

LEGISTAR NO.

190814

- 30 city and more particularly of concern to the city in providing for the health,
31 welfare, safety and morals of the citizens of the municipality;
- 32 (2) The availability of adequate housing without discrimination on the basis of
33 sexual orientation, race, color, gender, age, religion, national origin, marital
34 status, disability, ~~or~~ gender identity, citizenship status, lawful source of income,
35 veteran status or status as a victim of domestic violence, victim of dating
36 violence, or victim of stalking is a matter of concern to the citizens of the city
37 and more particularly of concern to the city in providing for the health,
38 welfare, safety and morals of the citizens of the municipality;
- 39 (3) Employment practices without discrimination on the basis of sexual
40 orientation, race, color, gender, age, religion, national origin, marital status,
41 disability or gender identity is a matter of concern to the citizens of the city and
42 more particularly of concern to the city in providing for the health, welfare,
43 safety and morals of the citizens of the municipality.
- 44 (4) The extension of credit without discrimination on the basis of sexual
45 orientation, race, color, gender, age, religion, national origin, marital status,
46 disability or gender identity is a matter of concern to the citizens of the city and
47 more particularly of concern to the city in providing for the health, welfare,
48 safety and morals of the citizens of the municipality; and
- 49 (5) Employment discrimination against persons having physical or mental
50 disabilities that do not constitute bona fide occupational qualifications is a
51 matter of concern to the citizens of the city and more particularly of concern to

52 the city in providing for the health, welfare, safety and morals of the citizens of
53 the municipality.

54 (6) Religious institutions, organizations, corporations, associations or societies
55 (hereinafter "institutions") have long been important in this country's
56 constitutional framework, and exempting out the application of sexual
57 orientation and gender identity provisions in those institutions is rationally
58 related to the legitimate purpose of alleviating significant governmental
59 interference with the ability of religious institutions to define and carry out
60 their religious missions.

61 (b) The above findings being made, the city commission hereby declares the policy of
62 the city to be, for the protection of the public health, safety and general welfare, for the
63 maintenance of business and good government, and for the promotion of the city's trade,
64 commerce and manufacturing, to prohibit discrimination in the access to and equal enjoyment
65 of places of public accommodation, to ensure equal opportunity to all persons to live in
66 decent housing facilities, regardless of sexual orientation, race, color, gender, age, religion,
67 national origin, marital status, ~~disability, or gender identity.~~ citizenship status, lawful source of
68 income, veteran status or status as a victim of domestic violence, victim of dating violence, or
69 victim of stalking and to that end to prohibit discrimination in the extension of credit without
70 regard to sexual orientation, race, color, gender, age, religion, national origin, marital status,
71 disability or gender identity and to prohibit employment discrimination against persons
72 because of sexual orientation, race, color, gender, age, religion, national origin, marital status,
73 disability or gender identity that do not constitute bona fide occupational qualifications.

74

75 **Sec. 8-2. Objective.**

76 The objective of the provisions of this chapter is to provide a means for implementation
77 of the above-declared policy and to discourage and eliminate discriminatory practices.

78 **Sec. 8-3. ~~“Person” defined~~ Definitions.**

79 The following words and terms shall have the following meanings ascribed to them as
80 used in this chapter:

81 (a) ~~As used in this chapter, the term “person”~~ “Person” includes one or more individuals,
82 labor unions, partnerships, associations, corporations, legal representatives, mutual companies,
83 joint stock companies, trusts, unincorporated organizations, trustees, trustees in cases under Title
84 11 U.S.C., receivers, fiduciaries, and the Gainesville-Alachua County Regional Airport
85 Authority. Except as otherwise noted above, the term shall not include any federal, state or local
86 government or any agency thereof, ~~but shall include all natural persons whether or not acting as~~
87 ~~agents for such governmental entities.~~

88 (b) “Citizenship status” means a perception that the person has a particular citizenship
89 status based on his or her national origin, race, color, other physical attribute(s) or language, or
90 that the person is associated with a person who has, or is perceived to have, a particular
91 citizenship status.

92 (c) “Gender” shall have the same meaning as “because of sex or on the basis of sex” as
93 defined in Sec. 8-47.

94 (d) “Gender identity” means an inner sense of being a specific gender, or the expression
95 of a gender identity by verbal statement, appearance, or mannerisms, or other gender-related
96 characteristics of an individual with or without regard to the individual’s designated sex at birth.

97 (e) “Lawful source of income” means the lawful, verifiable income received by or on
98 behalf of a person, including but not limited to, income derived from social security,
99 supplemental security income, child support, alimony, veteran’s benefits, disability benefits,
100 pension and retirement benefits, or any form of federal, state, or local public, food, or housing
101 assistance or subsidy, including assistance from the Supplemental Nutrition Assistance Program
102 (SNAP) and the Housing Choice Voucher Program or “Section 8” vouchers, whether such
103 income is received directly or indirectly by the renter or purchaser and includes supplemental
104 income.

105 (f) “Marital status” means an individual’s status of being married, separated, or
106 unmarried, including being single, divorced, widowed or a domestic partner.

107 (g) “Race,” “color” and “national origin” shall have the same meanings as provided
108 under title VII of the Civil Rights Act of 1964.

109 (h) The term “religion” shall have the same meaning as defined within section 701 of
110 title VII of the Civil Rights Act of 1964.

111 (i) “Sexual orientation” means the condition of being heterosexual, homosexual, or
112 bisexual or having a history of such identification. This definition is not intended to permit any
113 practice prohibited by federal, state or local law.

114 (j) “Veteran status” means the state of having served in any branch of the armed forces
115 of the United States, including the Reserves and National Guard, and having been discharged or
116 released.

117 (k) “Victim of dating violence” means a person who has been subjected to acts or threats
118 of violence, not including acts of self-defense, during the course of a significant relationship of a
119 romantic or intimate nature, committed by another person under the following circumstances:

- 120 (1) The nature of the relationship was characterized by the expectation of
121 affection or sexual involvement between the individuals; and
122 (2) The frequency and type of interaction between the individuals was on a
123 continuous basis during the course of the relationship.

124 This does not include violence between individuals involved in a casual acquaintanceship
125 or individuals who have engaged only in ordinary fraternization in a business or social
126 context.

- 127 (1) "Victim of domestic violence" means a family or household member who has been
128 subjected to acts or threats of violence, not including acts of self-defense, by another family or
129 household member.

130 As used herein, "family or household member" includes:

- 131 (1) A current or former spouse of the victim;
132 (2) A person with whom the victim shares a child in common;
133 (3) A person who is cohabitating with or has cohabitated with the victim; or
134 (4) A person who is or has continually or at regular intervals lived in the same
135 household as the victim.

- 136 (m) "Victim of stalking" means a victim of acts that constitute or are deemed under state
137 law to be willful, malicious, and repeated following, harassing or cyberstalking of another
138 person, or the making of a credible threat with the intent to place that victim in reasonable fear of
139 death or bodily injury of the person, or the person's spouse, child, parent, sibling or dependent.

140 The term "cyberstalking" means engaging in a course of conduct to communicate or cause to be
141 communicated, words, images or language by or through the use of electronic mail or electronic

142 communication, directed at a specific person, causing substantial emotional distress to that
143 person and serving no legitimate purpose.

144 **Sec. 8-4. Violations; penalty.**

145 (a) It shall be unlawful and punishable as provided in this section for any person to
146 commit any act in violation of this chapter.

147 (b) It shall be unlawful and punishable as provided in this section for any person to aid,
148 abet, compel, coerce or participate in the doing of any act declared to be unlawful by this
149 chapter, or to obstruct or prevent enforcement of compliance with the provisions of this chapter.

150 (c) It shall be unlawful and punishable as provided in this section for any person to
151 engage in any reprisal against any person because that person has filed a complaint, testified,
152 assisted or participated in any manner in any investigation, proceeding or hearing under this
153 chapter.

154 (d) Any person convicted of violating any of the provisions of this chapter shall upon
155 conviction be punished as provided in section 1-9.

156 **Sec. 8-5. Cumulative effect of provisions.**

157 Nothing in this chapter shall be deemed to exempt or relieve any person from any
158 liability, duty, penalty or punishment provided by any applicable state or federal law or local
159 ordinance.

160 **Sec. 8-6. ~~“Sexual orientation,” and “gender identity” defined~~ Office of Equity and Inclusion**

161 ~~(a) As used in this chapter, “sexual orientation” means the condition of being~~
162 ~~heterosexual, homosexual, or bisexual or having a history of such identification. This~~
163 ~~definition is not intended to permit any practice prohibited by federal, state or local law.~~

164 ~~(b) As used in this chapter, "gender identity" means an inner sense of being a specific~~
165 ~~gender, or the expression of a gender identity by verbal statement, appearance, or~~
166 ~~mannerisms, or other gender-related characteristics of an individual with or without regard to~~
167 ~~the individual's designated sex at birth.~~

168 (a) The City's Equal Opportunity Office is renamed the "Office of Equity and
169 Inclusion."

170 (b) The Equal Opportunity Director shall administer the provisions of this chapter in
171 addition to performing all functions prescribed by 3.08 of the City Charter.

172 **Secs. 8-7 – 8-20. Reserved.**

173 **Section 2.** Section 8-21 of Article II of Chapter 8 of the Code of Ordinances of the City
174 of Gainesville, is deleted in its entirety:

175 **Sec. 8-21. ~~Equal opportunity director.~~ Reserved.**

176 ~~(a) The director of the City of Gainesville Equal Opportunity Office is hereby~~
177 ~~designated to administer the provisions of this chapter.~~

178 ~~(b) The duties, functions, powers, and responsibilities authorized by this article are as~~
179 ~~follows:~~

180 ~~(1) — Implement the provisions of this chapter and the rules and regulations~~
181 ~~promulgated hereunder and all City of Gainesville ordinances, codes, rules and~~
182 ~~regulations pertaining to discrimination of the basis of sexual orientation, race,~~
183 ~~color, gender, age, religion, national origin, marital status, disability or gender~~
184 ~~identity in employment, fair housing, fair credit, and public accommodations,~~
185 ~~and advise the city commissioners when changes in the federal or state human~~
186 ~~rights laws require revisions to this chapter.~~

- 187 ~~(2) Receive and investigate written complaints, as provided by this chapter, of~~
188 ~~unlawful practices in violation of this chapter when a complainant seeks to file~~
189 ~~a complaint. Refer any written complaints received by the director that allege~~
190 ~~unlawful practices in employment, fair housing, fair credit, or public~~
191 ~~accommodations by the federal government or the State of Florida to the~~
192 ~~appropriate agency with authority to investigate such complaints.~~
- 193 ~~(3) Upon receiving a written complaint, make such investigations as the director~~
194 ~~deems appropriate to ascertain facts and issues.~~
- 195 ~~(4) Utilize methods of conciliation and mediation or informal adjustment of~~
196 ~~grievances.~~
- 197 ~~(5) Provide assistance in all matters relating to equal employment, fair housing,~~
198 ~~equal credit opportunity and public accommodations opportunity relating to~~
199 ~~sexual orientation, race, color, gender, age, religion, national origin, marital~~
200 ~~status, disability or gender identity within the City of Gainesville.~~
- 201 ~~(6) Publish and disseminate public information and educational materials relating~~
202 ~~to discrimination in employment, fair housing, equal credit opportunity and~~
203 ~~public accommodations relating to sexual orientation, race, color, gender, age,~~
204 ~~religion, national origin, marital status, disability or gender identity.~~
- 205 ~~(7) Implement recommendations received from the human rights board concerning~~
206 ~~this chapter and the carrying out of its purpose. When, in the opinion of the~~
207 ~~director, effectuating any such recommendation would be undesirable or~~
208 ~~unfeasible, the director shall promptly so report to the board, with his or her~~
209 ~~reasons. Any differences of judgment not able to be resolved between the~~

210 ~~board and the director may, if the board feels the matter warrants, be carried to~~
211 ~~the city commission for decision.~~

212 ~~(8) — Make annual reports to the city commission of activities under the provisions~~
213 ~~of this chapter, and make recommendations concerning methods by which to~~
214 ~~reduce discrimination, and such other comments and recommendations as the~~
215 ~~director may choose to make.~~

216 ~~(9) — Conduct educational and public information activities that are designed to~~
217 ~~promote the policy of this chapter.~~

218 ~~(10) — Bring to the attention of the city commission, those items that may require the~~
219 ~~city commission's notice or action to resolve.~~

220 **Section 3.** Certain Sections of Article V of Chapter 8 of the Code of Ordinances of the
221 City of Gainesville, are amended to read as set forth below. Except as amended herein, the
222 remainder of Article V remains in full force and effect.

223 **ARTICLE V. FAIR HOUSING**

224 **Sec. 8-86. Declaration of policy.**

225 It is hereby declared to be the policy of the city, in the exercise of its police power for the
226 public safety, public health and general welfare, to assure equal opportunity for each person so
227 desiring to obtain housing of the person's choice in the city regardless of sexual orientation, race,
228 color, gender, age, religion, national origin, marital status, ~~or~~ disability, gender identity,
229 citizenship status, lawful source of income, veteran status or status as a victim of domestic
230 violence, victim of dating violence, or victim of stalking (collectively referred to throughout this
231 article as "protected status or characteristic") and, to that end, to prohibit discrimination in

232 housing on basis of ~~sexual orientation, race, color, gender, age, religion, national origin, marital~~
233 ~~status, disability or gender identity~~ a protected status or characteristic by any person.

234 **Sec. 8-87. Definitions.**

235 The following words and terms shall have the following meanings ascribed to them as
236 used in this article:

237 (1) *Discriminatory housing practice* means an act that is unlawful under the terms of
238 this article.

239 (2) *Age* means the chronological age of an individual who is 18 years old or older.

240 (3) *Disability* means, as the term pertains to an individual:

241 a. ~~"Disability," as used in this chapter, means, with respect to a person:~~

242 1. A physical or mental impairment ~~which~~ that substantially limits one or
243 more of ~~such person's~~ the major life activities of such individual;

244 (a) *Major life activities* means basic activities that the average person
245 in the general population can perform with little or no difficulty
246 including, but not limited to, caring for oneself, performing manual
247 tasks, walking, sitting, standing, lifting, seeing, hearing, speaking,
248 breathing, learning, thinking, concentrating, working and
249 interacting with other people. Major life activities also includes
250 major bodily functions including, but not limited to, functions of
251 the immune system, normal cell growth, digestive, bowel, bladder,
252 neurological, brain, respiratory, circulatory, endocrine, and
253 reproductive functions.

254 (b) Substantially limits means how an impairment affects the ability to
255 perform a major life activity and is to be construed broadly in favor
256 of expansive coverage, to the maximum extent permitted by the
257 terms of federal or state anti-discrimination laws and regulations.

- 258 2. A record of having such an impairment; or
259 3. Being regarded as having such an impairment.

260 Disability does not include any individual who is an alcohol or drug abuser whose
261 current use of alcohol or drugs prevents such individual from performing the
262 duties of the job in question or whose employment, by reason of such current
263 alcohol or drug abuse, would constitute a direct threat to the property or safety of
264 others.

265 ~~b. The term "disability" excludes current, illegal use of or addiction to a~~
266 ~~controlled substance as defined by law. The term "disability" does not~~
267 ~~include the following sexual and behavioral disorders:~~

- 268 1. ~~Transvestitism, transsexualism, pedophilia, exhibitionism, voyeurism,~~
269 ~~gender identity disorders not resulting from physical impairments, or~~
270 ~~other sexual behavior disorders;~~
271 2. ~~Compulsive gambling, kleptomania, or pyromania; or~~
272 3. ~~Psychoactive substance use disorders resulting from current illegal use~~
273 ~~of drugs.~~

274 ~~(2) Person includes one or more human beings, individuals, governments,~~
275 ~~governmental agencies, governmental departments, governmental programs,~~
276 ~~political subdivisions, labor unions, mortgage companies, firms, associations,~~

277 ~~joint ventures, partnerships, estates, trusts, business trusts, syndicates, fiduciaries,~~
278 ~~corporations, and all other groups or combinations.~~

279 ~~(3-4)~~ *Owner* includes the owner, lessee, sub lessee, assignee, manager, agent, or other
280 person, firm, or corporation having the right to sell, rent, lease, or transfer any
281 housing facility, real property, or interest therein, within the corporate limits of
282 the city.

283 ~~(4-5)~~ *Building contractor* includes any person, partnership, association, organization,
284 firm or corporation engaged in the designing, redesigning, constructing,
285 reconstructing, repairing or remodeling of any housing facility within the
286 corporate limits of the city.

287 ~~(5-6)~~ *Dwelling or housing facility* includes any facility, structure, mobile home, hotel,
288 motel, or any other building, or portion thereof, which is used or occupied or
289 intended, arranged or designed to be used or occupied as the home, residence or
290 living quarters of one or more persons, or any parcel of land or portion thereof
291 available or intended for the construction or location of such a facility, structure,
292 mobile home, hotel, motel or other building.

293 ~~(6-7)~~ *Family* means one individual living alone or two or more individuals living
294 together as a unit.

295 ~~(7-8)~~ *Lending institution* includes any bank, insurance company, savings and loan
296 association, mortgage company or any other person or organization engaged in
297 the business of lending money or guaranteeing loans.

298 (9) Protected status or characteristic for purposes of this article means sexual
299 orientation, race, color, gender, age, religion, national origin, marital status, or

300 disability, gender identity, citizenship status, lawful source of income, veteran
301 status or status as a victim of domestic violence, victim of dating violence, or
302 victim of stalking, as those terms are defined in this section or Sec. 8-3.

303 (~~8-10~~) *Real estate broker* includes any person duly licensed as a real estate broker in
304 accordance with the laws of the state.

305 (~~9-11~~) *Real estate salesperson or agent* includes any person, whether licensed or not,
306 who, for a fee, commission, salary or other valuable consideration, or who, with
307 the intention or expectation of receiving or collecting the same lists, sells,
308 purchases, exchanges, rents, leases or otherwise transfers real estate, or the
309 improvements thereon, including options, or who negotiates or attempts to
310 negotiate such an activity, or who advertises or holds himself/herself out as
311 engaged in such activities, or who negotiates or attempts to negotiate a loan
312 secured by a mortgage or other encumbrance, upon a transfer of real estate, or
313 who is engaged in the business of charging an advanced fee or contracting for
314 collection of a fee in connection with a contract whereby he/she undertakes to
315 promote the sale, purchase, exchange, rental, lease or other transfer of real estate
316 through its listing in a publication issued primarily for such purpose; or a person
317 employed by, or acting on behalf of any of these.

318 (~~10-12~~) *To rent* includes to lease, to sublease, to let and otherwise to grant for a
319 consideration the right to occupy premises not owned by the occupant.

320 (~~11-13~~) *Real property* includes building structures, lands, tenements, leaseholds,
321 cooperatives and condominiums.

322 ~~(12-14)~~ *Familial status* means one or more individuals who have not attained the age of
323 18 years and are domiciled with:

- 324 a. A parent or another person having legal custody of such individual(s); or
325 b. The designee of such parent or other person having such custody, with the
326 written permission of such parent or other person.

327 The protections afforded against discrimination on the basis of familial status
328 shall apply to any person who is pregnant or is in the process of securing legal
329 custody of any individual who has not attained the age of 18 years.

330 ~~(13-15)~~ *Housing for older persons* means housing:

- 331 a. Provided under any state or federal program that is designed specifically
332 and operated to assist elderly persons, as defined in the state or federal
333 program;
- 334 b. Intended for, and solely occupied by, persons 62 years of age or older; or
335 c. Intended and operated for occupancy by at least one person 55 years of
336 age or older for each unit. In determining whether housing qualifies as
337 housing intended and operated for occupancy by at least one person 55
338 years of age or older, the board shall look for at least the following factors:
- 339 1. The existence of significant facilities and services specifically
340 designed to meet the physical or social needs of older persons or, if the
341 provision of the facilities and services is not practicable, that the
342 housing is necessary to provide important housing opportunities for
343 older persons;

- 344 2. That at least 80 percent of the dwellings are occupied by at least one
345 person 55 years of age or older for each unit; and
- 346 3. The publication of and adherence to policies and procedures which
347 demonstrate an intent by the owner or manager to provide housing for
348 persons 55 years of age or older.
- 349 d. Housing does not fail to meet the requirements for housing for older
350 persons by reason of:
- 351 1. Persons residing in this housing as of the date of enactment of the
352 ordinance from which this subsection is derived [November 2, 1992]
353 who do not meet the requirements of subsection b. or c.; or
- 354 2. Unoccupied units, provided that these units are reserved for occupancy
355 by persons who meet the new requirements of subsection b. or c.

356 ~~(14-16)~~ *Covered multifamily dwelling* means:

- 357 a. A building which consists of four or more units and has an elevator; or
- 358 b. The ground floor units of a building which consists of four or more units
359 and does not have an elevator.

360 **Sec. 8-88. Prohibition of discrimination in the sale or rental of housing.**

361 (a) Except as provided in section 8-94, it shall be unlawful and a discriminatory housing
362 practice for an owner, or any other person engaging in a real estate transaction, or for a real
363 estate broker, as defined in this chapter:

- 364 (1) To refuse to sell, purchase, rent or lease, or otherwise deny or withhold any
365 housing accommodation from a person or to evict a person because of such

- 366 person's ~~sexual orientation, race, color, gender, age, religion, national origin,~~
367 ~~marital status, disability or gender identity~~ protected status or characteristic;
- 368 (2) To evict a person from or to refuse to negotiate with a person for the sale,
369 purchase, rental, assignment or other transfer of the title, leasehold or other
370 interest in any housing facility because of such person's ~~sexual orientation, race,~~
371 ~~color, gender, age, religion, national origin, marital status, disability or gender~~
372 ~~identity~~ protected status or characteristic;
- 373 (3) To refuse to receive or transmit a bona fide offer to sell, purchase, rent or lease
374 any housing facility from or to a person because of such person's ~~sexual~~
375 ~~orientation, race, color, gender, age, religion, national origin, marital status,~~
376 ~~disability or gender identity~~ protected status or characteristic;
- 377 (4) To discriminate against any person in the terms, conditions or privileges of the
378 sale, purchase, rental, assignment or other transfer of any housing facility, or in
379 the furnishing of facilities or services in connection therewith, because of ~~sexual~~
380 ~~orientation, race, color, gender, age, religion, national origin, marital status,~~
381 ~~disability or gender identity~~ a protected status or characteristic;
- 382 (5) To represent to any person that any housing facility is not available for inspection,
383 sale, purchase, rental or lease, assignment or other transfer when in fact it is so
384 available, or to refuse to permit a person to inspect any housing facility, because
385 of such person's ~~sexual orientation, race, color, gender, age, religion, national~~
386 ~~origin, marital status, disability or gender identity~~ protected status or characteristic
387 when such a dwelling is in fact available to persons who are financially qualified;

- 388 (6) To make, as part of a process or pattern of discouraging the purchase, sale, rental,
389 occupancy or other use of any housing facility in a particular block, area or
390 neighborhood of the city, any representation to a person known to be a
391 prospective purchaser, seller or renter that such a block, area or neighborhood
392 may undergo, is undergoing or has undergone a change in composition with
393 respect to ~~sexual orientation, race, color, gender, age, religion, national origin,~~
394 ~~marital status, disability or gender identity~~ a protected status or characteristic;
- 395 (7) To induce, or attempt to induce, a person to transfer any interest in a housing
396 facility by representations regarding the existing or potential proximity of real
397 property owned, used or occupied by a person of a particular ~~sexual orientation,~~
398 ~~race, color, gender, age, religion, national origin, marital status, disability or~~
399 ~~gender identity~~ protected status or characteristic;
- 400 (8) To promote, induce or influence, or attempt to promote, induce or influence, by
401 the use of postal cards, letters, circulars, telephone calls, visitation or any other
402 means, directly or indirectly, a person to sell, list for sale, remove from listing,
403 rent, assign, transfer or otherwise, any housing facility by referring, as a part of
404 the pattern or process of inciting neighborhood unrest, community tension or fear
405 of change in composition in a block, street, neighborhood or area of the city by
406 creating or playing upon fear, by representing that the presence or anticipated
407 presence in that area of persons of any particular ~~sexual orientation, race, color,~~
408 ~~gender, age, religion, national origin, marital status, disability or gender identity~~
409 protected status or characteristic will or may result in the lowering of property

410 values in the area, the increase in criminal or anti-social behavior in the area, or a
411 decline in the quality of the schools serving the area;

412 (9) To engage in, or hire or conspire with others to engage in, acts or activities of any
413 nature, the purpose of which is to harass, degrade, embarrass or cause economic
414 loss to a person who has provided or offered to provide housing facilities or
415 services to any person, regardless of ~~sexual orientation, race, color, gender, age,~~
416 ~~religion, national origin, marital status, disability or gender identity~~ protected
417 status or characteristic; ~~or~~

418 (10) To engage in, or hire or conspire with others to engage in, acts or activities of any
419 nature, the purpose of which is to harass, degrade, embarrass or cause economic
420 loss to a person who has purchased or leased, or contracted to purchase or lease,
421 any housing facility or service because of such person's ~~sexual orientation, race,~~
422 ~~color, gender, age, religion, national origin, marital status, disability or gender~~
423 ~~identity~~ protected status or characteristic;

424 (11) To require or request that any tenant, prospective tenant, occupant, prospective
425 occupant, or guest of the residential rental property disclose or make any
426 statement, representation, or certification concerning his or her citizenship status;
427 or

428 (12) To disclose to any person or entity information regarding or relating to citizenship
429 status of any tenant, prospective tenant, occupant, or prospective occupant of the
430 residential rental property for the purpose of harassing or intimidating a tenant,
431 prospective tenant, occupant, or prospective occupant, retaliating against a tenant

432 or occupant for the exercise of his or her rights, influencing a tenant or occupant
433 to vacate a dwelling, or recovering possession of the dwelling.

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

436 (1) Complying with any legal obligation under state or federal law, including, but not
437 limited to, any legal obligation(s) under any state or federal government
438 program(s) that provide for rent limitations or rental assistance to a qualified
439 tenant, or a subpoena, warrant, or other order issued by a court.

440 (2) Requesting information or documentation necessary to determine or verify the
441 financial or background qualifications of a prospective tenant, or to determine or
442 verify the identity of a prospective tenant or prospective occupant.

443 ~~(b-c)~~ Except as provided in section 8-94:

444 (1) It is unlawful to discriminate in the sale or rental of, or to otherwise make
445 unavailable or deny, a dwelling to any buyer or renter because of a disability of:

446 a. That buyer or renter;

447 b. A person residing in or intending to reside in that dwelling after it is sold,
448 rented or made available; or

449 c. Any person associated with the buyer or renter.

450 (2) It is unlawful to discriminate against any person in the terms, conditions or
451 privileges of sale or rental of a dwelling or in the provision of services or facilities
452 in connection with such dwelling, because of a disability of:

453 a. That buyer or renter;

- 454 b. A person residing in or intending to reside in that dwelling after it is sold,
455 rented or made available; or
- 456 c. Any person associated with the buyer or renter.
- 457 (3) For purposes of subsections (1) and (2), discrimination includes:
- 458 a. A refusal to permit, at the expense of the disabled person, reasonable
459 modifications of existing premises occupied or to be occupied by such
460 person if such modifications may be necessary to afford such person full
461 enjoyment of the premises, except that, in the case of rental, the landlord
462 may, where it is reasonable to do so, condition permission for a
463 modification on the renter agreeing to restore the interior of the premises
464 to the condition that existed before the modification, reasonable wear and
465 tear excepted.
- 466 b. A refusal to make reasonable accommodations in rules, policies, practices
467 or services when such accommodations may be necessary to afford such
468 person equal opportunity to use and enjoy a dwelling.
- 469 c. Covered multifamily dwellings as defined herein which are intended for
470 first occupancy after the effective date of the ordinance from which this
471 section is derived [November 2, 1992] shall be designed and constructed
472 to have at least one building entrance on an accessible route unless it is
473 impractical to do so because of the terrain or unusual characteristics of the
474 site. Such buildings shall also be designed and constructed in such a
475 manner that:

- 476 1. The public use and common use portions of such dwellings are readily
477 accessible to and usable by disabled persons.
- 478 2. All doors designed to allow passage into and within all premises
479 within such dwellings are sufficiently wide to allow passage by a
480 person in a wheelchair.
- 481 3. All premises within such dwelling contain the following features of
482 adaptive design:
- 483 (a) An accessible route into and through the dwelling.
- 484 (b) Light switches, electrical outlets, thermostats and other
485 environmental controls in accessible locations.
- 486 (c) Reinforcements in bathroom walls to allow later installation of
487 grab bars.
- 488 (d) Usable kitchens and bathrooms such that a person in a wheelchair
489 can maneuver about the space.
- 490 (4) Compliance with the appropriate requirements of the American National
491 Standards Institute for buildings and facilities providing accessibility and usability
492 for physically disabled people, commonly cited as ANSI A117.1 1986, suffices to
493 satisfy the requirements of subparagraph (3).

494 **Sec. 8-89. Prohibition of discrimination in advertising practices.**

495 Except as provided in section 8-94, it shall be unlawful and a discriminatory and
496 advertising practice for an owner or any other person engaging in a real estate transaction or for a
497 real estate broker, as defined in this chapter:

- 498 (1) To make, print or publish, or cause to be made, printed or published, any notice,
499 statement or advertisement, with respect to the sale, rental, assignment or other
500 transfer of a housing facility, that indicates any preference, limitation or
501 discrimination based on ~~sexual orientation, race, color, gender, age, religion,~~
502 ~~national origin, marital status, disability or gender identity~~ a protected status or
503 characteristic, or any intention to make any such preference, limitation or
504 discrimination;
- 505 (2) To make or cause to be made an untrue or intentionally misleading statement or
506 advertisement, or in any other manner, attempt as part of a process or pattern of
507 inciting neighborhood unrest, community tension or fear of change in
508 composition of ~~sexual orientation, race, color, gender, age, religion, national~~
509 ~~origin, marital status, disability or gender identity~~ a protected status or
510 characteristic in any street, block, neighborhood, or any other area, to obtain a
511 listing of any housing facility for sale, rental, assignment, transfer or other
512 disposition, where such statement, advertisement or other representation is false
513 or materially misleading, or where there is insufficient basis to judge its truth or
514 falsity to warrant making the statement, or to make any other material
515 misrepresentations in order to obtain such listing, sale, removal from listing,
516 rental, lease, assignment, transfer or other disposition of said housing facility;
- 517 (3) To place a sign or display any other device either purporting to offer for sale,
518 rental, assignment, transfer or other disposition or tending to lead to the belief that
519 a bona fide offer is being made to sell, rent, assign, transfer or otherwise dispose
520 of any housing facility that is not in fact available or offered for sale, rental,

521 assignment, transfer or other disposition because of ~~sexual orientation, race, color,~~
522 ~~gender, age, religion, national origin, marital status, disability or gender identity a~~
523 protected status or characteristic.

524 **Sec. 8-90. Prohibition of discrimination in building practices.**

525 It shall be an unfair and discriminatory building practice and shall be unlawful for any
526 building contractor:

527 (1) To refuse to design, redesign, construct, reconstruct, repair, remodel or otherwise
528 maintain any housing facility because of the ~~sexual orientation, race, color,~~
529 ~~gender, age, religion, national origin, marital status, disability or gender identity~~
530 protected status or characteristic of the owner, lessee, tenant, assignee or other
531 occupant of such housing facility, or of the prospective owner, lessee, tenant,
532 assignee or other occupant of such housing facility;

533 (2) To include in the terms, conditions or privileges of any design or construction
534 contract pertaining to a housing facility, any clause, condition or restriction which
535 discriminates against any person, directly or indirectly, because of such person's
536 ~~sexual orientation, race, color, gender, age, religion, national origin, marital~~
537 ~~status, disability or gender identity~~ protected status or characteristic;

538 (3) To discriminate in the provision of facilities or services related to a design or
539 construction contract pertaining to a housing facility because of ~~sexual~~
540 ~~orientation, race, color, gender, age, religion, national origin, marital status,~~
541 ~~disability or gender identity a~~ protected status or characteristic.

542 **Sec. 8-91. Prohibition of discrimination in financing of housing or in residential real estate**
543 **transactions.**

544 (a) *Discriminatory financing practices.* It shall be unlawful and a discriminatory
545 financing practice for any bank, savings and loan association, insurance company or other
546 corporation, association, firm or enterprise whose business consists in whole or part in the
547 making of commercial real estate loans, to which application is made for financial assistance for
548 the purchase, acquisition, construction, reconstruction, rehabilitation, repair or maintenance of
549 any dwelling or housing facility, or an officer, agent or employee thereof:

550 (1) To discriminate against any such applicant or applicants because of ~~sexual~~
551 ~~orientation, race, color, gender, age, religion, national origin, marital status,~~
552 ~~disability or gender identity~~ a protected status or characteristic of such applicant
553 or applicants or any member, stockholder, director, officer or employee of such
554 applicant or applicants or of the prospective occupants or tenants of such housing
555 facility, in the granting, withholding, extending or renewing, or in the fixing of
556 the rates or other terms or conditions of any such loans or other financial
557 assistance.

558 (2) To use any form or application for such financial assistance or to make any record
559 or inquiry in connection with application for such financial assistance which
560 expresses, directly or indirectly, any limitation, specification or discrimination as
561 to ~~sexual orientation, race, color, gender, age, religion, national origin, marital~~
562 ~~status, disability or gender identity~~ a protected status or characteristic.

563 (b) *Residential real estate transactions.*

564 (1) It is unlawful for any person or entity whose business includes engaging in
565 residential real estate transactions to discriminate against any person in making

566 available such a transaction, or in the terms or conditions of such a transaction,
567 because of ~~sexual orientation, race, color, gender, age, religion, national origin,~~
568 ~~marital status, disability or gender identity~~ a protected status or characteristic.

569 (2) As used in this subsection, the term "residential real estate transaction" means any
570 of the following:

571 a. The making or purchasing of loans or providing other financial assistance:

572 1. For purchasing, constructing, improving, repairing or maintaining a
573 dwelling; or

574 2. Secured by residential real estate.

575 b. The selling, brokering or appraising of residential real property.

576 **Sec. 8-92. Prohibition of discrimination in provision of brokerage practices.**

577 It shall be an unfair and discriminatory brokerage practice and shall be unlawful to deny
578 any qualified person access to or membership or participation in any multiple listing service, real
579 estate brokers' organization, or any other service, organization or facility relating to the business
580 of selling or renting housing facilities or to discriminate against this person in the terms or
581 conditions of such assess, membership or participation because of ~~sexual orientation, race, color,~~
582 ~~gender, age, religion, national origin, marital status or disability~~ a protected status or
583 characteristic.

584 **Sec. 8-93. Prohibition of other discriminatory housing practices.**

585 It shall be unlawful and a discriminatory housing practice for any person:

586 (1) To retaliate or discriminate in any manner against a person because he/she has
587 opposed a practice declared unlawful by this article, or because he/she has filed a

588 complaint, testified, assisted, or participated in any manner in any investigation,
589 proceeding, hearing or conference under this article; or

590 (2) To resist, prevent, impede, or interfere with the human relations advisory board,
591 or any of its members or representatives in the lawful performance of its or their
592 duty under this article; or

593 (3) To commit by canvassing, any unlawful practices prohibited by this article; or

594 (4) To otherwise deny to or withhold any housing accommodation from a person
595 because of such person's ~~sexual orientation, race, color, gender, age, religion~~
596 ~~national origin, marital status or disability~~ protected status or characteristic.

597 **Sec. 8-94. Exceptions.**

598 (a) Nothing in sections 8-88 through 8-91 and 8-93(4) applies to rooms or units in
599 dwellings containing living quarters occupied or intended to be occupied by no more than four
600 families living independently of each other, if the owner actually maintains and occupies one of
601 such living quarters as his/her residence.

602 (b) Nothing in this article prohibits a religious organization, association or society, or
603 any nonprofit institution or organization operated, supervised or controlled by or in conjunction
604 with a religious organization, association or society, from limiting the sale, rental or occupancy
605 of any dwelling which it owns or operates for other than a commercial purpose to persons of the
606 same religion or from giving preference to such persons. Nothing in this article prohibits a
607 private club not in fact open to the public, which as an incident to its primary purpose or
608 purposes provides lodgings which it owns or operates for other than a commercial purpose, from
609 limiting the rental or occupancy of such lodgings to its members or from giving preference to its
610 members.

611 (c) Nothing in this article requires any person renting or selling a dwelling constructed
612 for first occupancy before the effective date of the ordinance from which this section is derived
613 [November 2, 1992] to modify, alter or adjust the dwelling in order to provide physical
614 accessibility except as otherwise required by law.

615 (d) Any provision of this article regarding familial status does not apply with respect to
616 housing for older persons.

617 (e) Nothing in this article:

618 (1) Prohibits a person engaged in the business of furnishing appraisals of real
619 property from taking into consideration factors other than ~~sexual orientation, race,~~
620 ~~color, gender, age, religion, national origin, marital status or disability~~ a protected
621 status or characteristic.

622 (2) Limits the applicability of any reasonable local restriction regarding the maximum
623 number of occupants permitted to occupy a dwelling.

624 (3) Requires that a dwelling be made available to an individual whose tenancy would
625 constitute a direct threat to the health or safety of other individuals or whose
626 tenancy would result in substantial physical damage to the property of others.

627 (4) Prohibits conduct against a person because such person has been convicted by any
628 court of competent jurisdiction of the illegal manufacture or distribution of a
629 controlled substance as defined under F.S. ch. 893.

630 (f) The provisions in this article relating to sexual orientation shall not apply to any
631 religious institution, organization, corporation, association, society, or any nonprofit charitable or
632 educational institution, or organization operated, supervised, or controlled by or in conjunction
633 with a religious institution, organization, corporation, association, or society.

634 (g) Nothing in this chapter shall be construed to establish an unlawful housing practice
635 based on actual or perceived gender identity due to the denial of access to shared shower or
636 dressing facilities in which being seen full unclothed is unavoidable.

637 **Section 4.** It is the intention of the City Commission that the provisions of Sections 1
638 through 3 of this ordinance shall become and be made a part of the Code of Ordinances of the
639 City of Gainesville, Florida, and that the sections and paragraphs of this Ordinance may be
640 renumbered or relettered in order to accomplish such intentions.

641 **Section 5.** If any word, phrase, clause, paragraph, section or provision of this ordinance
642 or the application hereof to any person or circumstance is held invalid or unconstitutional, such
643 finding shall not affect the other provisions or applications of the ordinance which can be given
644 effect without the invalid or unconstitutional provisions or application, and to this end the
645 provisions of this ordinance are declared severable.

646 **Section 6.** All ordinances or parts of ordinances, in conflict herewith are to the extent of
647 such conflict hereby repealed.

648 **Section 7.** This ordinance shall become effective immediately upon adoption.

649 **PASSED AND ADOPTED THIS ____ DAY OF _____, 2020.**

650 _____
651 LAUREN POE, MAYOR

652 ATTEST: Approved as to form and legality

653 _____
654 _____
655 _____
656 _____
657 OMICHELE D. GAINNEY NICOLLE M. SHALLEY
658 CLERK OF THE COMMISSION CITY ATTORNEY

659 _____
660 _____
661 This ordinance passed on first reading this ____ day of _____, 2020.

662 _____
663 This ordinance passed on second reading this ____ day of _____, 2020.