

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 any other area, to the race, color, religion, neighbors, tenants or other prospective buyers of any housing.

- (p) To place a sign or display any other devise 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.

(2) *Unlawful housing practices—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 therefore 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, familial status, handicap or age of such person or of any person associated with such person in connection with such loan or other financial assistance, or of the present or prospective owners, lessees, 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 19-5 of this chapter.

(3) *Unlawful housing practices—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, familial status, handicap, or age.

(Ord. No. 12-38, § 4, 9-13-12)

Sec. 19-5. Exemptions and exceptions.

(1) Nothing contained in section 19-4 hereof 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. Nor shall anything in this chapter prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes, 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.

(2) Nothing in section 19-4 hereof, other than subsection (g) of subsection (1) thereof, shall apply to:

- (a) 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 24-month period; provided, further, that it 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; provided, further, that the owner sells or rents such housing (1) 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 (2) without the publication, posting, or mailing, after notice, of any advertisement or written notice in violation of subsection (g) of subsection (1) of section 19-4 hereof, but nothing in this provision shall prohibit the use of attorneys, escrow agents, abstracters, title companies, and other such professional assistance as necessary to perfect or transfer the title; or

- (b) 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 (1) 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 (2) without the publication, posting or mailing, after notice in violation of subsection (g) of subsection (1) of section 19-4 hereof, but nothing in this provision shall prohibit the use of attorneys, escrow agents, abstracters, title companies, and other such professional assistance as necessary to perfect or transfer the title.

(3) For the purpose of this subsection a person shall be deemed to be in the business of selling or renting housing if:

- (a) He or she has, within the preceding twelve months, participated as principal, other than in the sale of his or her 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; or

- (b) He or she has, within the preceding twelve months, participated as agent, other than in the sale of his or her 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 housing or any interest therein; or

- (c) He or she is the owner of any housing designed or intended for occupancy by, or occupied by, five or more families.

(4) Nothing in section 19-4 hereof shall be construed to:

- (a) 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.
- (b) Make it an unlawful act to require that a person have legal capacity to enter into a contract or lease.
- (c) 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.
- (d) 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.
- (e) 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.
- (f) 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. 12-38, § 5, 9-13-12)

Sec. 19-6. Administrator authority and responsibilities.

(1) *Commission to appoint.* The authority and responsibility for administering this chapter shall be vested in the commission who shall appoint an administrator.

(2) *General powers and duties.* The administrator shall:

- (a) Receive written complaints as hereinafter provided in section 19-7 relative to alleged unlawful acts under this chapter when a complaint seeks the administrator's good offices to conciliate.
- (b) Upon receiving written complaint, make such investigations as the administrator deems appropriate to ascertain facts and issues.
- (c) Utilize methods of persuasion, conciliation, and mediation or information adjustment of grievances.
- (d) Establish, administer or review programs at the request of the commission and make reports on such programs to the commission.
- (e) Bring to the attention of the commission items that may require commission notice or action to resolve.
- (f) Render to the commission annual written reports of his or her activities under the provisions of this chapter along with such comments and recommendations as he or she may choose to make.
- (g) 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 chapter.

(3) *Determination of probable cause.* If after fully processing the complaint in the manner hereafter provided, the administrator determines that there is probable cause to believe that there has been a violation of the provisions of this chapter, and conciliation and/or resolution under this chapter is not achieved, the administrator shall refer the matter, along with the facts he or she has gathered in the investigations, to the proper county, state or federal authorities for appropriate legal action, with notification thereof to the city manager and city attorney.

(4) *Promulgation of forms and regulations.* The administrator shall promulgate, publish and distribute the necessary forms, rules and regulations to implement the provisions of this chapter. (Ord. No. 12-38, § 6, 9-13-12)

Sec. 19-7. Complaints.

(1) A person who claims that another person has committed a discriminatory housing practice against him or her 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.

(2) The administrator shall treat 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, Public Law 90-284, as an informal complaint filed under subsection (1).

(3) An informal complaint must be in writing, verified or affirmed, on a form to be supplied by the administrator and shall contain the following:

- (a) Identity and address of the respondent.
- (b) Date of offense and date of filing the informal complaint.
- (c) General statement of facts of the offense including the basis of the discrimination (race, color, ancestry, national origin, religion, sex, marital status, familial status, handicap or age).
- (d) Name and signature of the complainant.

(4) Each complaint shall be held in confidence by the administrator unless and until the complainant and the respondent(s) consent in writing that it shall be made public.

(5) Within 15 days after the filing of the informal complaint, the administrator shall transmit a copy of the same to each respondent named therein by certified mail, return receipt requested. Thereupon, the respondent(s) may file a written, verified informal answer to the informal complaint within 20 days of the date of the receipt of the informal complaint.

(6) 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.

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

(8) The administrator shall advise complainants of their rights and options provided in F.S. § 760.34.
(Ord. No. 12-38, § 7, 9-13-12)

Sec. 19-8. Processing complaints.

(1) Within 15 days after the filing of an informal complaint, the administrator shall make such investigation as is deemed 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, the administrator shall attempt to conciliate the matter by methods of initial conference and persuasion with all interested parties and 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 public or used as evidence in a subsequent proceeding by either party without the written consent of both the complainant and the respondent(s). The administrator or employee of the administrator who shall make public any information in violation of this

provision shall be deemed guilty of a violation of a city ordinance, and shall be subject to penalty as set forth in section 19-12.

(2) 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(s) 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.

(3) 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.

(4) For any matter involving a complaint under this chapter which is not resolved after the parties, in good faith, have attempted conciliation; or if the administrator determines that a violation alleged in the complaint cannot be resolved by conciliation, the administrator shall notify both the complainant and the respondent(s) within 30 days of the failure or the determination, and then shall proceed as provided in subsection (3) of section 19-6 herein above.
(Ord. No. 12-38, § 8, 9-13-12)

Sec. 19-9. Additional remedies.

The procedure prescribed by this chapter does not constitute an administrative prerequisite to another action or remedy available under other law. Further, nothing in this chapter 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 of Florida, and the provisions of this chapter shall be in addition to those provided by such other laws.
(Ord. No. 12-38, § 9, 9-13-12)

Sec. 19-10. Education and public information.

The administrator may conduct educational and public informational activities, including workshops, that are designed to promote the policy of this chapter.
(Ord. No. 12-38, § 10, 9-13-12)

Sec. 19-11. Untruthful complaints or testimony.

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

(Ord. No. 12-38, § 11, 9-13-12)

Sec. 19-12. Penalty.

Any person who is determined under this chapter to have committed a discriminatory housing practice shall be subject, upon conviction, to a fine up to but not exceeding the sum of \$500.00, or imprisonment for a term not exceeding six months, or by both such fine and imprisonment.

(Ord. No. 12-38, § 12, 9-13-12)

Chapters 20, 21

RESERVED

