



LAWFUL SOURCE OF INCOME & DISCRIMINATION



Shakayla Birch, Compliance Investigator

**“RENTERS ARE ENTITLED TO
HOUSING FREE OF
DISCRIMINATION”**

WHAT IS DISCRIMINATION?

- Discrimination: The unjust or prejudicial treatment of different categories of people
- Anti-discrimination laws are designed to prevent discrimination against specific protected classes
- Under the ordinance of the City of Gainesville, Florida (Chapter 8, Article V), it is illegal to deny anyone housing based on protected classes

WHAT ARE THE PROTECTED CLASSES?

Race

Color

Gender

Age

Religion

National
Origin

Marital

Status

Sexual

Orientation

Disability

Gender
Identity

Retaliation

Added in May 2020

Citizenship Status

Lawful Source Of Income

Veteran Status

Status as a Victim of:

Domestic Violence

Dating Violence

Stalking

LAWFUL SOURCE OF INCOME

- Means the lawful, verifiable income received by or on behalf of a person, including but not limited to, income derived from social security, supplemental security income, child support, alimony, veteran's benefits, disability benefits, pension and retirement benefits, or any form of federal, state, or local public, food, or housing assistance or subsidy, including assistance from the Supplemental Nutrition Assistance Program (SNAP) and the Housing Choice Voucher Program or "Section 8" vouchers, whether such income is received directly or indirectly by the renter or purchaser and includes supplemental income.
 - Funds from rental assistance programs are included as they are derived from a federal, state, or local subsidy

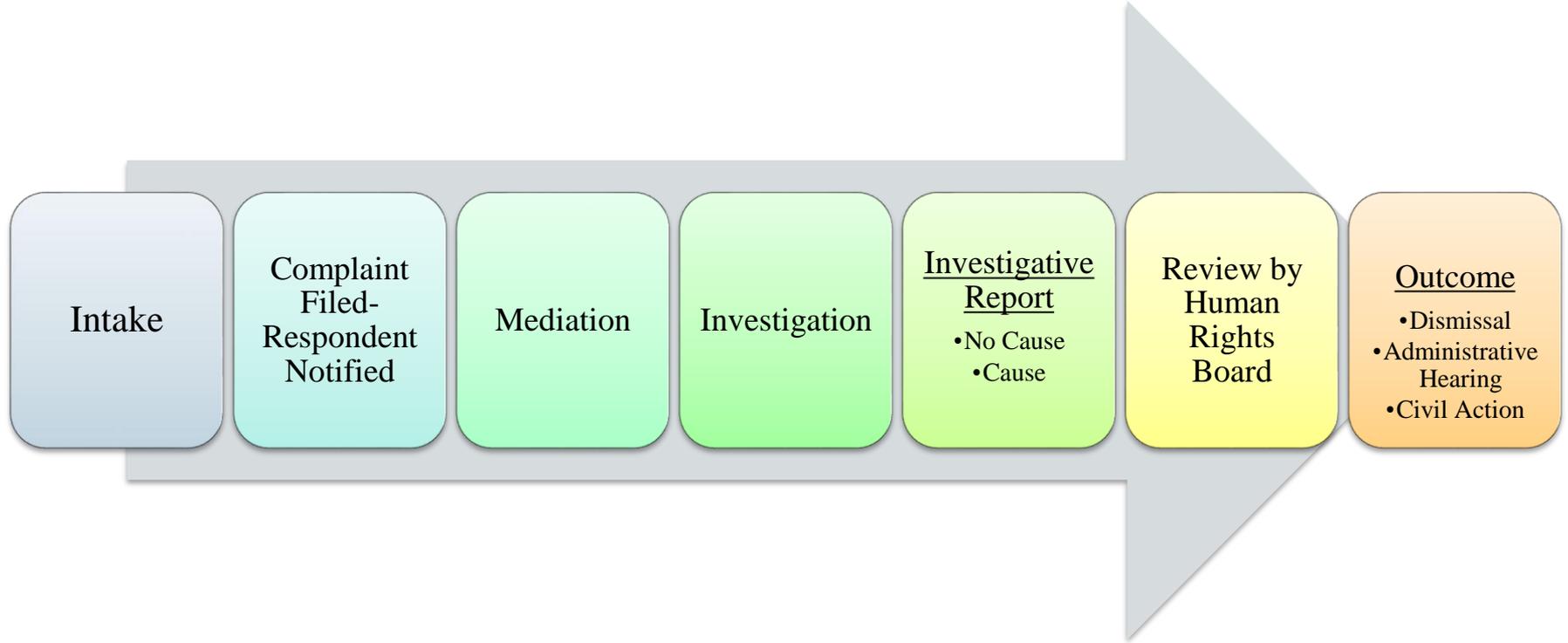
LAWFUL SOURCE OF INCOME PROHIBITED PRACTICES

- Refusing to rent to Housing Choice/ Section 8 voucher holders
- Refusing to complete documentation needed to receive rental assistance
- Issuing a non-renewal of lease due to use of lawful source of income
- Misrepresenting availability of a unit to hinder use of lawful source of income
- Using discriminatory advertising

INVESTIGATIONS

- The Office of Equity and Inclusion investigates housing discrimination complaints based on a protected class
- We are a neutral 3rd party investigating whether a violation of Chapter 8 has occurred
- 1 year to file a housing complaint from the date of incident
- Investigation can include onsite visits, interviews, reviewing policies and procedures, and other relevant documents
- Goal of 100 days to complete the investigation

COMPLAINT PROCESS



ADMINISTRATIVE HEARING

- The Hearing Officer has the power to administer oaths, issue subpoenas, compel the production of documents and receive evidence.
- All parties shall have an opportunity to respond, to present evidence and argument on all issues involved, to conduct cross-examination and submit rebuttal evidence, to submit proposed findings of facts and orders, to file exceptions to the hearing officer's recommended order, and to be represented by counsel or other qualified representative.
- The Hearing Officer shall prepare a recommended order consisting of findings of fact, conclusions of law and affirmative relief, if applicable. If the Hearing Officer finds that a discriminatory practice has occurred or is about to occur, the Hearing Officer may recommend **affirmative relief from the effects of the practice, including actual damages, equitable and injunctive relief and reasonable attorneys fees and costs**. The Board may either adopt the recommended order as the final order, or by a three-fourths majority vote, remand the recommended order along with the outlined deficiencies back to the Hearing Officer for consideration of the deficiencies.
- Should any party fail or refuse to comply with the final order issued by the Board, the Board shall forward such order to the City Commission with a request that the City Commission authorize the City Attorney to bring such action or actions as necessary to obtain compliance with the ordinance.

CIVIL ACTION

- If the Director finds there is reasonable cause to believe that an unlawful discriminatory housing practice has occurred, at the request of the person aggrieved, the Board may recommend to the City commission that the matter be referred to the state attorney's office for appropriate proceedings to enforce ordinance.
- The board may also recommend to the City Commissioners that the City Attorney bring a civil action in a court of competent jurisdiction if the Director is unable to conciliate a complaint or if the city is unable to obtain voluntary compliance with the ordinance.
- The City and/or the Board need not have requested or petitioned for an administrative hearing or exhausted any administrative remedies prior to bringing a civil action.

ENFORCEMENT

- 9 cases filed since adoption of the lawful source of income protections
 - 4 no cause determinations /dismissals
 - 3 withdrawals
 - 1 cause finding determination issued
 - 1 case resolved through mediation

RECOMMENDATION

- The City Commission adopt the proposed ordinance.
- Under lawful source of income, landlord or any agent may only consider the portion of rent the holder of the Section 8 voucher (or other funding subsidy) is required to pay out of pocket.
- The proposed change would mean that landlords cannot refuse to accept vouchers, or automatically disqualify voucher holders from rental consideration. These proposed changes are no more onerous than our recently adopted “Living standards” for residential rental units, Section 14.5-4, of the Code of Ordinances.

EXAMPLE

- 3 bedroom unit is available to rent for \$1500 per month
- Landlord has a policy requiring that tenants provide proof of income that is at least 3x the monthly rent.
- Voucher pays \$1200 per month, making tenant responsible for \$300 per month
- Without adoption of Ordinance: $\$1500 \times 3 = \4500 proof of monthly income needed
- Adoption of Ordinance: $\$300 \times 3 = \900 proof of monthly income needed

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Thank You

