

3 **ORDINANCE NO. 2021-__**

4 AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF
5 ALACHUA COUNTY, FLORIDA, AMENDING SECTION 111.05, ARTICLE I
6 (GENERAL PROVISIONS) AND SECTION 111.40 (a), ARTICLE III (FAIR
7 HOUSING), OF CHAPTER 111, OF THE ALACHUA COUNTY CODE OF
8 ORDINANCES ENTITLED "HUMAN RIGHTS;" PROVIDING FOR
9 ADDITIONAL PROTECTIONS FROM DISCRIMINATION IN HOUSING
10 RELATED TO LAWFUL SOURCE OF INCOME; PROVIDING FOR
11 SEVERABILITY, PROVIDING FOR A REPEALING CLAUSE; PROVIDING
12 FOR INCLUSION IN THE CODE, AND PROVIDING AN EFFECTIVE DATE.

13 **BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF**
14 **ALACHUA COUNTY, FLORIDA:**

15 **SECTION 1.** The definition below contained in Article I, Section 111.05 of Chapter 111
16 HUMAN RIGHTS, is hereby amended as follows:

17 *Sexual orientation* means an individual's actual or perceived ~~heterosexuality,~~
18 ~~homosexuality or bisexuality~~ emotional, romantic, or sexual attraction to other people.

19 **SECTION 2.** Article III, Section 11.40(a) of Chapter 111 HUMAN RIGHTS, is hereby
20 amended as follows:

21 **Sec. 111.40. - Discrimination in housing.**

22 Except as provided in section 111.41, the following shall be unlawful and discriminatory
23 housing practices, by an owner, real estate broker, as defined in this chapter, or any other person
24 engaging in a real estate transaction, on the basis of a protected status or characteristic in
25 housing.

26 (a) *Sale or rental*; advertising of sale or rental.

27 (1) *Refusal.* To refuse to engage in a real estate transaction or otherwise make
28 unavailable or deny housing to any person;

29 (2) *Terms; free association.* To discriminate against a person in the terms, conditions,
30 or privileges of a real estate transaction, or in the furnishing of facilities or services in connection
31 therewith, or because of such person's exercise of his right to free association;

32 (3) *Offer.* To refuse to receive or to fail to transmit a bona fide offer to engage in a real
33 estate transaction from any person;

- 1 (4) *Negotiation.* To refuse to negotiate for a real estate transaction with a person;
- 2 (5) *Availability; inspection.* To represent to a person that housing is not available for
3 inspection, sale, rental, or lease when in fact it is so available, or to fail to bring a property listing
4 to such person's attention, or to refuse to permit him or her to inspect the housing;
- 5 (6) *Leading.* To steer any person away from or to any housing;
- 6 (7) *Notice; record.* To make, print, publish, circulate, post, or mail, or cause to be
7 made, printed, published, or circulated, any notice, statement, advertisement, or sign, or to use a
8 form of application or photograph for a real estate transaction or, except in connection with a
9 written affirmative action plan, to make a record or oral or written inquiry in connection with a
10 prospective real estate transaction, which indicates directly or indirectly an intent to make a
11 limitation, specification, or discrimination with respect thereto;
- 12 (8) *Listing.* To offer, solicit, accept, use, or retain a listing of housing with the
13 understanding that a person may be discriminated against in a real estate transaction or in the
14 furnishing of facilities or services in connection therewith;
- 15 (9) *Proximity of certain housing.* To induce or attempt to induce any person to transfer
16 an interest in any housing by representations regarding the existing or potential proximity of
17 housing owned, used, or occupied by any person protected by the terms of this article;
- 18 (10) *Misrepresentation of listing.* To make any misrepresentation concerning the listing
19 for sale or rental, or the anticipated listing for sale or rental, or the sale or rental of any housing for
20 the purpose of inducing or attempting to induce any such listing or any of the above transactions;
- 21 (11) *Retaliation.* To retaliate or discriminate in any manner against any person because
22 of their opposition to a practice declared unlawful by this article, or because he or she has filed a
23 complaint, testified, assisted, or participated in any manner in any investigation, proceeding, or
24 conference under this article;
- 25 (12) *Opposition.* To aid, abet, incite, compel, or coerce any person to engage in any of
26 the practices prohibited by the provisions of this article, or to obstruct or prevent any person from
27 complying with the provisions of this article, or any conciliation agreement entered into hereunder;
- 28 (13) *Causing violation.* By causing any person to compel any practice prohibited by the
29 provisions of this article;
- 30 (14) *Denying accommodation.* Otherwise to deny to, or withhold, any housing
31 accommodations from a person;
- 32 (15) *Inciting unrest.* To promote, incite, influence, or attempt to promote, induce, or
33 influence by the use of postal cards, letters, circulars, telephone, visitation, or any other means,
34 directly or indirectly, a property owner, occupant, or tenant to list for sale, sell, remove from, lease,
35 assign, transfer, or otherwise dispose of any housing by referring, as a part of a process or pattern
36 of inciting neighborhood unrest, community tension based on a protected status or characteristic
37 of actual or anticipated neighbors, tenants, or other prospective buyers of any housing;
- 38 (16) *False information to obtain listing.* To cause to be made any untrue or intentionally
39 misleading statement or advertisement or, in any other manner, attempt, as a part of a process or
40 pattern of inciting neighborhood unrest, community tension in any street, block, neighborhood, or

1 any other area, to obtain a listing of any housing for sale, rental, assignment, transfer, or other
2 disposition, where such statement or other representation is false or materially misleading, or
3 where there is insufficient basis to judge its truth or falsity to warrant making the statement, or to
4 make any other material misrepresentation in order to obtain such listing, sale, removal from, lease,
5 assignment, transfer, or other disposition of said housing; or

6 (17) *Signs.* To place a sign or display any other device, either purporting to offer to sell,
7 lease, assign, transfer, or make other disposition or tending to lead to the belief that a bona fide
8 offer is being made to sell, lease, assign, transfer, or otherwise dispose of any housing that is not
9 in fact available or offered for sale, lease, assignment, transfer, or other disposition.

10 (18) *Citizenship status.* A landlord or any agent of a landlord, shall not do either of the
11 following:

12 a. Require or request that any tenant, prospective tenant, occupant, prospective
13 occupant, or guest of the residential rental property disclose or make any statement, representation,
14 or certification concerning his or her citizenship status.

15 b. Disclose to any person or entity information regarding or relating to citizenship
16 status of any tenant, prospective tenant, occupant, or prospective occupant of the residential rental
17 property for the purpose of, harassing or intimidating a tenant, prospective tenant, occupant, or
18 prospective occupant, retaliating against a tenant or occupant for the exercise of his or her rights,
19 influencing a tenant or occupant to vacate a dwelling, or recovering possession of the dwelling.

20 c. This section does not prohibit a landlord or any agent of a landlord from doing
21 either of the following:

22 i. Complying with any legal obligation under state or federal law,
23 including, but not limited to, any legal obligation(s) under any state or
24 federal government program(s) that provide for rent limitations or rental
25 assistance to a qualified tenant, or a subpoena, warrant, or other order
26 issued by a court.

27 ii. Requesting information or documentation necessary to determine or
28 verify the financial or background qualifications of a prospective tenant,
29 or to determine or verify the identity of a prospective tenant or
30 prospective occupant.

31 (19) *Lawful Source of Income.* With respect to the Housing Choice Voucher Program or
32 “Section 8,” a landlord or any agent of a landlord:

33 a. May not disqualify or refuse to rent to Section 8 voucher holders on the basis
34 of their status as a voucher holder; and

35 b. May only consider the portion of the rent that the Section 8 voucher holder is
36 required pay out-of-pocket (as determined by the local housing authority issuing the voucher) in
37 any rent-to-income financial qualification calculation.

38 **SECTION 3. Severability.** It is the declared intent of the Board of County

39 Commissioners that, if any section, subsection, sentence, clause, phrase, or provision of this

1 ordinance is held invalid or unconstitutional by a court of competent jurisdiction, such invalidity
2 or unconstitutionality shall not be so construed as to render invalid or unconstitutional the
3 remaining provisions of this ordinance.

4 **SECTION 4.** Repealing Clause. All ordinances or portions thereof in conflict herewith
5 are, to the extent of such conflict, hereby repealed on the effective day of this ordinance (see Sec.
6 111.15).

7 **SECTION 5.** Inclusion in the Code. It is the intent of the Board of County
8 Commissioners of Alachua County, Florida, and it is hereby provided that the provisions of this
9 ordinance shall become and be made a part of the Code of Ordinances of Alachua County,
10 Florida; that the Code may be renumbered or re-lettered to accomplish this intention.

11 **SECTION 6.** Effective Date. A certified copy of this ordinance shall be filed with the
12 Department of State by the Clerk of the Board within ten (10) days after enactment by the
13 Board and shall take effect on October 1, 2021.

14 **DULY ADOPTED** in regular session, this ___ day of _____, 2021.

15
16 **BOARD OF COUNTY COMMISSIONERS OF**
17 **ALACHUA COUNTY, FLORIDA**
18

19 **ATTEST:**

20 BY: _____
21 Ken Cornell, Chair
22 Board of County Commissioners

23 _____
24 J. K. "Jess" Irby, Esq.
25 Clerk of Court

26 (SEAL)
27

APPROVED AS TO FORM

28 _____
29 County Attorney