

Legislative #

201088

- 28 (2) To evict a person from or to refuse to negotiate with a person for the sale,
29 purchase, rental, assignment or other transfer of the title, leasehold or other
30 interest in any housing facility because of such person's protected status or
31 characteristic;
- 32 (3) To refuse to receive or transmit a bona fide offer to sell, purchase, rent or lease
33 any housing facility from or to a person because of such person's protected status
34 or characteristic;
- 35 (4) To discriminate against any person in the terms, conditions or privileges of the
36 sale, purchase, rental, assignment or other transfer of any housing facility, or in
37 the furnishing of facilities or services in connection therewith, because of a
38 protected status or characteristic;
- 39 (5) To represent to any person that any housing facility is not available for inspection,
40 sale, purchase, rental or lease, assignment or other transfer when in fact it is so
41 available, or to refuse to permit a person to inspect any housing facility, because
42 of such person's protected status or characteristic when such a dwelling is in fact
43 available to persons who are financially qualified;
- 44 (6) To make, as part of a process or pattern of discouraging the purchase, sale, rental,
45 occupancy or other use of any housing facility in a particular block, area or
46 neighborhood of the city, any representation to a person known to be a
47 prospective purchaser, seller or renter that such a block, area or neighborhood
48 may undergo, is undergoing or has undergone a change in composition with
49 respect to a protected status or characteristic;
- 50 (7) To induce, or attempt to induce, a person to transfer any interest in a housing

51 facility by representations regarding the existing or potential proximity of real
52 property owned, used or occupied by a person of a particular protected status or
53 characteristic;

54 (8) To promote, induce or influence, or attempt to promote, induce or influence, by
55 the use of postal cards, letters, circulars, telephone calls, visitation or any other
56 means, directly or indirectly, a person to sell, list for sale, remove from listing,
57 rent, assign, transfer or otherwise, any housing facility by referring, as a part of
58 the pattern or process of inciting neighborhood unrest, community tension or fear
59 of change in composition in a block, street, neighborhood or area of the city by
60 creating or playing upon fear, by representing that the presence or anticipated
61 presence in that area of persons of any particular protected status or characteristic
62 will or may result in the lowering of property values in the area, the increase in
63 criminal or anti-social behavior in the area, or a decline in the quality of the
64 schools serving the area;

65 (9) To engage in, or hire or conspire with others to engage in, acts or activities of any
66 nature, the purpose of which is to harass, degrade, embarrass or cause economic
67 loss to a person who has provided or offered to provide housing facilities or
68 services to any person, regardless of protected status or characteristic;

69 (10) To engage in, or hire or conspire with others to engage in, acts or activities of any
70 nature, the purpose of which is to harass, degrade, embarrass or cause economic
71 loss to a person who has purchased or leased, or contracted to purchase or lease,
72 any housing facility or service because of such person's protected status or
73 characteristic;

- 74 (11) To require or request that any tenant, prospective tenant, occupant, prospective
75 occupant, or guest of the residential rental property disclose or make any
76 statement, representation, or certification concerning his or her citizenship status;
77 or
- 78 (12) To disclose to any person or entity information regarding or relating to citizenship
79 status of any tenant, prospective tenant, occupant, or prospective occupant of the
80 residential rental property for the purpose of harassing or intimidating a tenant,
81 prospective tenant, occupant, or prospective occupant, retaliating against a tenant
82 or occupant for the exercise of his or her rights, influencing a tenant or occupant
83 to vacate a dwelling, or recovering possession of the dwelling.

84 (b) This section does not prohibit an owner or any other person engaging in a real estate
85 transaction, or a real estate broker, from doing either of the following:

- 86 (1) Complying with any legal obligation under state or federal law, including, but not
87 limited to, any legal obligation(s) under any state or federal government
88 program(s) that provide for rent limitations or rental assistance to a qualified
89 tenant, or a subpoena, warrant, or other order issued by a court.
- 90 (2) Requesting information or documentation necessary to determine or verify the
91 financial or background qualifications of a prospective tenant, or to determine or
92 verify the identity of a prospective tenant or prospective occupant.

93 (c) Except as provided in section 8-94:

- 94 (1) It is unlawful to discriminate in the sale or rental of, or to otherwise make
95 unavailable or deny, a dwelling to any buyer or renter because of a disability of:
96 a. That buyer or renter;

- 97 b. A person residing in or intending to reside in that dwelling after it is sold,
98 rented or made available; or
- 99 c. Any person associated with the buyer or renter.
- 100 (2) It is unlawful to discriminate against any person in the terms, conditions or
101 privileges of sale or rental of a dwelling or in the provision of services or facilities
102 in connection with such dwelling, because of a disability of:
- 103 a. That buyer or renter;
- 104 b. A person residing in or intending to reside in that dwelling after it is sold,
105 rented or made available; or
- 106 c. Any person associated with the buyer or renter.
- 107 (3) For purposes of subsections (1) and (2), discrimination includes:
- 108 a. A refusal to permit, at the expense of the disabled person, reasonable
109 modifications of existing premises occupied or to be occupied by such
110 person if such modifications may be necessary to afford such person full
111 enjoyment of the premises, except that, in the case of rental, the landlord
112 may, where it is reasonable to do so, condition permission for a
113 modification on the renter agreeing to restore the interior of the premises
114 to the condition that existed before the modification, reasonable wear and
115 tear excepted.
- 116 b. A refusal to make reasonable accommodations in rules, policies, practices
117 or services when such accommodations may be necessary to afford such
118 person equal opportunity to use and enjoy a dwelling.

- 119 c. Covered multifamily dwellings as defined herein which are intended for
120 first occupancy after the effective date of the ordinance from which this
121 section is derived [November 2, 1992] shall be designed and constructed
122 to have at least one building entrance on an accessible route unless it is
123 impractical to do so because of the terrain or unusual characteristics of the
124 site. Such buildings shall also be designed and constructed in such a
125 manner that:
- 126 1. The public use and common use portions of such dwellings are readily
127 accessible to and usable by disabled persons.
 - 128 2. All doors designed to allow passage into and within all premises
129 within such dwellings are sufficiently wide to allow passage by a
130 person in a wheelchair.
 - 131 3. All premises within such dwelling contain the following features of
132 adaptive design:
 - 133 (a) An accessible route into and through the dwelling.
 - 134 (b) Light switches, electrical outlets, thermostats and other
135 environmental controls in accessible locations.
 - 136 (c) Reinforcements in bathroom walls to allow later installation of
137 grab bars.
 - 138 (d) Usable kitchens and bathrooms such that a person in a wheelchair
139 can maneuver about the space.
- 140 (4) Compliance with the appropriate requirements of the American National
141 Standards Institute for buildings and facilities providing accessibility and usability

142 for physically disabled people, commonly cited as ANSI A117.1 1986, suffices to
143 satisfy the requirements of subparagraph (3).

144 (d) *Lawful Source of Income.* With respect to the Housing Choice Voucher Program or
145 “Section 8,” a landlord or any agent of a landlord may only consider the portion of the rent that
146 the voucher holder is required to pay out-of-pocket (as determined by the local housing authority
147 issuing the voucher) in any rent-to-income financial qualification calculation.

148 **Section 2.** It is the intention of the City Commission that the provisions of Section 1 of
149 this ordinance shall become and be made a part of the Code of Ordinances of the City of
150 Gainesville, Florida, and that the sections and paragraphs of this Ordinance may be renumbered
151 or re-lettered in order to accomplish such intentions.

152 **Section 3.** If any word, phrase, clause, paragraph, section or provision of this ordinance
153 or the application hereof to any person or circumstance is held invalid or unconstitutional, such
154 finding shall not affect the other provisions or applications of the ordinance which can be given
155 effect without the invalid or unconstitutional provisions or application, and to this end the
156 provisions of this ordinance are declared severable.

157 **Section 4.** All ordinances or parts of ordinances, in conflict herewith are to the extent of
158 such conflict hereby repealed.

159 **Section 5.** This ordinance shall become effective immediately upon adoption.

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162 **PASSED AND ADOPTED THIS _____ DAY OF _____, 2021.**

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LAUREN POE, MAYOR

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ATTEST:

Approved as to form and legality

OMICHELE D. GAINEY
CLERK OF THE COMMISSION

DANIEL M. NEE
INTERIM CITY ATTORNEY

This ordinance passed on first reading this ____ day of _____, 2021.

This ordinance passed on second reading this ____ day of _____, 2021.