

10-2-62

# Open Occupancy Hearing Sought

## Restraining Order Only Temporary

A move made yesterday to get another hearing on Toledo's open occupancy ordinance, declared unconstitutional last year by Common Pleas Judge Harvey Straub, Bl. 102-62

He granted a temporary injunction against enforcing the measure, but there has been no hearing on making the order permanent.

Jack Gallon, Clarence Smith and Mrs. James McCarthy, who claim to represent a citizens committee supporting the ordinance, yesterday asked Mr. Young and City Manager Backstrom to get the case settled. Mr. Young said afterward he will confer with opposing attorneys for setting a trial date.

The ordinance, effective last Oct. 25, was declared unconstitutional Nov. 2.

It prohibits discrimination in the sale, renting and financing of real estate, but has no penalty clause. Enforcement is vested in the Board of Community Relations, which sponsored the measure.

Frank Fager, BCR executive secretary, said the BCR has nothing to do with the current move to settle the case.