

Leon County's Current Fair Housing Code

Chapter 9 HUMAN RIGHTS*

***Cross references:** Licenses, taxation and miscellaneous business regulations, ch. 11.

State law references: Authority to act in the common interest of the people of the county and exercise all powers and privileges not specifically prohibited (all in manner not inconsistent with law), F.S. § 125.01(1)(w); human rights, F.S. ch. 760.

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ARTICLE I. IN GENERAL
Secs. 9-1--9-24. Reserved.

ARTICLE II. FAIR HOUSING CODE*

*State law references: Fair Housing Act, F.S. § 760.20 et seq.

Sec. 9-25. Title.

This article shall be known as and may be cited as the "Fair Housing Code" of Leon County, Florida.

(Ord. No. 90-43, § 1, 11-27-90)

Sec. 9-26. Definitions.

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

Administrator shall mean that person appointed by the county administrator pursuant to section 9-30.

Discriminatory housing practice shall mean an act that is unlawful under section 9-27.

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

(Ord. No. 90-43, § 3, 11-27-90)

Cross references: Definitions and rules of construction generally, § 1-2.

Sec. 9-27. Declaration of policy.

It is the policy of the county, in keeping with the laws of the United States of America and 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, marital status, handicap, age, or sexual orientation, and, to that end, to prohibit discrimination in housing by any person. Therefore, Leon County hereby adopts by reference the following:

(1) F.S. § 760.22 (Definitions).

(2) F.S. § 760.23 (Discrimination in the sale or rental of housing and other prohibited practices).

(3) F.S. § 760.24 (Discrimination in the provision of brokerage services).

(4) F.S. § 760.25 (Discrimination in the financing of housing or in residential real estate transactions).

(5) F.S. § 760.29 (Exemptions).

(6) 24 CFR 100.65 (Discrimination in terms, conditions and privileges and in services and facilities).

(7) 24 CFR 100.70 (Other prohibited sale and rental conduct).

(8) 24 CFR 100.75 (Discriminatory advertisements, statements, and notices).

(9) 24 CFR E.

(Ord. No. 90-43, § 2, 11-27-90; Ord. No. 00-16, § 1, 4-18-00)

Sec. 9-28. Administrator authority and responsibilities.

(a) *Appointment.* The authority and responsibility for administering this article shall be vested in the county administrator who shall appoint an administrator.

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

(1) Receive written complaints as hereinafter provided in section 9-29 relative to alleged unlawful acts under this article when a complaint seeks the administrator's good offices 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 adjustment of grievances.

(4) Establish, administer or review programs at the request of the county administrator and make reports on such programs to the county administrator.

(5) Bring to the attention of the county administrator items that may require notice or action of the Board of County Commissioners to resolve.

(6) Render to the county administrator 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 hereafter provided, 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. 90-43, § 4, 11-27-90)

Sec. 9-29. 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 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 (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) Identity and address of the respondent.

(2) Date of offense and date of filing the informal complaint.

- (3) General statement of facts of the offense including the basis of the discrimination (race, color, ancestry, national origin, religion, sex, familial status, marital status, handicap, age, or sexual orientation).
 - (4) 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 same 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.
 - (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 amended answer to the respondent or complainant, respectively, as promptly as practicable.
 - (g) The administrator shall assist complainants or respondents when necessary in the preparation and filing of informal complaints or answers or any amendments thereto.
 - (h) The administrator shall advise complainants of their rights and options provided in F.S. § 760.34.
- (Ord. No. 90-43, § 5, 11-27-90; Ord. No. 00-16, § 1, 4-18-00)

Sec. 9-30. Processing 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, 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.
 - (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 determines that a matter involving a contravention of this article by failure to conciliate a complaint after the parties in good faith have attempted such conciliation or determines that the violation alleged in the complaint cannot be resolved by conciliation, he shall notify both the complainant and the respondent within 30 days of the failure to conciliate or the determination that the alleged violation cannot be resolved, and he shall proceed as provided in subsection (c) of this section.
- (Ord. No. 90-43, § 6, 11-27-90)

Sec. 9-31. Additional remedies.

The procedure prescribed by this article does not constitute an administrative prerequisite to another action or remedy available under other law. 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. 90-43, § 7, 11-27-90)

Sec. 9-32. 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 hereunder or to give false testimony concerning violations of this article.
(Ord. No. 90-43, § 8, 11-27-90)