

ORDINANCE NO. 16-018

AN ORDINANCE OF THE CITY OF GALVESTON, TEXAS, AMENDING CHAPTER 12.5, "FAIR HOUSING," OF THE CODE OF THE CITY OF GALVESTON, 1982, AS AMENDED, BY EXPANDING THE CLASS OF CITIZENS WITHIN THE PROTECTIONS OF THE CHAPTER; MAKING CHANGES THROUGHOUT THE CHAPTER IN CONFORMITY WITH THE EXPANDED CLASS OF CITIZENS PROTECTED, AND MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT.

WHEREAS, the City of Galveston has previously enacted Ordinance Nos. 76-84 and 97-48 making discrimination based on race, color, religion, sex or national origin in the sale or rental of real property unlawful; and

WHEREAS, since the passage of such Ordinances it has come to the attention that there are those who believe they have been discriminated against in the sale or rental of real property based on their gender and/or sexual identity; and

WHEREAS, the City Council of the City of Galveston has deemed it in the best interest of the citizens to amend the City Code to prohibit discrimination in the sale or lease of real estate based on gender and/or sexual identity;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GALVESTON, TEXAS:

SECTION 1. The findings and recitations set out in the preamble to this Ordinance are found to be true and correct and they are hereby adopted by the City Council and made a part hereof for all purposes.

SECTION 2. Chapter 12.5 "Fair Housing" of the Code of the City of Galveston, 1982 as amended, and in particular Sections 12.5-1, 12.5-2, 12.5-3, 12.5-4, 12.5-5, and 12.5-11 are hereby amended to read and provide as follows:

Chapter 12.5 Fair Housing

12.5-1. Declaration of Policy.

(a) It is hereby declared to be the policy of the City of Galveston to bring about, through fair, orderly and lawful procedures, the opportunity for each person to obtain housing without regard to race, color, religion, sex, handicap, familial status, gender identity, sexual identity or national origin.

(b) It is further declared that this policy is grounded upon a recognition of the right of every person to have access to adequate housing of the person's own choice without regard to race, color, religion, sex, handicap, familial status, gender identity, sexual

identity or national origin; and further, that the denial of such rights through considerations based upon race, color, religion, sex, handicap, familial status, gender identity, sexual identity or national origin is detrimental to the health, safety and welfare of the inhabitants of the City of Galveston and constitutes an unjust denial or deprivation of such inalienable rights that is within the power and the proper responsibility of the government to prevent

Sec. 12.5-2 Definition of Terms.

As used in this section:

- (h) “Gender identity” refers to a gender-related identity, appearance, expression or behavior of an individual, regardless of the individual's assigned sex at birth.
- (i) “Sexual orientation” means an individual's real orientation or orientation perceived by another as heterosexual, homosexual, bisexual or asexual.
- j) “Sex” includes both sex, the biological differences between men and women, and gender; and encompasses sexual orientation and gender identity.

Sec. 12.5-3 Discrimination in the Sale or Rental of Housing.

It shall unlawful for any person:

- (a) To refuse to sell or rent after receiving a bonafide offer, or to refuse to negotiate for the sale or rental of, or to otherwise make unavailable or deny a dwelling to any person because of race, color, religion, sex, handicap, familial status, gender identity, sexual identity or national origin;
- (b) To discriminate against any person in the terms, conditions or privileges of sale or rental of a dwelling, or in the provisions of services or facilities in connection with a sale or rental of a dwelling because of race, color, religion, sex, handicap, familial status, gender identity, sexual identity or national origin;
- (c) To make, print or publish, or cause to be made, printed or published, any notice, statement or advertisement with respect to the sale or rental of dwelling that indicates any preference, limitation or discrimination based upon race, color, religion, sex, handicap, familial status, gender identity, sexual identity or national origin or any intention to make any such preference, limitation or discrimination; or
- d) To induce or attempt to induce, for profit or with the hope or expectation of profit, any person to sell or rent any dwelling by representations regarding, the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, color, religion, sex, handicap, familial status, gender identity, sexual identity or national origin.

12.5-4. - Discrimination in the financing of housing.

- (a) It shall be unlawful for any bank, building and loan association, insurance company or other corporation, association, firm or enterprise whose business consists in whole or in part in the making of commercial real estate loans to deny a loan or other financial assistance to a person applying therefor for the purpose of purchasing, constructing, improving, repairing, or maintaining a dwelling.
- (b) It shall be unlawful to discriminate against a person applying for a commercial real estate loan or other financial assistance by fixing the amount, interest rate, duration or other terms or conditions of such loan or other financial assistance because of the race, color, religion, sex, handicap, familial status, gender identity, sexual identity or national origin of such person.
- (c) It shall be unlawful to fix the amount, interest rate, duration or other terms or conditions of the loan or other financial assistance of any person associated with the person applying for the commercial real estate loan or other financial assistance, because of the race, color, religion, sex, handicap, familial status or gender identity, sexual identity or national origin.
- (d) It shall be unlawful to fix the amount, interest rate, duration or other terms or conditions of the loan or other financial assistance of any person associated with the person applying for the commercial real estate loan or other financial assistance, because of the purpose of such loan or other financial assistance, or because of the race, color, religion, sex, handicap, familial status, gender identity, sexual identity or national origin of present or prospective owners, lessees, tenants or occupants of the dwelling or dwellings in relation to which such loan other financial assistance is to be made or given.

Sec. 12.5-5. - Discrimination in the provisions of brokerage services.

It shall be unlawful to deny any person, who is otherwise qualified and/or entitled, access to, or membership or participation in, any multiple-listing service, real estate brokers' organization or other service, organization or facility relating to the business of selling or renting dwellings or to discriminate against the person in the terms of conditions of such access, membership or participation, because of race, color, religion, sex, handicap, familial status gender identity, sexual identity or national origin.

Sec. 12.5-11. - Unlawful intimidation.

It shall be unlawful for any person, whether or not acting under color of law, by force or threat of force to willfully injure, intimidate or interfere with, or attempt to injure, intimidate or interfere with:

- (1) Any person who is or has been selling, purchasing, renting, financing, occupying, or contracting or negotiating for the sale, purchase, rental, financing or occupation of any dwelling, or applying for or participating in any service, organization or facility relating to the business of selling or renting dwellings, because of the person's race, color, religion, sex, handicap, familial status, gender identity, sexual identity or national origin; or
- (2) Any person who is or has been:
 - a. Participating, without discrimination on account of race, color, religion, sex, handicap, familial status, gender identity, sexual identity or national origin, in any of the activities, services, organizations or facilities described in section 12.5-11(a); or
 - b. Affording a person or class of persons opportunity or protection so to participate in any of the activities, services, organizations or facilities described in section 12.5-11(a); or
 - c. Lawfully aiding or encouraging other persons to participate, without discrimination on account of race, color, religion, sex, handicap, familial status, gender identity, sexual identity or national origin, in any of the activities, services, organizations or facilities described in section 12.5-11(a) or participating lawfully in speech or peaceable assembly or opposing any denial of the opportunity to participate.

SECTION 3. All portions of Chapter 12.5 of the City Code not expressly amended herein shall continue to be of force and effect.

SECTION 4. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance.

SECTION 5. In accordance with the provisions of Sections 12 and 13 of Article II of the City Charter this Ordinance has been publicly available in the office of the City Secretary for not less than 72 hours prior to its adoption; that this Ordinance may be read and published by descriptive caption only.

SECTION 6. This Ordinance shall be and become effective from and after its adoption and publication in accordance with the provisions of the Charter of the City of Galveston.

APPROVED AS TO FORM:

DONALD S. GLYWASKY
INTERIM CITY ATTORNEY

I, Janelle Williams, Secretary of the City Council of the City of Galveston, do hereby certify that the foregoing is a true and correct copy of an Ordinance adopted by the City Council of the City of Galveston at its regular meeting held on the 24th day of March 2016, as the same appears in records of this office.

IN TESTIMONY WHEREOF, I subscribe my name hereto officially under the corporate seal of the City of Galveston this 28th day of March, 2016.

Secretary for the City Council
of the City of Galveston