

February 28, 1963.

Passed on File. *Jud. & Human Relations 3/11*

House File 512

By ELY.

Passed House, Date.....

Passed Senate, Date.....

Vote: Ayes..... Nays.....

Vote: Ayes..... Nays.....

Approved.....

A BILL FOR

An Act relating to fair housing practices.

Be It Enacted by the General Assembly of the State of Iowa:

1 Section 1. When used in this Act:

2 1. "Court" means the district court of Iowa as located in
3 the various judicial districts.

4 2. "Person" means one or more individuals, partnerships,
5 associations, corporations, legal representatives, trustees,
6 or receivers; any owner, lessee, proprietor, manager, agent,
7 or employee; the state of Iowa and all cities, towns, and
8 political subdivisions thereof.

9 3. "Housing" means any building, structure, or part thereof
10 which is used or occupied, or is intended, arranged, or designed
11 to be used or occupied as the home or residence of one or more
12 human beings, or any vacant land for sale or lease.

13 4. "Discriminate" means both "segregate" and "separate".

14 5. "Agent or broker" means any person acting for an owner
15 of rights to housing, with or without compensation, including
16 but not limited to persons licensed as real estate brokers or
17 salesmen, attorneys, auctioneers, agents or representatives by
18 power of attorney or appointment, or any person acting under
19 court order, deed of trust, or will.

20 6. "Commission" means the civil rights commission of the
21 state of Iowa.

22 7. "Committed to the public market" means any rights to
23 housing owned or controlled by persons whose business is dealing
24 in real estate, or any act whereby a person possessing rights
25 to housing uses the services of an agent or broker to dispose
26 of his rights to housing by sale, transfer, rental or lease, or
27 lists his rights to housing with an agent or broker as available
28 for sale, transfer, rent or lease, or to be advertised by an
29 agent or broker as being for sale, transfer, rent or lease.

30 8. "Dealing in real estate" means an act or acts which con-
31 stitute a primary or incidental business enterprise, but does
32 not include persons who sell their personal homestead as part of
33 a series of acts involving a change of their personal homestead.

34 9. "Commissioner" means a member of the civil rights com-
35 mission of the state of Iowa.

1 Sec. 2. With respect to housing committed to the public mar-
2 ket it shall be an unfair housing practice and unlawful:

3 1. For any person to refuse to sell, transfer, rent, or
4 lease, or withhold from any person such housing because of race,
5 religion, color, sex, national origin, or ancestry.

6 2. To discriminate against any person because of race, creed,
7 color, sex, national origin, or ancestry in the terms, con-
8 ditions, or privileges pertaining to any housing, or the sale,
9 transfer, rental, or lease thereof, or in the furnishing or
10 facilities or services in connection therewith.

11 3. For any person to whom application is made for financial
12 assistance relative to acquiring, constructing, rehabilitating,
13 repairing, or maintaining any housing to discriminate against
14 an applicant because of the race, creed, color, national origin,
15 or ancestry of any applicant in the terms, conditions, or

16 privileges relating to the obtaining or use of any such financial
17 assistance.

18 4. To make or honor any restrictive covenant relative to
19 housing regarding race, creed, color, national origin, or
20 ancestry.

21 5. To aid, abet, compel, or coerce the doing of any act
22 defined as an unfair housing practice, or to obstruct or pre-
23 vent any person from complying with this act.

24 6. For any agent or broker to refuse to submit to his prin-
25 cipal any bona fide offer to buy, transfer, rent, or lease
26 housing because of the race, creed, color, national origin, or
27 ancestry of the offeror.

28 7. To interfere with the peaceable possession of any person
29 in lawful possession of housing because of the race, creed,
30 color, sex, national origin, or ancestry of any person possessed
31 of housing rights.

1 Sec. 3. To administer this Act there is hereby established
2 the civil rights commission of the state of Iowa to be composed
3 of three (3) electors of this state, not more than two (2) of
4 whom shall belong to the same political party, each to be paid
5 nine thousand (9,000) dollars per year.

1 Sec. 4. The members of the first commission shall be ap-
2 pointed by the governor subject to approval by a majority vote
3 of the senate in executive session as follows: One (1) member
4 shall be appointed for a term to expire July 1, 1965; one (1)
5 member shall be appointed for a term to expire July 1, 1967;
6 and one (1) member shall be appointed for a term to expire
7 July 1, 1969. Thereafter the term of each member shall be six
8 (6) years. The governor shall, within sixty (60) days following

9 the organization of the regular session of the general assembly
10 appoint with the approval by a majority vote of the senate in
11 executive session, a successor to the member whose term of
12 office expires the July 1 next following. Any vacancy in the
13 commission occurring when the general assembly is not in session
14 shall be filled by appointment of the governor, which appointment
15 shall expire sixty (60) days following the organization of the
16 next general assembly at which time the governor shall transmit
17 to the senate for its approval an appointment for any unexpired
18 portion of a regular term.

1 Sec. 5. The commission shall have the following powers and
2 duties:

3 1. To adopt, amend, and rescind rules for governing its
4 meetings which are to be held at stated intervals as determined
5 by the commission; two (2) commissioners will constitute a
6 quorum to transact business at its meetings.

7 2. To employ personnel and agents and determine their compen-
8 sation and duties.

9 3. To adopt, amend, rescind, and publish regulations consis-
10 tent with and for the enforcement of this Act.

11 4. To hold hearings upon complaints alleging unfair housing
12 practices against any person; to administer oaths and take the
13 testimony of any person under oath; to compel attendance of wit-
14 nesses at hearings and require any person to produce for examin-
15 ation any books or papers relating to any matter involved in such
16 complaint. A hearing may be held by the commission, one (1) or
17 more commissioners, or one (1) or more persons designated as
18 hearing examiners by the commission. If any person ignores
19 subpoenas or subpoenas duces tecum issued by the commission, the

20 commission shall petition the district court which shall assist
21 the commission by issuing its own process to compel compliance
22 with commission subpoenas. A permanent record of all matters
23 involved in a hearing shall be kept.

24 5. To investigate and study the existence, character, causes,
25 and extent of unfair housing practices in the state of Iowa.

26 6. To prepare and transmit to the governor an annual report
27 describing its proceedings, investigations, hearings, decisions,
28 and results of its studies and recommend to the governor
29 legislation or actions it believes will reduce tensions among the
30 various racial, religious, and ethnic groups of the state.

1 Sec. 6. After holding hearings on a complaint the commission
2 shall inform all parties to the complaint of its findings of
3 fact and law within ten (10) days.

1 Sec. 7. If the commission finds that an unfair housing prac-
2 tice occurred the commission shall impose a civil penalty in favor
3 of any person injured by the unfair housing practice and against
4 the person guilty of an unfair housing practice in an amount
5 treble the actual damage sustained because of the unfair housing
6 practice, but not to exceed five thousand (5,000) dollars. The
7 cost of having legal services rendered relative to such com-
8 plaint shall be considered as an actual damage to the
9 complainant.

1 Sec. 8. Any person the commission finds guilty of an unfair
2 housing practice may avoid the civil penalty by showing the com-
3 mission that the unfair housing practice complained of has been
4 discontinued to the relief of the complainant or that such
5 relief is impossible because of the actions of the complainant.

1 Sec. 9. Any decision of the commission may be appealed to

2 the district court having jurisdiction, and the cause shall be
3 tried de novo except that the record adduced at the hearing
4 before the commission shall constitute all the evidence to be
5 considered on the appeal and no point shall be raised for the
6 first time on appeal. Findings of fact by the commission if
7 supported by the evidence shall be considered as a special
8 verdict.

1 Sec. 10. The decision of the district court on the appeal
2 may be appealed to the supreme court as other civil cases.

EXPLANATION OF HOUSE FILE 512

This bill defines unlawful discriminatory practices in housing, creates the machinery to eliminate discriminatory practices, and an enforcement penalty in favor of a person injured by unfair housing practices.