



HOUSING AND COMMUNITY DEVELOPMENT COMMITTEE

September 23, 2021

AGENDA

- 1) 11:00 A.M. PUBLIC MEETING CALL TO ORDER
- 2) ATTENDANCE
- 3) ADOPTION OF MINUTES: August 9, 2021
- 4) NEW BUSINESS
 - 1) Introduction of new staff and staff assignments
 - 2) Approval of CDBG and CDBG-CV Amendments
 - 3) Name change discussion from Housing and Community Development to Neighborhood and Community Services
 - 4) Lead-based paint Grant
 - 5) Clarksville Fair Housing Opportunities Discussion – Councilperson Ashlee Evans (see “Attachment A”)
- 5) PUBLIC COMMENTS (*five minutes each*)
- 6) ADJOURNMENT

TITLE 5.5 - FAIR HOUSING

Attachment A

*Footnotes:**--- (C01_1) ---**Editor's note— Ord. No. 11-1986-87, enacted Sept. 4, 1986, did not specifically amend the Code, hence inclusion herein as Title 5.5 was at the discretion of the editor.*

Chapter 1 - IN GENERAL

Sec. 5.5-101. - Short title.

This title shall be known as the "Clarksville Fair Housing Opportunities Ordinance."

(Ord. No. 11-1986-87, § 1, 9-4-86)

Sec. 5.5-102. - Definitions.

Whenever used in this title, the following words and terms shall have the following meaning unless the current text necessarily requires otherwise:

Agency means any agency or individual designated by the mayor with authority to receive, initiate, conciliate, and investigate housing discrimination complaints, and exercise such other powers as are necessary to perform their duties pursuant to this title.

Board means the fair housing board as established by the City of Clarksville.

Complainant means a party who claims to be aggrieved by any unlawful housing discrimination practice as defined in this title.

Credit transaction means any open or closed credit transaction, whether in the nature of a loan, retail installment transaction, credit card issue or charge, or otherwise, and whether for personal or for business purposes in which a service, finance or interest charge is imposed, or which provides for repayment in scheduled payments when such credit is extended in the regular course of any trade or commerce, including but not limited to transactions by banks, savings and loan associations, or other financial lending institutions of whatever nature, stockbrokers, or by merchants or mercantile establishments which, as part of its ordinary business, permit or provides the payment for purchases of property.

Discriminatory housing practice means an unlawful act as defined in this title.

Discrimination means any direct or indirect act or practice of exclusion, distinction, restriction, segregation, limitation, refusal, or denial or any other act or practice of differentiation of preference in the treatment of a person or persons because of race, color, religion, national origin, or sex, or the aiding, abetting, inciting, coercing or compelling thereof.

Dwelling means any building, structure or portion thereof which is occupied or designed or intended for occupancy as a residency by one or more families, and any vacant land which is offered for sale or lease for the construction or location of any such building.

Family includes a single individual.

Financial institution means a bank, banking organization, mortgage company, insurance company or other lender to whom application is made for financial assistance for the purchase, lease, acquisition, construction, rehabilitation, repair, maintenance, or improvement of real property, or an individual employed by or acting on behalf of any of these.

Housing accommodation includes any improved or unimproved real property, or part thereof, which is used or occupied or is intended, arranged, or designed to be used or occupied as a home or residence of one or more individuals.

Person includes one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers and fiduciaries.

Real estate broker or affiliate broker means an individual licensed to, on behalf of others, for a fee, commission, salary or other valuable consideration, or who with the intention or expectation of receiving or collecting the same, lists, sells, purchases, exchanges, rents, or leases real estate, or the improvements thereon, including options, or who negotiates or attempts to negotiate on behalf of others such an activity; or who advertises or holds themselves out as engaged in such activity; or who negotiates or attempts to negotiate on behalf of others a loan secured by mortgage or other encumbrances upon a transfer of real estate, or who is engaged in the business of charging an advanced fee or contracting for collection of a fee in connection with a contract whereby he undertakes to promote the sale, purchase, exchange, rental or lease of real estate through its listing in a publication issued primarily for such purpose.

Real estate transactions include any sale, exchange, rental, or lease of property, or of any interest therein.

Real property includes buildings, structures, real estate, lands, tenements, leaseholds, cooperatives, condominiums, and hereditaments, corporeal and incorporeal, or any interest in the above.

Respondent means a party who is alleged to have committed a housing discrimination violation as defined in this title, and may include the owner and manager of a housing accommodation.

To rent includes to lease, to sublease, to let and to otherwise grant for a consideration the right to occupy premises not owned by the occupant.

(Ord. No. 11-1986-87, § 2, 9-4-86)

Sec. 5.5-103. - Scope and application.

The following shall be exempt from the fair housing provisions of this title.

(1) Nothing in this section shall apply:

- (a) To the rental of housing accommodations in a building which contains housing accommodations for not more than four (4) families living independently of each other, if the owner or member of this family resides in one of the housing accommodations.
- (b) To the rental of one room or one rooming unit in a housing accommodation by an individual if he or a member of his family resides therein.

- (2) A religious organization, association, or society, or any nonprofit 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 dwelling which it owns or operates for other than a commercial purpose to persons of the same religion or from giving preference to such persons, unless membership in such a religion is restricted on account of race, color, sex, or national origin.
- (3) Single sex dormitory or congregate rental property shall be excluded from the provisions of this title which relate to discrimination based on sex.

(Ord. No. 11-1986-87, § 3, 9-4-86)

Sec. 5.5-104. - Unlawful housing practices.

The following shall be unlawful housing discrimination practices:

- (1) To refuse to sell, exchange, rent, or lease or otherwise deny to or withhold real property from an individual because of his or her race, color, religion, national origin, or sex;
- (2) To discriminate against an individual because of his or her race, color, religion, national origin, or sex in terms, conditions or privileges in the sale, exchange, rental, or lease of real property or in the furnishing of facilities or services in connection therewith;
- (3) To refuse to receive or transmit a bona fide offer to purchase, rent, or lease real property from an individual because of his or her race, color, religion, national origin, or sex;
- (4) To refuse to negotiate for the sale, rental or lease of real property to an individual because of his or her race, color, religion, national origin, or sex;
- (5) To represent to an individual that real property is not available for inspection, sale, rental, or lease when in fact it is so available, or shall refuse to permit an individual to inspect real property because of his or her race, color, religion, national origin or sex;
- (6) To print, circulate, post, or mail, or cause to be printed, circulated, posted or mailed, an advertisement or sign, or to use a form of application for the purchase, rental or lease of real property, or to make a record of inquiry in connection with a prospective purchase, rental or lease of real property, which indicates, directly or indirectly, a limitation, specification or discrimination as to race, color, religion, national origin or sex, or intent to make such a limitation, specification or discrimination;
- (7) To induce or attempt to induce any person to sell or rent any dwelling by representatives regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, sex or national origin;
- (8) 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, national origin, or sex;
- (9) To otherwise deny or withhold real property from an individual because of race, color, religion, national origin, or sex;
- (10) It is a discriminatory practice for a real estate operator, a real estate broker, a real estate salesman, a financial institution, an employee of any of these, or any other person, for the purposes of inducing a

real estate transaction from which he may benefit financially:

- (a) To represent such change has occurred or may occur in the composition with respect to race, color, creed, religion, sex or national origin of the owners or occupants in the block, neighborhood or area in which the real property is located; or
 - (b) To represent that this change will or may result in the lowering of property values, an increase in criminal or antisocial behavior, or a decline in the quality of schools in the block, neighborhood or area in which the real property is located.
- (11) 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 this title;
- (12) It shall be unlawful for anyone, whether or not acting under color of law, to by force or threat of force willfully injure, intimidate or interfere with, or attempt to injure, intimidate or interfere with:
- (a) Any person because of his race, color, religion, sex, 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 related 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. Participating, without discrimination on account of race, color, religion, sex, or national origin, in any act of the activities, services, organizations or facilities described in subsection (a) of this paragraph; or
 - 2. Affording another person or class of persons opportunity or protection so as to participate; or
 - 3. 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, sex, or national origin, in any of the activities, services, organizations, or facilities described in subsection (a) of this paragraph, or participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to so participate
- (13) It shall be unlawful for any bank, savings 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 race, color, religion, national origin or sex of such person or of any person associated with him in connection with such loan or other financial assistance or the purposes 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 is to be made or given; provided, that nothing contained in this section shall impair the scope or effectiveness of the exceptions contained in section 5.5-103.

(Ord. No. 11-1986-87, § 4, 9-4-86)

Sec. 5.5-105. - Handicap and familial status protected.

All references contained herein to race, color, religion, sex or national origin are revised to include the terms "handicap" and "familial status."

(Ord. No. 71-1991-92, 6-25-92)

Chapter 2 - ADMINISTRATION AND ENFORCEMENT

Sec. 5.5-201. - Establishment of fair housing board and investigative enforcement agency.

- (a) The fair housing board shall consist of five (5) members, who are nominated on a bipartisan basis by the mayor and confirmed by the city council of Clarksville. The term of each member of the fair housing board shall be for five (5) years, except that on the initial board, one member shall serve a term of one year, one member a term of two (2) years, one member a term of three (3) years, one member a term of four (4) years, and one member a term of five (5) years so that the term of one member shall expire each year. A member may serve consecutive terms upon renomination by the mayor and confirmation by the council. The board shall elect a president and vice president from within its membership.
- (b) The chief executive officer for the city of Clarksville shall designate an investigative enforcement agency as defined in section 5.5-102 to carry out the duties as stated in sections 5.5-203 through 5.5-207.

(Ord. No. 11-1986-87, § 5, 9-4-86)

Sec. 5.5-202. - Powers of the fair housing board.

The fair housing board shall have the following powers:

- (1) To receive housing discrimination complaints, hold hearings to determine whether a housing discrimination violation has occurred, to conciliate or mediate housing discrimination violations, and to make any other determinations required by this title.
- (2) To compel attendance of witnesses at hearings, to compel the production of evidence and to administer oaths. In case of disobedience to any subpoena issued and served under this section in a proceeding before the board, the board, through the city attorney, may appeal to the circuit or chancery court for an order to compel compliance with the subpoena or the furnishing of information or giving of testimony.
- (3) To adopt rules and regulations to effectuate the purpose and policies of this title, including regulations requiring the posting or inclusion in advertising materials of notices prepared or approved by the board.
- (4) To render an annual, comprehensive, written report to the mayor and city council on fair housing in the City of Clarksville, which report may contain recommendations or legislative and other actions to encourage fair housing.

- (5) The fair housing board shall act as the locally approved arbitration board for unresolved disputes between contractors and homeowners concerning the community development block grant housing rehabilitation. The fair housing board is authorized to promulgate regulations governing the conduct of such arbitration.

(Ord. No. 11-1986-87, § 6, 9-4-86; Ord. No. 27-1994-95, 11-3-94)

Sec. 5.5-203. - Complaints generally.

- (a) Any person may file a discriminatory housing complaint with the agency or the agency may initiate a complaint if it believes that a discriminatory housing practice has occurred.
- (b) The agency shall handle a complaint referred by the secretary of housing and urban development or the attorney general of the United States under the Fair Housing Act of 1968 as a complaint filed under paragraph (a).
- (c) A complaint shall be in writing, verified and contain the following information:
 - (1) Identity of the respondent.
 - (2) Date of offense and filing of complaint.
 - (3) General statement of facts of housing discrimination violation, including the basis of the discrimination (race, color, sex, religion, or national origin).
 - (4) Name and signature of respondent.
 - (5) Location of housing accommodation.
- (d) Except for a complaint referred under paragraph (b), a fair housing complaint shall be filed within ninety (90) days after the commission of the violation.

(Ord. No. 11-1986-87, § 7, 9-4-86)

Sec. 5.5-204. - Investigation of complaints.

- (a) The agency shall investigate all complaints of housing discrimination filed with said agency as promptly as practical to determine whether there is sufficient evidence that an offense has been committed. In addition, the agency may conduct such other investigations or use such other enforcement procedures as are necessary to enforce this title.
- (b) Within twenty (20) days after the complaint has been filed, the agency shall notify the respondent named in the complaint that a complaint alleging the commission of a discriminatory housing violation has been filed against the respondent and enclose a copy of said complaint.
- (c) If the agency determines that the respondent has not engaged in an unlawful practice, the agency shall state its findings of fact and conclusions of law and shall issue an order dismissing the complaint. A copy of the order shall be delivered to the complainant, the respondent, and the city attorney.
- (d) If the agency determines that the respondent has engaged in an unlawful practice, it shall state its findings of fact and conclusions of law and may enter into a conciliation agreement with the parties or may initiate a formal hearing with the fair housing board.

(Ord. No. 11-1986-87, § 8, 9-4-86)

Sec. 5.5-205. - Conciliation agreement generally.

- (a) The agency and/or the board, the complainant and the respondent, or a person who owns, controls or manages the housing accommodation involved in a violation may voluntarily enter into a conciliation agreement with respect to a housing discrimination violation.
- (b) If the conciliation agreement is executed, the respondent may not be prosecuted in court for an offense that is specified in the agreement unless the agency determines that the agreement has been violated and notifies the city attorney in writing of the violation.
- (c) A conciliation agreement shall be written in a form approved by the city attorney and shall be signed and verified by each party to the agreement. A conciliation agreement that is not executed within thirty (30) days after notification to the respondent of a housing discrimination complaint must include the city attorney as a party.
- (d) A conciliation agreement may contain a provision requiring the respondent:
 - (1) To file a monthly report with the agency for the period of not less than three (3) months, nor more than twenty-four (24) months which lists the race, color, sex, religion, national origin, name, address, and telephone number of the person, date of contact and the result of each contact with all persons who contacted the respondent concerning the sale, rental or financing in connection with the housing accommodation or the business relating to selling or renting housing accommodations; and/or
 - (2) To sell, exchange, lease, rent, assign or sublease real property or accommodations to the individual; and/or
 - (3) To extend to all individuals the full and equal enjoyment of the advantages, facilities, privileges and services of respondent's accommodations; and/or
 - (4) To pay actual damages to the complainant.
- (e) A conciliation agreement executed under this section shall contain:
 - (1) A general statement of the housing discrimination violation, including location of housing accommodation, date of violation and respondent, and
 - (2) A statement that each party entering into this conciliation agreement shall not violate this article or conciliation agreement.

(Ord. No. 11-1986-87, § 9, 9-4-86)

Sec. 5.5-206. - Violation of conciliation agreement.

- (a) It is a violation of this title for a party to a conciliation agreement made pursuant to section 5.5-205 to violate the terms of said agreement.
- (b) If the agency determines that a term of the conciliation agreement has been violated, the agency shall give written notice to all parties subject to said agreement, and hearing shall be set before the board. The board may request the city attorney to take appropriate action to enforce said agreement.

(Ord. No. 11-1986-87, § 10, 9-4-86)

Sec. 5.5-207. - Hearings on complaints.

- (a) Within ninety (90) days after a complaint has been filed, unless the complaint has been dismissed for lack of sufficient evidence or a conciliation agreement has been entered into, the board shall hold a hearing on said housing discrimination complaint.
- (b) The respondent shall be notified by registered or certified mail of the hearing fifteen (15) days prior to the hearing date. Said notice shall include:
 - (1) A statement of the time, place, nature of the hearing and right to be represented by counsel.
 - (2) A statement of the legal authority and jurisdiction under which the hearing is to be held, including a reference to particular sections of the statutes and rules involved.
 - (3) A short and plain statement of the matters asserted.
- (c) The respondent shall file a written answer to the allegations in the notice with the board not less than three (3) days prior to the hearing.
- (d) Opportunities shall be afforded all parties to respond in person with counsel, including appropriate responsive pleadings, and present evidence and argument on all issues involved.
- (e) Informal disposition may be made of any contested case by stipulation, agreed settlement or conciliation, consent, order or default.
- (f) A party may conduct such cross-examination of witnesses as are required for a full and true disclosure of the facts.
- (g) The board shall hear testimony of all witnesses, review evidence and render a final written decision within ten (10) days. A final decision shall include findings of fact, conclusions of law, and reasons for the ultimate decision. Parties shall be notified in writing of any decision or order.
- (h) All meetings and hearings conducted by the board shall be recorded on a tape. Such record may be transcribed on request of any party at his expense.
- (i) If after the hearing, the board determines a discriminatory housing practice has occurred and no conciliation agreement has been entered into within thirty (30) days after said decision, then the board shall report said decision to the city attorney for appropriation legal action.
- (j) If the city attorney files a complaint in the appropriate court to enforce the decision of the board and a conciliation agreement is subsequently entered into prior to the commencement of trial, the city attorney shall cease prosecution and move for a dismissal of the lawsuit.

(Ord. No. 11-1986-87, § 11, 9-4-86)

Sec. 5.5-208. - Judicial review.

The order or decision of the fair housing board shall be filed in a judicial review and such order or decision shall be as provided by state law.

(Ord. No. 11-1986-87, § 12, 9-4-86)

Sec. 5.5-209. - Other remedies.

The procedures and remedies in this title are not exclusive, and a complainant may file a housing discrimination complaint with the department of housing and urban development or in the appropriate court and may take such other actions as are available by law.

(Ord. No. 11-1986-87, § 13, 9-4-86)

Sec. 5.5-210. - Appointment of agency.

The chief executive officer shall appoint an investigative/enforcement agency as defined in section 5.5-102 which shall further the purposes of this title.

(Ord. No. 11-1986-87, § 14, 9-4-86)

Sec. 5.5-211. - Reserved.

Editor's note— Ord. No. 31-2002-03, adopted November 7, 2002, repealed § 5.5-211 in its entirety, which pertained to attorney fees and derived from Ord. No. 11-1986-87, § 15, adopted September 4, 1986.

Sec. 5.5-212. - Procedure manual.

The fair housing procedure manual which outlines forms and procedures for handling housing discrimination complaints shall be used as a guideline by the agency and the board. The fair housing procedure manual shall be developed by the agency and the board and approved by the city attorney and shall be made available to the general public.

(Ord. No. 11-1986-87, § 16, 9-4-86)

Sec. 5.5-213. - Handicap and familial status protected.

All references contained herein to race, color, religion, sex, or national origin are revised to include the terms "handicap" and "familial status."

(Ord. No. 71-1991-92, 6-25-92)



HOUSING AND COMMUNITY DEVELOPMENT COMMITTEE

August 9, 2021

MINUTES

CALL TO ORDER

The meeting of the Clarksville Housing and Community Development Committee was called to order by Chairperson Wanda Smith on Monday, August 9, 2021, at 4:30 p.m. in the Housing and Community Development Conference Room, 1 Public Square, Suite 201, Clarksville, Tennessee.

ATTENDANCE

The following members were present at the meeting:

Chairperson, Wanda Smith, Councilpersons Wanda Allen and Travis Holleman, Housing and Community Development Staff members Dennis Newburn, Crystal Griffith, and Tammy Kilgore, and Internal Auditor Jennifer Osteen

Others Present:

Nancy Leutert, Sandra Simms, Maggie Pearson, and Megan Setter from Urban Ministries

ADOPTION OF MINUTES

Chairperson Smith asked for any questions or concerns regarding the minutes of the July 12, 2021 committee meeting. Hearing none, Chairperson Smith entertained a motion and second to adopt the minutes. Councilperson Holleman made a motion to adopt the minutes of the July 12, 2021 meeting as printed. The motion was seconded by Councilperson Allen and passed unanimously.

NEW BUSINESS

Chairperson Smith turned the floor over to the Housing and Community Development staff members for new business.

1) CDBG and CDBG-CV Activities Status Update

CDBG - Status Update

Dixon Park

Mr. Dennis Newburn informed the committee that \$80,000.00 was budgeted for the acquisition of land in support of park redevelopment. The City recently learned that in order to complete the park redevelopment, the City would need to acquire 7 parcels of land not currently owned by the City but will be necessary to acquire to complete the proposed redevelopment. The estimated cost for the acquisition of all parcels is \$165,000.00.

Urban Ministries Shelter

Mr. Newburn stated that the original plan was for the use of funding for acquisition of property located at 3rd and Union Streets which is owned by Housing and Community Development. \$200,000.00 of CDBG funds were also pledged as a challenge grant in support of this activity. Since that time, another property (at an undisclosed location for privacy purposes) has been selected that will provide greater square footage and will allow for expansion of Urban Ministries' regular programming services to include domestic violence/sexual assault and shelter support services, allow for the development of specialized programming such as child care for program residents, and provide the space to partner with other organizations to provide new services such as short-term housing opportunities. The proposal for the rehabilitation/renovation of this new property is \$550,000.00. Sandra Simms and Megan Setter, both of Urban Ministries, explained the specifications, benefits and plans associated with the acquisition of the new property while also providing details of the existing building/program capacity, capabilities and limitations.

L & N Train Station

Mr. Newburn stated that in addition to money that has been set aside by the City this year, now approximately \$100,000.00 CDBG funds are also going to be used to rehabilitate the train station which is located adjacent to Dixon Park.

2) Program Amendments for CDBG-CV

Mr. Dennis Newburn provided an activities status update on CDBG-CV activities. Mr. Newburn also informed the committee that after the evaluation of CDBG-CV activities, the department has proposed an amendment to include the following new activities:

- A. Reallocation of CDBG-CV Funds from Butterfly Moments to Progressive Directions, Inc. - \$100,000.00.

After consultation with staff and representatives from Butterfly Moments, Housing and Community Development has determined that it is necessary to reallocate funding earmarked for Butterfly Moments. Funding will be provided to Progressive Directions, Inc. for the creation of Common Ground Café. Common Ground Café is a training café for intellectually, physically, and developmentally disabled adults who will be trained in food service. Participants will have been displaced from previous employment due to COVID-19. This activity will be located in Veterans Plaza.

- B. Transfer of \$111,000.00 from Butterfly Moments.

PUBLIC COMMENTS *(five minutes each)*

Megan Setter of Urban Ministries gave additional details regarding the current Safe House domestic violence/sexual assault program as well as hopes for what the future site with expanded services can provide to the community. Mr. Newburn introduced Maggie Pearson as the new Executive Director of Urban Ministries. Mrs. Pearson reiterated that Urban Ministries is excited to partner with the City to address domestic violence and homelessness. Councilperson Allen asked about ways Housing and Community Development can help with the Safe House mission. Suggestions included helping to get the word out about the many services provided by and through Urban Ministries, volunteers to assist in a variety of programs, and advisory committee members.

Mr. Newburn announced that Housing and Community Development staff member, Tammy Kilgore, will be retiring effective August 31, 2021 and thanked her for her contributions to the community. The Chair thanked the Urban Ministries staff for sharing their information and welcomed Mrs. Pearson aboard.

ADJOURNMENT

Chairperson Smith entertained a motion to adjourn. A motion was made by Councilperson Allen to adjourn the meeting. The motion was seconded by Councilperson Holleman and passed unanimously. The meeting was adjourned at 5:10 p.m.