

STATE OF NEW MEXICO  
County of Grant  
I hereby certify that this instrument  
was filed for record on the 2/12/87  
day of Feb. A.D. 1987  
at 2:15 o'clock P M. and duly  
recorded in book 209 of the records  
of the Grant County Clerk  
on page 564-68.

Please my hand and seal of office  
Grant County Clerk  
County of Grant, N.M.

COUNTY ORDINANCES BX. #204

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FAIR HOUSING ORDINANCE NO. 82-17-20-A

Section 1. POLICY

It is the policy of the County of Grant to provide, within constitutional limitation, for fair housing throughout the County of Grant.

Section 2. DEFINITIONS

a. "Dwelling" means any building, structure, or portion thereof which is occupied as, or designed or intended for occupancy as, a residence.

b. "Family" includes a single individual.

c. "Discriminatory Housing Practice" means an act that is unlawful under sections 4, 5, or 6.

Section 3. UNLAWFUL PRACTICE

Subject to the provisions of subsection (b) and section 7, the prohibitions against discrimination in the sale or rental of housing set forth in section 3 shall apply to:

(a) All dwellings except as exempted by subsection (b).

(b) Nothing in section 4 shall apply to:

(1) Any single-family house sold or rented by an owner: Provided, that such private individual owner does not own more than three such single-family houses at any one time: Provided further, that in the case of the sale of any such single-family house by a private individual owner not residing in such house at the time of such sale or who was not the most recent resident of such house prior to such sale, the exemption granted by this subsection shall apply only with respect to one such sale within any twenty-four month period: Provided further, that such bona fide private individual owner does not own any interest in, nor is there owned or reserved for his behalf, under any express or voluntary agreement, title to or any right to all or a portion of the proceeds from the sale or rental of, more than three such single-family houses at any one time: Provided further, that the sale or rental of any such single-family house shall be excepted from the application of this title only if such house is sold or rented (A) without the use in any manner of the sales or rental facilities or the sales or rental services

of any real estate broker, agent, or salesman, or of such facilities or services of any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, agent, salesman, or person and (E) without the publication, posting or mailing, after notice or by advertisement or written notice in violation of section 4(a) of this ordinance, but nothing in this provision shall prohibit the use of attorneys, escrow agents, abstractors, title companies, and other such professional assistance as necessary to perfect or transfer the title, or

(2) rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four 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) he has, within the preceding twelve months, participated as principal in three or more transactions involving the sale or rental of any dwelling or any interest therein, or

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

(3) he is the owner of any dwelling designed or intended for occupancy by, or occupied by, five or more families.

#### Section 4. DISCRIMINATION IN THE SALE OR RENTAL OF HOUSING

As made applicable by section 3 and except as exempted by sections 3(b) and 7, 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, 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 or facilities in connection therewith, because of race, color, religion, 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, or national origin, or any intention to make any such preference, limitation, or discrimination.

(d) To represent to any person because of race, color, religion, 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 prospective entry to the neighborhood or a person or persons, of a particular race, color, religion, or national origin.

#### Section 5. DISCRIMINATION IN THE FINANCING OF HOUSING

It shall be unlawful for any bank, building, and loan association, insurance company or other corporation, association, firm or enterprise whose business consists in whole or in part in the making of commercial real estate loans, to deny a loan or other financial assistance to a person applying therefor for the purpose of purchasing, constructing, improving, repairing, or maintaining a dwelling, or to discriminate against him in the fixing of the amount, interest rate, duration, or other terms or conditions of such loan or other financial assistance, because of the race, color, religion, or national origin of such person or of any person associated with him in connection of such loan or other financial assistance, or of the present or prospective owners, lessees, tenants, or occupants of the dwelling or dwellings in relation to which such loan or other financial assistance is to be made or given: Provided, that nothing contained in this section shall impair the scope or effectiveness of the exception contained in section 3(b).

#### Section 6. DISCRIMINATION IN THE PROVISION OF BROKERAGE SERVICES

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, or national origin.

#### Section 7. EXEMPTION

Nothing in this ordinance shall prohibit a religious organization, association, or society, or any nonprofit

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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 commercial purposes 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 is in incident to its primary purpose or purposes provided lodging which it owns or operates for other than commercial purpose, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members.

#### Section 8. 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 3, 4, 5, or 6. This section may be enforced by appropriate civil action.

#### Section 9. SEPARABILITY OF PROVISIONS

If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, the remainder of the ordinance and the application of the provision to other persons not similarly situated or to other circumstances shall not be affected thereby.

#### Section 10. PREVENTION OF INTIMIDATION IN FAIR HOUSING CASES

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

(a) Any person because of his race, color, religion 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) participation without discrimination on account of race, color, religion or national origin, in any of the activities, services, organization or facilities described in subsection 10(a), or

(2) affording another person or class of persons opportunity of protection 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 or national origin, in any of the activities, services, organizations or facilities described in subsection (5)(a), or participating lawfully in speech or peaceful assembly, opposing any denial of the opportunity to so participate.

Section 11. PENALTY

Whoever violates any provision of this ordinance shall be guilty of a misdemeanor and will be imprisoned in the Grant County Jail for not more than ninety (90) days or fined not more than \$300.00 or both.

Adopted this 20<sup>th</sup> day of December, 1988.

ALICE  
Carol Baca, City Clerk

COUNTY OF GRANT,  
Armando D. Galindo,  
Commission-Chairman