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Sec. 12-26. - Title of article.

This article may be cited as the "Fair Housing Ordinance" of the county.

(Ord. No. 90-13, § 1, 10-9-90)

Sec. 12-27. - Definitions.

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

Administrator means that person appointed by the board of county commissioners pursuant to [section 12-31](#).

Age. The term "work age" shall refer exclusively to persons who are 18 years of age or older.

Discriminatory housing practice means an act that is unlawful under [section 12-29](#).

Family means one or more persons living together as a single housekeeping unit in a dwelling.

Housing or housing accommodations means any building, structure or portion thereof, mobile home or trailer, or other facility which is occupied as or designed or intended for occupancy as a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure or portion thereof, mobile home or trailer or other facility.

Lending institution means any bank, insurance company or savings and loan association or any other person regularly engaged in the business of lending money or guaranteeing loans, or sources of credit information, including but not limited to credit bureaus.

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Owner means any person, including but not limited to a lessee, sublessee, assignee, manager or agent, and also including the county and its departments or other subunits, having the right of ownership or possession or the authority to sell or lease any housing accommodation.

Real estate agent means any real estate broker, any real estate salesman, or any other person, acting as an employee or agent or otherwise, engaged in the management or operation of any real property.

Real estate broker or salesman means a person, whether licensed or not, who, for or with the expectation of receiving a consideration, lists, sells, purchases, exchanges, rents or leases real property, or who negotiates or attempts to negotiate any of these activities, or who holds himself out as engaged in these activities, or who negotiates or attempts to negotiate a loan secured or to be secured by mortgage or other encumbrance upon real property, or who is engaged in the business of listing real property in a publication; or a person employed by or acting on behalf of any of these.

Real estate transaction includes the sale, purchase, exchange, rental or lease of real property, and any contract pertaining thereto.

Rent includes leasing, subleasing, assignment or rental, including any contract to do any of such acts, or otherwise granting for a consideration the right to occupy premises that are not owned by the occupant.

Respondent means any person against whom a complaint is filed pursuant to this article.

Sale includes any contract to sell, to exchange or to convey, transfer or assign legal or equitable title to or a beneficial interest in real property.

(Ord. No. 90-13, § 3, 10-9-90)

Cross reference— Definitions and rules of construction generally, § 1-2.

Sec. 12-28. - Declaration of policy.

It is the policy of the county, in keeping with the laws of the United States and the spirit of the constitution of the state, to promote, through fair, orderly and lawful procedure, the opportunity for each person so desiring to obtain housing of such person's choice in this county, without regard to race, color, ancestry, national origin, religion, sex, familial status, handicap or age, and, to that end, to prohibit discrimination in housing by any person.

(Ord. No. 90-13, § 2, 10-9-90)

Sec. 12-29. - Unlawful housing practices.

(a) *Unlawful practices in sale or rental and advertising in connection therewith.* Except as provided in [section 12-30](#), it shall be unlawful and a discriminatory housing practice for an owner or any other person engaging in a real estate transaction, or for a real estate broker, because of race, color, ancestry, national origin, religion, sex, marital status, handicap or age, to:

- (1) Refuse to engage in a real estate transaction with a person or to otherwise make unavailable or deny housing to any person.
- (2) Discriminate against a person in the terms, conditions or privileges of a real estate transaction or in the furnishing of facilities or services in connection therewith.
- (3) Refuse to receive or to fail to transmit a bona fide offer to engage in a real estate transaction from a person.

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- (4) Refuse to negotiate for a real estate transaction with a person.
 - (5) Represent to a person that housing is not available for inspection, sale, rental or lease when in fact it is so available, or to fail to bring a property listing to such person's attention, or to refuse to permit him to inspect the housing.
 - (6) Steer any person away from or to any housing.
 - (7) Make, print, publish, circulate, post or mail, or cause to be made, printed, published or circulated, any notice, statement, advertisement or sign, or to use a form of application or photograph for a real estate transaction or, except in connection with a written affirmative action plan, to make a record or oral or written inquiry in connection with a prospective real estate transaction, which indicates directly or indirectly an intent to make a limitation, specification or discrimination with respect thereto.
 - (8) Offer, solicit, accept, use or retain a listing of housing with the understanding that a person may be discriminated against in a real estate transaction or in the furnishing of facilities or services in connection therewith.
 - (9) Induce or attempt to induce any person to transfer an interest in any housing by representation regarding the existing or potential proximity of housing owned, used or occupied by any persons protected by the terms of this article.
 - (10) Make any misrepresentations concerning the listing for sale or rental, or the anticipated listing for sale or rental, or the sale or rental of any housing in any area in the county for the purpose of inducing or attempting to induce any such listing or transaction.
 - (11) Retaliate or discriminate in any manner against any person because of his opposing a practice declared unlawful by this article, or because he has filed a complaint or testified, assisted or participated in any manner in any investigation, proceeding or conference under this article.
 - (12) Aid, abet, incite, compel or coerce any person to engage in any of the practices prohibited by the provisions of this article, or to obstruct or prevent any person from complying with the provisions of this article or any conciliation agreement entered into under this article.
 - (13) By canvassing, compel any unlawful practices prohibited by the provisions of this article.
 - (14) Otherwise deny to or withhold any housing accommodations from a person.
 - (15) Promote, induce, influence or attempt to promote, induce or influence by the use of postal cards, letters, circulars, telephone visitation or any other means, directly or indirectly, a property owner, occupant or tenant to list for sale, sell, remove from, lease, assign, transfer or otherwise dispose of any housing by referring, as a part of a process or pattern of indicating neighborhood unrest, community tension, or fear of racial, color, religious, nationality or ethnic change in any street, block, neighborhood or other area, to the race, color or religion of neighbors, tenants or other prospective buyers of any housing.
 - (16) Place a sign or display any other device either purporting to offer for sale, lease, assignment, transfer or other disposition or tending to lead to the belief that a bona fide offer is being made to sell, lease, assign, transfer or otherwise dispose of any housing that is not in fact available or offered for sale, lease, assignment, transfer or other disposition.
- (b) *Unlawful practices in financing.* It shall be unlawful and a discriminatory housing practice for any lending institution to deny a loan or other financial assistance to a person applying therefor for the purpose of purchasing, constructing, improving, repairing or maintaining housing, or to discriminate against such person 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, ancestry, national origin, religion, sex, marital status, handicap or age of such person or of any person associated with such person in connection with such loan or other assistance, or of the present or prospective owner's lessees,

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tenants or occupants of the housing in relation to which such loan or other financial assistance is to be made or given; provided that nothing contained in this subsection shall impair the scope or effectiveness of the exceptions contained in [section 12-30](#)

- (c) *Unlawful practices in brokerage services.* It shall be unlawful and a discriminatory housing practice 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 related to the business of selling or renting housing, or to discriminate against such person in the terms or conditions of such access, membership or participation, because of race, color, ancestry, national origin, religion, sex, marital status or age.

(Ord. No. 90-13, § 4, 10-9-90)

Sec. 12-30. - Exemptions.

- (a) Nothing contained in [section 12-29](#) shall prohibit a religious organization, association or society, or any nonprofit charitable or educational institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association or society, from limiting or from advertising the sale, rental or occupancy of housing which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons. Nothing in this article shall prohibit a private club not in fact open to the public, which as an incident to its primary purpose provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members.
- (b) Nothing in [section 12-29](#), other than subsection [12-29\(a\)\(7\)](#), 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 at the time of such sale, the exemption granted by this subsection shall apply only with respect to one such sale within any 24-month period; provided further that the owner does not own any interest in, nor is there owned or reserved on such owner's behalf, under any express or voluntary agreement, title to or any rights 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; and provided further that the owner sells or rents such housing 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 salesperson, or of such facilities or services of any person in the business of selling or renting housing, or of any employee or agency of any such broker, agent, salesperson or person, and without the publication, posting or mailing, after notice, of any advertisement or written notice in violation of subsection [12-29\(a\)\(7\)](#). Nothing in this subsection shall prohibit the use of attorneys, escrow agents, abstracters, title companies and other such professional assistance as necessary to perfect or transfer the title.
 - (2) Rooms or units in housing 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 such owner's residence, provided that the owner sells or rents such rooms or units without the use in any manner of the sales or rental services of any real estate broker, agent or salesperson, or of such facilities or services of any person in the business of selling or renting housing, or of any employee or agency of any such broker, agent, salesperson or person, and without the publication, posting or mailing of any notice in violation of subsection [12-29\(a\)\(7\)](#), but nothing in this subsection shall prohibit the use of attorneys,

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escrow agents, abstracters, title companies and other such professional assistance as necessary to perfect or transfer the title.

- (c) For the purpose of subsection (b) of this section, a person shall be deemed to be in the business of selling or renting housing if:
 - (1) He has, within the preceding 12 months, participated as principal, other than in the sale of his own personal residence, in providing sales or rental facilities or sales or rental services in three or more transactions involving the sale or rental of any housing or any interest therein;
 - (2) He has, within the preceding 12 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 one or more transactions involving the sale or rental of any housing or any interest therein; or
 - (3) He is the owner of any housing designed or intended for occupancy by or occupied by five or more families.
- (d) Nothing in [section 12-29](#) shall be construed to:
 - (1) Bar any person from restricting sales, rentals, leases or occupancy or from giving preference to persons of a given age for bona fide housing intended solely for the elderly or bona fide housing intended solely for minors.
 - (2) Make it an unlawful act to require that a person have legal capacity to enter into a contract or lease.
 - (3) Bar any person from advertising or from refusing to sell or rent any housing which is planned exclusively for and occupied exclusively by individuals of one sex, to any individual of the opposite sex.
 - (4) Bar any person from selling, renting or advertising any housing which is planned exclusively for and occupied exclusively by unmarried individuals to unmarried individuals only.
 - (5) Bar any person from advertising or from refusing to sell or rent any housing which is planned exclusively for married couples without children or from segregating families with children to special units of housing.
 - (6) Bar any person from refusing a loan or other financial assistance to any person whose life expectancy, according to generally accepted mortality tables, is less than the term for which the loan is requested.

(Ord. No. 90-13, § 5, 10-9-90)

Sec. 12-31. - Administration of article.

- (a) *Appointment of administrator.* The authority and responsibility for administering this article shall be vested in the chairman of the board of county commissioners, who shall appoint an administrator.
- (b) *General powers and duties of administrator.* The administrator shall:
 - (1) Receive written complaints as provided in [section 12-32](#) relative to alleged unlawful acts under this article when a complainant seeks the administrator's good office to conciliate.
 - (2) Upon receiving written complaint, make such investigations as the administrator deems appropriate to ascertain facts and issues.
 - (3) Utilize methods of persuasion, conciliation and mediation or information for adjustment of grievances.

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- (4) Establish, administer or review programs at the request of the board of county commissioners and make reports on such programs to the board of county commissioners.
 - (5) Bring to the attention of the board of county commissioners items that may require notice or action by the counsel of the board of county commissioners to resolve.
 - (6) Render to the board of county commissioners annual written reports of his activities under the provisions of this article, along with such comments and recommendations as he may choose to make.
 - (7) Cooperate with and render technical assistance to federal, state, local and other public and private agencies, organizations and institutions which are formulating or carrying on programs to prevent or eliminate the unlawful discriminatory practices covered by the provisions of this article.
- (c) *Determination of probable cause.* If, after fully processing the complaint in the manner provided in this article, the administrator determines that there is probable cause to believe that there has been a violation of the provisions of this article, he shall refer the matter, along with the facts he has gathered in his investigations, to the proper county, state or federal authorities for appropriate legal action.
- (d) *Promulgation of forms and regulations.* The administrator shall promulgate, publish and distribute the necessary forms, rules and regulations to implement the provisions of this article.

(Ord. No. 90-13, § 6, 10-9-90)

Sec. 12-32. - Filing of complaints.

- (a) A person who claims that another person has committed a discriminatory housing practice against him may report that offense to the administrator by filing an informal complaint within 45 days after the date of the alleged discriminatory housing practice, and not later.
- (b) The administrator shall treat a complaint referred by the Secretary of Housing and Urban Development of the Attorney General of the United States under the Fair Housing Act of 1968, Public Law 90-284, as an informal complaint filed under subsection (a) of this section.
- (c) An informal complaint must be in writing, verified or affirmed, on a form to be supplied by the administrator, and shall contain the following:
 - (1) The identity and address of the respondent.
 - (2) The date of the offense and the date of filing the informal complaint.
 - (3) A general statement of facts of the offense, including the basis of the discrimination (race, color, ancestry, national origin, religion, sex, marital status, handicap or age).
 - (4) The name and signature of the complainant.
- (d) Each complaint shall be held in confidence by the administrator unless and until the complainant and the respondent consent in writing that it shall be made public.
- (e) Within 15 days after the filing of the informal complaint, the administrator shall transmit a copy of the complaint to each respondent named therein by certified mail, return receipt requested. Thereupon, the respondent may file a written, verified informal answer to the informal complaint within 20 days of the date of the receipt of the informal complaint.
- (f) An informal complaint or answer may be amended at any time, and the administrator shall furnish a copy of each amended informal complaint or answer to the respondent's complaint, respectively, as promptly as practicable.

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- (g) The administrator shall assist complainants or respondents when necessary in the preparation and filing of informal complaints or answers or any amendments thereto.

(Ord. No. 90-13, § 7, 10-9-90)

Sec. 12-33. - Processing of complaints.

- (a) Within 30 days after the filing of an informal complaint, the administrator shall make such investigation as he deems appropriate to ascertain facts and issues. If the administrator shall deem that there are reasonable grounds to believe that a violation has occurred and can be resolved by conciliation, he shall attempt to conciliate the matter by methods of initial conference and persuasion with all interested parties or such representatives as the parties may choose to assist them. Conciliation conferences shall be informal, and nothing said or done in the course of the informal conference with the individuals to resolve the dispute may be made public or used as evidence in a subsequent proceeding by either party without the written consent of both the complainant and the respondent. The administrator or employee of the administrator who shall make public any information in violation of this subsection shall be deemed guilty of a violation of a county ordinance and shall be subject to penalty as set forth in [section 12-37](#)
- (b) If the parties desire to conciliate, the terms of the conciliation shall be reduced to writing in the form approved by the administrator and must be signed and verified by the complainant and respondent and approved by the administrator. The conciliation agreement shall be for conciliation purposes only and shall not constitute an admission by any party that the law has been violated.
- (c) If the administrator deems that there is not probable cause to believe that the alleged discriminatory housing practice has been committed, the administrator shall take no further action with respect to the alleged offense.
- (d) If the administrator, with respect to any matter that involves a contravention of this article by failure to conciliate a complaint after the parties, in good faith, has attempted such conciliation; or determining conciliation, he shall notify both the complainant and the respondent within 30 days of the failure or the determination, and he shall proceed as provided in subsection [12-31\(c\)](#).

(Ord. No. 90-13, § 8, 10-9-90)

Sec. 12-34. - Additional remedies.

The procedure prescribed by this article does not constitute an administrative prerequisite to another action or remedy available under other law. Further, nothing in this article shall be deemed to modify, impair or otherwise affect any right or remedy conferred by the constitution or laws of the United States or the state, and the provisions of this article shall be in addition to those provided by such other laws.

(Ord. No. 90-13, § 9, 10-9-90)

Sec. 12-35. - Education and public information.

The administrator may conduct educational and public informational activities that are designed to promote the policy of this article.

(Ord. No. 90-13, § 10, 10-9-90)

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Sec. 12-36. - Untruthful complaints or testimony.

It shall be a violation of this article for any person knowingly and willfully to make false or untrue statements, accusations or allegations in a complaint filed under this article or to give false testimony concerning violations of this article.

(Ord. No. 90-13, § 11, 10-9-90)

Sec. 12-37. - Penalty.

Any person who violates any provision of this article shall, upon conviction, be punished as provided in [section 1-6](#).

(Ord. No. 90-13, § 12, 10-9-90)

Secs. 12-38—12-50. - Reserved.

FOOTNOTE(S):

⁽²³⁾ **State Law reference**— Fair Housing Act, F.S. § 760.20 et seq. [\(Back\)](#)