCE TO ADD CHAPTER VI TO DIVISION B13 OF THE SANTA CLARA COUNTY ORDINANCE CODE RELATING TO DISCRIMINATION IN HOUSING ON THE BASIS OF AGE

The Board of Supervisors of the County of Santa Clara do ordain as follows:

SECTION 1. Chapter VI is added to Division B13 of Title B of the County of Santa Clara Ordinance Code to read:

CHAPTER VI. AGE DISCRIMINATION IN HOUSING

SECTION 13-85. Definitions

- (a) "Housing accommodation" is a residential housing unit consisting of one or more rooms with facilities for living, sleeping, cooking, eating, and sanitation.
- (b) "Senior adults" are all persons who have attained the age of sixty (60) or more years.
- (c) "Minor child" is a person who has not attained the age of eighteen (18) or more years.

SECTION 13-86. Prohibited Activities

It shall be unlawful for the owner, lessor, lessee, sub-lessee, real estate broker, assignee, or other person having the right of ownership, the right of possession, or the right to rent or lease any housing accommodations, or any agent or employee of such person to:

- (a) Refuse to rent or lease, or otherwise deny to or withhold from any person such housing accommodations on the basis of age, parenthood, pregnancy, or presence of a minor child.
- (b) Represent to any person on the basis of age, parenthood, pregnancy, or presence of a minor child that

housing accommodations are not available for inspection or rental when such dwelling is in fact so available.

- (c) Make, print, or publish, or cause to be made, printed or published any notice, statement or advertisement with respect to the rental of housing accommodations that indicates any preference, limitation, or discrimination based on age, parenthood, pregnancy, or presence of a minor child.
- (d) Discriminate against any person in the terms, conditions or privileges of the rental of housing accommodations or in the provision of services or facilities in connection therewith, because of age, parenthood, pregnancy, or presence of a minor child.
- (e) Refuse to rent after the making of a bona fide offer, or to refuse to negotiate for the rental of, or otherwise make unavailable or deny, housing accommodations to any person because of age, parenthood, pregnancy, or presence of a minor child.
- (f) Include in any lease or rental agreement of housing accommodations a clause providing that as a condition of continued tenancy the tenants shall remain childless or shall not bear children or otherwise maintain a household with a person or persons of a certain age.
- (g) Evict or otherwise demand surrender of housing accommodations from any person because of age, parenthood, pregnancy, or presence of a minor child.

- (h) Charge additional rent for persons living in a housing accommodation on the basis of age, parenthood, pregnancy, or presence of a minor child.

SECTION 13-87. Exemptions

The following classifications of housing are exempt from this ordinance:

- (a) Housing accommodations where the owner has publicly established and implemented a policy of renting exclusively to senior adults. Deviance from or abandonment of such policy shall automatically terminate this exemption and subject the owner to all the provisions of this ordinance.
- (b) Any area or tract of land where two or more mobile-home lots are rented or leased or held out for rent or lease to accommodate mobile homes used for human habitation.

SECTION 13-88. Requirements of Financial Obligation Not Prohibited.

This ordinance shall not prohibit the person having the right to rent or lease the premises from requiring the same financial obligations of prospective tenants with regard to age, parenthood, pregnancy or presence of a minor child as he or she may require of all other prospective tenants. No discrimination in the amount or manner of payment of said financial obligations shall be permitted.

SECTION 13-89. Penalties/Remedies

- (a) Criminal. Any person who violates any provision of Section 13-86 of this Code shall be guilty of an infraction, and upon conviction thereof shall be punished by a fine of not more than Five Hundred Dollars (\$500.00).

Any person believing that a violation of said section has been committed may file a complaint with the District Attorney.

- (b) Civil. Any person who violates any provision of Section 13-86 of this Code shall be liable to the aggrieved person in an amount equal to the sum of any actual damage sustained by such person and for punitive damages in an amount not greater than Five Thousand Dollars (\$5,000.00) as determined by a jury or the court sitting without a jury. Any person who brings an action pursuant to this section may petition the court for award of costs and reasonable attorney's fees which the court shall award if the action is successful.

SECTION 13-90. Defense

An affirmative defense to an alleged violation(s) of this ordinance shall be established if the defendant(s) prove that housing accommodation was denied due solely to the superficial floor space requirements of the current Uniform Building Code.

SECTION 13-91. Severance Clause

If any section, subsection, paragraph, sentence, clause or phrase of this Code, or any part thereof, or the application thereof to any person or circumstances, is held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, or other competent agency, the remainder of the Code and the application of such provision

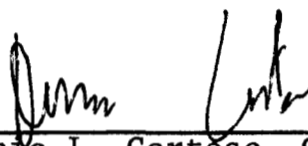
to other persons or circumstances shall not be affected
thereby.

PASSED AND ADOPTED by the Board of Supervisors of the County
of Santa Clara, State of California, on FEB 20 1979,
by the following vote:

AYES: Supervisors ████████ McCORQUODALE, STEINBERG, DIRIDON, WILSON

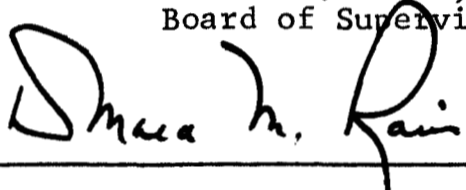
NOES: Supervisors CORTESE

ABSENT: Supervisors NONE



Dominic L. Cortese, Chairperson
Board of Supervisors

ATTEST: DONALD M. RAINS, Clerk
Board of Supervisors



AMR:ft
2/14/79