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City Clerk

Gen. Ord. No. 25 - 20 - 21. By Alderpersons Sorenson, Ackley, Donohue,
Felde, Filicky-Peneski, and Savaglio.
November 16, 2020.

AN ORDINANCE amending portions of Chapter 46, Sheboygan Municipal
Code, relating to the regulation of nondiscrimination and fair housing.

WHEREAS, The City of Sheboygan wants to promote and improve the
quality of life for all citizens; and

WHEREAS, The City of Sheboygan is a welcoming community to all
people; and

WHEREAS, access to housing is a fundamental human right; and

WHEREAS, it is the sense of the Common Council that the City of
Sheboygan's nondiscrimination and fair housing ordinance should be
updated.

NOW, THEREFORE, THE COMMON COUNCIL OF THE CITY OF SHEBOYGAN DO ORDAIN
AS FOLLOWS:

Section 1. Sec. 46-1 of the Municipal Code entitled "Definitions" is
hereby repealed and recreated as follows:

"Sec. 46-1. - Definitions.

The words, terms and phrases used in this chapter shall have the
meanings ascribed to them in this section, except where the context
clearly indicates a different meaning:

Age means an individual's status as having obtained forty or more
years of age.

Board means the city plan commission.

Committee means the city Licensing, Hearing, and Public Safety
Committee.

Complainant means a person who files a complaint alleging
discrimination in housing.

Disability means a physical or mental impairment that substantially
limits one or more major life activities, a record of having such an

impairment or being regarded as having such an impairment. Disability does not include the current illegal use of a controlled substance, as defined in Wis. Stats. § 961.01(4), or a controlled substance analog, as defined in Wis. Stats. § 961.01(4m), unless the individual is participating in a supervised drug rehabilitation program.

Discriminate, discrimination, or discriminatory means any act, policy or practice that, regardless of intent, has the effect of segregating, excluding, treating a person or class of persons unequally in a manner described in section 46-3 or 46-4, or subjecting any person to differential treatment as a result of that person's actual or perceived race, color, religion, national origin, sex, sexual orientation, gender identity, age, disability, marital status, familial status, or veteran status.

Dwelling unit means a structure or that part of a structure that is used or intended to be used as a home, residence or sleeping place by one person or by two or more persons who are maintaining a common household, to the exclusion of all others.

Family includes one natural person.

Family status means any of the following conditions that apply to a person seeking to rent or purchase housing or to a member or prospective member of the person's household regardless of the person's marital status:

- (1) A person is pregnant.
- (2) A person has a past, current, or prospective status as parent or legal guardian to a child or children below the age of eighteen (18) who may or may not reside with that person.
- (3) A person is in the process of securing sole or joint legal custody, periods of physical placement or visitation rights of a minor child.
- (4) A person's household includes one or more minor or adult relatives.
- (5) A person's household includes one or more adults or minor children in his or her legal custody or physical placement or with whom he or she has visitation rights.
- (6) A person's household includes one or more adults or minor children placed in his or her care under a court order, under a

guardianship or with the written permission of a parent or other person having legal custody of the adult or minor child.

Gender identity means the actual or perceived gender-related identity, expression, appearance, or mannerisms, or other gender-related characteristics of an individual, regardless of the individual's designated sex at birth.

Hearing means a hearing under the jurisdiction of the board, except where otherwise indicated.

Housing means any improved property, or any portion thereof, including a mobile home as defined in Wis. Stats. § 101.91(10), manufactured home, as defined in Wis. Stats. § 101.91(2), or condominium, that is used or occupied, or is intended, arranged or designed to be used or occupied, as a home or residence. Housing includes any vacant land that is offered for sale or rent for the construction or location thereon of any building, structure or portion thereof that is used or occupied, or is intended, arranged or designed to be used or occupied, as a home or residence.

Housing for older persons has the meaning as defined by federal or state law.

Marital status means a person's past, current, or prospective status as single, married, domestically partnered, in a civil union, divorced, or widowed.

National origin means a person's or his or her ancestor's place of origin.

Place of public resort, accommodation, assemblage, or amusement means any place, store, or other establishment that supplies accommodations, goods, or services to the general public, or that solicits or accepts the patronage or trade of the general public, or that is supported directly or indirectly by government funds.

Probable cause means reasonable grounds to believe that one or more persons has, may have, or may be violating one or more provisions of this chapter.

Religion means all aspects of world view, ground motive, philosophical presupposition, commitment, faith, belief, religious observance, and religious practice.

Respondent means the person accused in a complaint of discrimination in housing filed with the board.

Sexual orientation has the meaning given in Wis. Stats. § 111.32(13m).

Status as a victim of domestic abuse, sexual assault, or stalking means the status of a person who is seeking to rent or purchase housing or of a member or prospective member of the person's household having been, or being believed by the lessor or seller of housing to be, a victim of domestic abuse, as defined in Wis. Stats. § 813.12(1)(am), sexual assault under Wis. Stats. §§ 940.225, 948.02, or 948.025, or stalking under Wis. Stats. § 940.32.

Veteran status means an individual's status as one who served in the active military, naval, or air service of any current or former sovereign nation."

Section 2. Sec. 46-2 of the Municipal Code entitled "Declaration of policy" is hereby repealed and recreated as follows:

"Sec. 46-2. - Declaration of Policy.

It is declared to be the policy of the city, pursuant to the United States Constitution and state constitution, Wis. Stats. §§ 66.1011 and 106.50, and also its power to protect the public health, safety and general welfare that all persons are entitled to fair and equal access to housing and to be free of all forms of discrimination, regardless of their actual or perceived sex, gender identity, race, color, religion, age, ancestry, marital status, family status, veteran status, status as a victim of domestic abuse, sexual assault, or stalking, lawful source of income, national origin, disability, or sexual orientation. To that end the city enacts this chapter, which prohibits any person, not exempted in this chapter, from discriminating against any other person by impairing to any degree access to any housing or housing accommodations on the basis of their actual or perceived sex, gender identity, race, color, religion, age, ancestry, marital status, family status, veteran status, status as a victim of domestic abuse, sexual assault, or stalking, lawful source of income, national origin, disability, or sexual orientation and creates a board with the power and duty to enforce equal opportunity in housing for all citizens of the city."

Section 3. Sec. 46-5 of the Municipal Code entitled "Exemptions and exclusions" is hereby repealed and recreated in subsection (h) thereof as follows:

"Sec. 46-5. - Exemptions and exclusions.

. . . .

(h) Nothing in this chapter prohibits an owner or agent from requiring that a person who seeks to buy or rent housing supply information concerning family status, and marital, financial, and business status but not concerning race, color, disability, sexual orientation, gender identity, ancestry, national origin, religion, creed, status as a victim of domestic abuse, sexual assault, or stalking.

. . . ."

Section 4. All ordinances or parts thereof in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict, and this ordinance shall be in effect from and after its passage and publication.

I HEREBY CERTIFY that the foregoing Ordinance was duly passed by the Common Council of the City of Sheboygan, Wisconsin, on the 7th day of December, 2020.

Dated December 8, 2020. Melissa Cleverger, Deputy City Clerk

Approved December 8, 2020. Michael J. Lendelius, Mayor

Published December 12, 2020.

Certified December 9, 2020 to - Atty.; Planning