

Background: The Florida Civil Rights Act (FCRA) and the Florida Fair Housing Act protect persons from discrimination based on several factors such as age, race, and familial status. When an alleged incident of housing discrimination takes place, it is investigated by the Florida Commission on Human Relations. These investigations are funded by the Federal Department of Housing and Urban Development (HUD), and the Florida Commission on Human Relations is the legal, substantially equivalent agency of HUD.

The Commission has investigated and closed 1,009 complaints of housing discrimination since 2010. Nearly two-thirds of them (650) were found to have no cause¹. Current law requires all claims must be filed by alleged victims within one year and cannot be taken to civil court until the claim has been investigated and the plaintiff has exhausted his or her administrative remedies (such as mediation).

Senate Bill 268 would remove the requirement for investigation and would allow any complaint to move immediately to civil court, potentially clogging the Florida court system with baseless discrimination claims.

How This Impacts the Apartment Industry: Senate Bill 268 would greatly alter Florida's legal system in multiple ways. The legislation would double the time frame for filing a fair-housing civil suit against an apartment community. Any current or past resident could file a claim up to two years after an alleged incident occurred. Secondly, the legislation allows those who file a claim to bypass any HUD investigation or conciliation process before pursuing a civil suit. This means that people can sue an apartment community before their claim is investigated or vetted through the current state procedures. This bill could greatly increase the number of un-vetted civil suits brought against apartment communities and could encourage litigious action.

Economic Impact: Litigation is costly and time-consuming for all parties involved. HUD funds of nearly \$600,000 annually are available to investigate claims of housing discrimination with no financial burden on Florida taxpayers. The current system of investigation and civil action is fair, cost-effective, and does not overburden Florida's court system.

FAA is opposed to Senate Bill 268 and is committed to making sure fair housing discrimination claims cannot bypass the Department of Housing and Urban Development investigation and conciliation process before going to a civil suit.

Bill Sponsors

SB 268 Sen. Darryl Rouson
 (D- St.Petersburg, SD 19)

¹ Statistic taken from Florida Senate 2015 Staff analysis of SB 7008 2/4/16. Pg.5