

ALACHUA COUNTY  
BOARD OF COUNTY COMMISSIONERS

## **ORDINANCE NO. 2019-\_\_**

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS  
OF ALACHUA COUNTY, FLORIDA, PROVIDING FOR  
ADDITIONAL PROTECTIONS FROM DISCRIMINATION IN  
HOUSING AND REAL ESTATE TRANSACTIONS; PROVIDING  
FOR SEVERABILITY, PROVIDING FOR A REPEALING CLAUSE;  
PROVIDING FOR INCLUSION IN THE CODE, AND PROVIDING  
AN EFFECTIVE DATE.

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF**

## ALACHUA COUNTY, FLORIDA:

19           **SECTION 1.** Article I, Sections 111.01 through 111.08 of Chapter 111 HUMAN  
20           RIGHTS, are hereby amended as follows:

## CHAPTER 111. - HUMAN RIGHTS

## **ARTICLE I. - GENERAL PROVISIONS**

### **Sec. 111.01. - Legislative findings.**

It is hereby declared by the Alachua County Board of County Commissioners that:

32 (b) The Board's purpose in enacting this ordinance is to promote the personal dignity,  
33 public safety, health and general welfare of all individuals who live in, visit and work in Alachua  
34 County; and

36 (c) Discriminatory practices are contrary to the public policy of Alachua County and  
37 are a menace to the personal dignity, public safety, health and general welfare of our citizens  
38 and, as such, the board shall direct its efforts toward eliminating discriminatory practices within  
39 Alachua County in the areas of employment, housing and public accommodations.

1      **Sec. 111.02. - Title of chapter.**

2      Chapter 111, Articles I-IV shall be known and cited as the "Human Rights Ordinance" of  
3      Alachua County.

5      **Sec. 111.03. - Intent of chapter.**

6      It is the intent of this chapter to:

7      (a) secure for all individuals within Alachua County freedom from discrimination  
8      because of race, color, national origin, religion, sex, marital status, age, disability,  
9      sexual orientation, gender identity or expression in connection with employment,  
10     housing or public accommodations; and familial status in housing.  
11  
12     (b) prohibit discrimination in housing and real estate transactions based on familial  
13     status, veterans or service member status, lawful source of income, citizenship  
14     status, or being the victim of dating violence, domestic violence, or stalking.

16      **Sec. 111.04. - Territorial jurisdiction.**

17      This chapter shall be applicable to incidents of alleged discriminatory practices within the  
18      geographic boundaries of Alachua County. If any municipality in Alachua County has in force or  
19      adopts its own human rights ordinance, such municipal ordinance shall prevail over the Human  
20      Rights Ordinance of Alachua County to the extent of any conflict between the two ordinances.

22      **Sec. 111.05. - Definitions.**

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

26      *Age* means person(s) who are 18 years of age or older.

28      *Aggrieved person* means any person who claims to have been injured by a discriminatory  
29      practice or believes that he or she will be injured by a discriminatory practice that is about to  
30      occur.

32      *Because of sex or on the basis of sex* includes but is not limited to, because of or on the  
33      basis of pregnancy, childbirth or related medical conditions.

35      *Board* means the Alachua County Human Rights Board created by this chapter.

37      *Citizenship status* includes a perception that the person has a particular citizenship status,  
38      or that the person is associated with a person who has, or is perceived to have, a particular  
39      citizenship status.

41      *Complainant* means a person who files a complaint with the county pursuant to this  
42      chapter.

44      *Covered multifamily dwelling* means:

46      (1) A building which consists of four or more units and has an elevator; or

(2) Ground floor units of a building which consists of four or more units and does not have an elevator.

*Disability* means, as the term pertains to an individual:

(1) A physical or mental impairment that substantially limits one or more of the major life activities of such individual;

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

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

(2) A record of such impairment; or

(3) Being regarded as having such an impairment.

For purposes of the sections of this chapter as they relate to employment, such term does not include any individual who is an alcohol or drug abuser whose current use of alcohol or drugs prevents such individual from performing the duties of the job in question or whose employment, by reason of such current alcohol or drug abuse, would constitute a direct threat to the property or safety of others.

*Discriminatory practice* means an act that is unlawful under this chapter.

*Domestic partner* means a person in a legal or personal relationship between two individuals (not related by blood) who live together and share a common domestic life but are neither joined by marriage nor a civil union, pursuant to a state or municipal domestic partner registry.

(1) Domestic partnership as recognized under this chapter shall not be construed to rise to the level of marriage as defined under state or federal law.

*Employee* means any individual employed by or seeking employment from an employer.

*Employer* means any person employing five (5) or more employees for each working day in each of four (4) or more consecutive calendar weeks in the current or preceding calendar year,

1 and any agent of such person. Such term shall include Alachua County Board of County  
2 Commissioners, but shall not include:

3 (1) The United States or a corporation wholly owned by the government of the United  
4 States; the State of Florida, any municipal government within Alachua County, or other  
5 governmental entity within Alachua County;

6 (2) An Indian tribe; or

7 (3) A bona fide private membership club (other than a labor organization) which is  
8 exempt from taxation under section 501(c) of title 26, United States Code.

9 *Employment agency* means any person regularly undertaking, with or without  
10 compensation, to procure employees for an employer, or to procure for employees opportunities  
11 to work for an employer, and includes an agent of such a person.

12 *Familial status* means a status that is established when an individual who has not attained  
13 the age of 18 years is domiciled with:

14 (1) A parent or other person having legal custody of such individual; or

15 (2) A designee of a parent or other person having legal custody, with the written  
16 permission of such parent or other person.

17 *Family* includes a single individual.

18 *Genetic information* includes information about an individual's genetic tests and the  
19 genetic tests of an individual's family members, as well as information about the manifestation of  
20 a disease or disorder in an individual's family members (i.e. family medical history).

21 *Gender identity or expression* means an individual's physical appearance,  
22 presentation or representation of being a male or a female, regardless of that individual's  
23 assigned sex at birth.

24 *Housing*, or *housing accommodation* means any building, structure, or portion thereof,  
25 mobile home, or trailer, or other facility which is occupied as, or designed or intended for  
26 occupancy as, a residence by one or more families, and any vacant land which is offered for sale  
27 or lease for the construction or location thereon of any such building, structure, or portion  
28 thereof, mobile home or trailer, or other facility.

29 *Housing and real estate transaction* means the sale, purchase, exchange, rental, or lease  
30 of real property, and any agreement or contract pertaining thereto.

31 *Labor organization* means:

32 (1) An organization of any kind representing employees in dealing with employers

1 concerning grievances, labor disputes, wages, rates of pay, hours, or other terms or conditions of  
2 employment;

3  
4 (2) A conference, general committee, joint or system board, or joint council which is  
5 subordinate to a national or international labor organization; or

6  
7 (3) An agent of a labor organization.

8  
9 Lawful source of income means the lawful, verifiable income paid directly to a tenant or  
10 paid to a representative of a tenant, including but not limited to, income derived from social  
11 security, supplemental security income, child support, alimony, veteran's benefits, disability  
12 benefits, pension and retirement benefits, or any form of federal, state, or local public, food, or  
13 housing assistance or subsidy, including assistance from the Supplemental Nutrition Assistance  
14 Program (SNAP) and the Housing Choice Voucher Program or "Section 8" vouchers, whether  
15 such income is received directly or indirectly by the renter or purchaser and includes  
16 supplemental income.

17  
18 Lending institution means any bank, insurance company, savings and loan association,  
19 mortgage company, or any other person or organization regularly engaged in the business of  
20 lending money or guaranteeing loans, or sources of credit information, including, but not limited  
21 to, credit bureaus.

22  
23 Major life activities mean basic activities that the average person in the general  
24 population can perform with little or no difficulty including, but not limited to, caring for  
25 oneself, performing manual tasks, walking, sitting, standing, lifting, seeing, hearing, speaking,  
26 breathing, learning, thinking, concentrating, working and interacting with other people. Major  
27 life activities also includes major bodily functions including, but not limited to, functions of the  
28 immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory,  
29 circulatory, endocrine, and reproductive functions.

30  
31 Manager means the manager of the Alachua County Equal Opportunity Office.

32  
33 Marital status means an individual's status of being married, separated, or unmarried,  
34 including being single, divorced, widowed or a domestic partner.

35  
36 National origin means to be from a particular country or part of the world by ancestry,  
37 naturally, by marriage, or by adoption.

38  
39 Owner means any person, including, but not limited to, a lessee, sub-lessee, assignee,  
40 manager, or agent, and also including Alachua County government, having the right of  
41 ownership or possession, or the authority to sell or lease any housing accommodation.

42  
43 Person includes an individual, association, corporation, joint apprenticeship committee,  
44 joint-stock company, labor union, legal representative, mutual company, partnership, receiver,  
45 trust, trustee in bankruptcy, or unincorporated organization, any other legal or commercial entity,  
46 the state, or any other governmental entity or agency.

1  
2        *Place of public accommodation* means an establishment which serves or holds itself out  
3 to serve the public, including where a member of the public would go to seek the goods, services  
4 and facilities which are held out as being open to the public.  
5

6        *Private membership club* means a private organization which is exempt from taxation  
7 under section 501 (c) of title 26, United States Code; has meaningful conditions on limited  
8 membership and eligibility requirements; is controlled or owned by club members and restricts  
9 facilities and services to members and their guests.  
10

11        *Protected status or characteristic* means race, color, national origin, religion, sex, marital  
12 status, age, disability, sexual orientation, gender identity or expression, and ~~and familial status with  
13 regard to housing~~.  
14

15        *Protected status or characteristic in housing and real estate transactions* means race,  
16 color, national origin, religion, sex, marital status, age, disability, sexual orientation, gender  
17 identity or expression, familial status, veteran or service member status, lawful source of income,  
18 citizenship status, or being the victim of dating violence, domestic violence, or stalking.  
19

20        *Real estate broker or salesperson* means a person, whether licensed or not, who lists,  
21 sells, purchases, exchanges, rents, or leases real property, or who negotiates or attempts to  
22 negotiate any of these activities, or who holds himself or herself out as engaged in these  
23 activities, or who negotiates or attempts to negotiate a loan secured or to be secured by mortgage  
24 or other encumbrance upon real property, or who is engaged in the business of listing real  
25 property in a publication; or a person employed by or acting on behalf of any of these.  
26

27        *Real estate transaction* means the sale, purchase, exchange, rental, or lease of real  
28 property, and any contract pertaining thereto.  
29

30        *Readily achievable* means easily accomplishable and able to be carried out without much  
31 difficulty or expense.  
32

33        *Rent* means lease, sublease, assignment, and/or rental, including any contract to do any of  
34 the foregoing, or otherwise granting for a consideration the right to occupy premises that are not  
35 owned by the occupant.  
36

37        *Respondent* means any person against whom a complaint is filed pursuant to this chapter.  
38

39        *Sale* means any contract to sell, exchange, or to convey, transfer, or assign legal or  
40 equitable title to, or a beneficial interest in, real property.  
41

42        *Service member status* means a status as defined by federal law and includes the state of  
43 serving on active duty in the armed forces of the United States, including the Reserves and  
44 National Guard.  
45

46        *Sexual orientation* means an individual's actual or perceived heterosexuality,  
47

1      homosexuality or bisexuality.

2      ~~Substantially limits means how an impairment affects the ability to perform a major life~~  
3      ~~activity and is to be construed broadly in favor of expansive coverage, to the maximum extent~~  
4      ~~permitted by the terms of federal or state anti-discrimination laws and regulations.~~

5

6      *Transgender* means an individual whose gender identity or expression differs from his or  
7      her assigned sex at birth.

8

9      *Transitioning* means the process of permanently changing one's gender.

10

11     *Veteran status* means the state of having served in any branch of the armed forces of the  
12     United States, including the Reserves and National Guard, and having been discharged or  
13     released under conditions other than dishonorable as defined under federal law.

14

15     *Victim of dating violence* means a person who has been subjected to acts or threats of  
16     violence, not including acts of self-defense, during the course of a significant relationship of a  
17     romantic or intimate nature, committed by another person under the following circumstances:

18

19     (1) The nature of the relationship was characterized by the expectation of affection or  
20     sexual involvement between the individuals; and

21

22     (2) The frequency and type of interaction between the individuals was on a continuous  
23     basis during the course of the relationship

24

25     This does not include violence between individuals involved in a casual acquaintanceship  
26     or individuals who have engaged only in ordinary fraternization in a business or social  
27     context.

28

29     *Victim of domestic violence* means a family or household member who has been  
30     subjected to acts or threats of violence, not including acts of self-defense, by another family or  
31     household member.

32     For purposes of this ordinance, "family or household member" includes:

33

34     (1) A current or former spouse of the victim;

35

36     (2) A person with whom the victim shares a child in common;

37

38     (3) A person who is cohabitating with or has cohabitated with the victim; or

39

40     (4) A person who is or has continually or at regular intervals lived in the same household  
41     as the victim.

42

43     *Victim of stalking* means a victim of acts that constitute or are deemed under state law to  
44     be willful, malicious, and repeated following, harassing or cyberstalking of another person, or  
45     the making of a credible threat with the intent to place that victim in reasonable fear of death or

1 bodily injury of the person, or the person's spouse, child, parent, sibling or dependent. The term  
2 "cyberstalking" means engaging in a course of conduct to communicate or cause to be  
3 communicated, words, images or language by or through the use of electronic mail or electronic  
4 communication, directed at a specific person, causing substantial emotional distress to that  
5 person and serving no legitimate purpose.

6

7 **Sec. 111.06. - Generally.**

8 It is a violation of this chapter for a person who owns or operates a place of employment,  
9 housing or public accommodation, either personally or through the actions of an employee or  
10 independent contractor, to:

11

12 (a) discriminate against a person in employment, housing or public accommodations  
13 because of that individual's protected status or characteristic; or

14

15 (b) display or publish any written communication which is to the effect that a person is  
16 unwelcome, objectionable or unacceptable because of that individual's protected status or  
17 characteristic.

18

19 **Sec. 111.07. - Incorporation of federal and state regulations.**

20 With respect to the provisions of this chapter which relate to the prohibition of  
21 discrimination in employment, housing or public accommodations, the applicable provisions of  
22 federal and state anti-discrimination laws and regulations promulgated pursuant thereto are  
23 hereby incorporated by reference as if set out in full herein.

24

25 **Sec. 111.08. - Retaliation, coercion, interference, obstruction, or prevention of compliance**  
26 **with this chapter.**

27 It is an unlawful discriminatory practice for a person to conspire to:

28

29 (a) Retaliate or discriminate against a person because he or she has opposed a  
30 discriminatory practice, or because he or she has made a charge, filed a complaint, testified,  
31 assisted, or participated in an investigation, proceeding, or hearing under this chapter.

32

33 (b) Aid, abet, incite, or coerce a person to engage in an unlawful discriminatory  
34 practice.

35

36 (c) Willfully interfere with the performance of a duty or the exercise of a power by the  
37 board or manager, or one of their staff members or representatives.

38

39 (d) Willfully obstruct or prevent a person from complying with the provisions of this  
40 chapter or an order issued hereunder.

41

42

43 **SECTION 2.** Article III of Chapter 111, HUMAN RIGHTS, is hereby amended as

44 follows:

### **ARTICLE III. - FAIR HOUSING**

### **Sec. 111.40. - Discrimination in housing.**

Except as provided in section 111.41, the following shall be unlawful and discriminatory housing practices, by an owner, real estate broker, as defined in this chapter, or any other person engaging in a real estate transaction, on the basis of a protected status or characteristic: in housing.

(a) *Sale or rental*; advertising of sale or rental.

(1) *Refusal.* To refuse to engage in a real estate transaction or otherwise make unavailable or deny housing to any person;

(2) *Terms; free association.* To discriminate against a person in the terms, conditions, or privileges of a real estate transaction, or in the furnishing of facilities or services in connection therewith, or because of such person's exercise of his right to free association;

(3) *Offer.* To refuse to receive or to fail to transmit a bona fide offer to engage in a real estate transaction from any person;

(4) *Negotiation.* To refuse to negotiate for a real estate transaction with a person;

(5) *Availability; inspection.* To represent to a person that housing is not available for inspection, sale, rental, or lease when in fact it is so available, or to fail to bring a property listing to such person's attention, or to refuse to permit him or her to inspect the housing:

(6) *Leading*. To steer any person away from or to any housing;

(7) *Notice; record.* To make, print, publish, circulate, post, or mail, or cause to be made, printed, published, or circulated, any notice, statement, advertisement, or sign, or to use a form of application or photograph for a real estate transaction or, except in connection with a written affirmative action plan, to make a record or oral or written inquiry in connection with a prospective real estate transaction, which indicates directly or indirectly an intent to make a limitation, specification, or discrimination with respect thereto;

(8) *Listing.* To offer, solicit, accept, use, or retain a listing of housing with the understanding that a person may be discriminated against in a real estate transaction or in the furnishing of facilities or services in connection therewith;

(9) *Proximity of certain housing.* To induce or attempt to induce any person to transfer an interest in any housing by representations regarding the existing or potential proximity of housing owned, used, or occupied by any person protected by the terms of this article;

(10) *Misrepresentation of listing.* To make any misrepresentation concerning the listing for sale or rental, or the anticipated listing for sale or rental, or the sale or rental of any housing for the purpose of inducing or attempting to induce any such listing or any of the above transactions;

(11) *Retaliation.* To retaliate or discriminate in any manner against any person because of their opposition to a practice declared unlawful by this article, or because he or she has filed a complaint, testified, assisted, or participated in any manner in any investigation, proceeding, or conference under this article;

(12) *Opposition.* To aid, abet, incite, compel, or coerce any person to engage in any of the practices prohibited by the provisions of this article, or to obstruct or prevent any person from complying with the provisions of this article, or any conciliation agreement entered into hereunder;

(13) *Causing violation.* By causing any person to compel any practice prohibited by the provisions of this article;

(14) *Denying accommodation.* Otherwise to deny to, or withhold, any housing accommodations from a person;

(15) *Inciting unrest.* To promote, incite, influence, or attempt to promote, induce, or influence by the use of postal cards, letters, circulars, telephone, visitation, or any other means, directly or indirectly, a property owner, occupant, or tenant to list for sale, sell, remove from, lease, assign, transfer, or otherwise dispose of any housing by referring, as a part of a process or pattern of inciting neighborhood unrest, community tension based on a protected status or characteristic of actual or anticipated neighbors, tenants, or other prospective buyers of any housing;

(16) *False information to obtain listing.* To cause to be made any untrue or intentionally misleading statement or advertisement or, in any other manner, attempt, as a part of a process or pattern of inciting neighborhood unrest, community tension in any street, block, neighborhood, or any other area, to obtain a listing of any housing for sale, rental, assignment, transfer, or other disposition, where such statement or other representation is false or materially misleading, or where there is insufficient basis to judge its truth or falsity to warrant making the statement, or to make any other material misrepresentation in order to obtain such listing, sale, removal from, lease, assignment, transfer, or other disposition of said housing; or

(17) *Signs.* To place a sign or display any other device, either purporting to offer to sell, lease, assign, transfer, or make other disposition or tending to lead to the belief that a bona fide offer is being made to sell, lease, assign, transfer, or otherwise dispose of any housing that is not in fact available or offered for sale, lease, assignment, transfer, or other disposition.

(18) Citizenship Status. A landlord or any agent of a landlord, shall not do

1 either of the following:

2  
3                   a. Require or request that any tenant, prospective tenant, occupant,  
4 prospective occupant, or guest of the residential rental property disclose or make any statement,  
5 representation, or certification concerning his or her citizenship status.

6  
7                   b. Disclose to any person or entity information regarding or relating  
8 to citizenship status of any tenant, prospective tenant, occupant, or prospective occupant of the  
9 residential rental property for the purpose of, harassing or intimidating a tenant, prospective  
10 tenant, occupant, or prospective occupant, retaliating against a tenant or occupant for the exercise  
11 of his or her rights, influencing a tenant or occupant to vacate a dwelling, or recovering  
12 possession of the dwelling.

13  
14                   c. This section does not prohibit a landlord or any agent of a landlord  
15 from doing either of the following:

16  
17                   i. Complying with any legal obligation under state or federal law,  
18 including, but not limited to, any legal obligation(s) under any state or  
19 federal government program(s) that provide for rent limitations or  
20 rental assistance to a qualified tenant, or a subpoena, warrant, or other  
21 order issued by a court.

22  
23                   ii. Requesting information or documentation necessary to determine  
24 or verify the financial or background qualifications of a prospective  
25 tenant, or to determine or verify the identity of a prospective tenant or  
26 prospective occupant.

27  
28                   (b) *Financing and residential real estate transactions.*

29  
30                   (1) It shall be unlawful and a discriminatory housing practice for any lending  
31 institution, as defined in this chapter, to deny a loan or other financial assistance to a person  
32 applying therefor for the purpose of purchasing, constructing, improving, repairing, or  
33 maintaining housing, or to discriminate against such person in the fixing of the amount, interest  
34 rate, duration or other terms or conditions of such loan or other financial assistance, because of a  
35 protected status or characteristic of such person or of any person associated with such person in  
36 connection with such loan or other financial assistance, or for purposes of such loan or other  
37 assistance, or of the present or prospective owners, lessees, tenants, or occupants of the housing  
38 in relation to which such loan or other financial assistance is to be made or given; provided that  
39 nothing contained in this subsection shall impair the scope or effectiveness of the exceptions  
40 contained in section 111.41.

41  
42                   (2) It is unlawful for any person or entity whose business includes engaging in  
43 residential real estate transactions to discriminate against any person in making available such a  
44 transaction, or in the terms or conditions of such a transaction, because of a protected status or  
45 characteristic. The term "residential real estate transaction" means any of the following:

(a) The making or purchasing of loans or providing other financial assistance:

- i. For purchasing, constructing, improving, repairing, or maintaining a dwelling; or
- ii. Secured by residential real estate.

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

(c) *Brokerage services.* It shall be unlawful and a discriminatory housing practice to deny any person access to or membership or participation in any multiple-listing service, real estate brokers' organization, or other service organization, or facility related to the business of selling or renting housing, or to discriminate against such person in the terms or conditions of such access, membership, or participation because of a protected status or characteristic.

(d) *Familial status.* The protection afforded under subsections (a), (b), and (c) of this section against discrimination on the basis of familial status applies to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of 18 years.

(e) *Discrimination against persons with disabilities in sale or rental.* It is unlawful to discriminate in the sale or rental of, or to otherwise make unavailable or deny, a dwelling to any buyer or renter because of a disability of:

- (1) That buyer or renter;
- (2) A person residing in or intending to reside in that dwelling after it is sold, or available; or
- (3) Any person associated with the buyer or renter.

(f) *Same—Discrimination in terms or conditions.* It is unlawful to discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection with such dwelling, because of a disability of:

- (1) That buyer or renter;
- (2) A person residing in or intending to reside in that dwelling after it is sold, rented, or made available; or
- (3) Any person associated with the buyer or renter.

(g) *Same—Person acting as agent.* The prohibitions on discrimination because of a disability, as provided for in subsections (e) and (f), are applicable although another person who may be acting as agent or representative for the disabled person in the real estate transaction.

1  
2       (h) *Same—Accessibility standards.* For purposes of subsections (e) and (f),  
3 discrimination includes:

4               (1) A refusal to permit, at the expense of the person with a disability,  
5 reasonable modifications of existing premises occupied or to be occupied by such person if such  
6 modifications may be necessary to afford such person full enjoyment of the premises;

7               (2) A refusal to make reasonable accommodations in rules, policies, practices,  
8 or services, when such accommodations may be necessary to afford such person equal  
9 opportunity to use and enjoy a dwelling; or

10               (3) In connection with the design and construction of covered multifamily  
11 dwellings for first occupancy on or after March 13, 1991, a failure to design and construct those  
12 dwellings in such a manner that:

13                   a. The public use and common use portions of such dwellings are readily  
14 accessible to and usable by persons with disabilities.

15                   b. All doors designed to allow passage into and within all premises  
16 within such dwellings are sufficiently wide to allow passage by a person in a wheelchair.

17                   c. All premises within such dwellings contain the following features of  
18 adaptive design:

19                          i. An accessible route into and through the dwelling.

20                          ii. Light switches, electrical outlets, thermostats, and other  
21 environmental controls in accessible locations.

22                          iii. Reinforcements in bathroom walls to allow later installation of  
23 grab bars.

24                          iv. Usable kitchens and bathrooms such that a person in a wheelchair  
25 can maneuver about the space.

26               (4) Compliance with the appropriate requirements of the Florida Accessible  
27 Building Code, providing accessibility and usability for persons with physical disabilities,  
28 suffices to satisfy the requirements of subsection (h)(3)c. State agencies with building  
29 construction regulation responsibility or local governments, as appropriate, shall review the plans  
30 and specifications for the construction of covered multifamily dwellings to determine  
31 consistency with the requirements of this subsection.

32               (5) For the purposes of subsection (h)(1) above, in the case of a rental, a  
33 landlord may, where it is reasonable to do so, condition permission for a modification on the  
34 renter agreeing to restore the interior of the premises to the condition that existed before the  
35 modification, reasonable wear and tear excepted. The landlord may not increase for persons with

1 disabilities any customarily required security deposit. However, where it is necessary in order to  
2 ensure with reasonable certainty that funds will be available to pay for the restorations at the end  
3 of the tenancy, the landlord may negotiate as part of such a restoration agreement a provision  
4 requiring that the tenant pay into an interest bearing escrow account, over a reasonable period, a  
5 reasonable amount of money, not to exceed the cost of the restorations. The interest in any such  
6 account shall accrue to the benefit of the tenant. A landlord may condition permission for a  
7 modification on the renter providing a reasonable description of the proposed modifications, as  
8 well as reasonable assurances that the work will be done in accordance with applicable building  
9 codes and that any required building permits will be obtained.

10

11 **Sec. 111.41. - Exceptions.**

12

13 (a) *Religious societies.* Nothing contained in section 111.40 shall prohibit a religious  
14 organization, association, or society, or any nonprofit charitable or educational institution or  
15 organization operated, supervised, or controlled by or in conjunction with a religious  
16 organization, association, or society, from limiting or from advertising the sale, rental, or  
17 occupancy of housing which it owns or operates for other than a commercial purpose to persons  
18 of the same religion, or from giving preference to such persons, unless membership in such  
19 religion is restricted on the basis of a protected status or characteristic.

20

21 (b) *Single-family houses.* Nothing in section 111.40, other than subsection (a)(7)  
22 thereof, shall apply to:

23

24 (1) Any single-family house sold or rented by its owner, provided that such  
25 private individual owner does not own more than three such single-family houses at any one  
26 time; provided further that, in the case of the sale of any such single-family house by a private  
27 individual owner not residing in such house at the time of such sale or who was not the most  
28 recent resident of such house prior to such sale, the exemption granted by this subsection shall  
29 apply only with respect to one such sale within any 24-month period; provided further that such  
30 bona fide private individual owner does not own any interest in, nor is there owned or reserved  
31 on such owner's behalf, under any express or voluntary agreement, title to or any right to all or a  
32 portion of the proceeds from the sale or rental of more than three such single-family houses at  
33 any one time; provided further that the owner sells or rents such housing:

34

35 a. Without the use in any manner of the sales or rental facilities or the  
36 sales or rental services of any real estate broker, agent, or salesperson,  
37 or of such facilities or services of any person in the business of selling  
38 or renting housing, or of any employee or agent of any such broker,  
39 agent, salesperson, or person; and

40

41 b. Without the publication, posting, or mailing, after notice, of any  
42 advertisement or written notice in violation of subsection  
43 111.40(a)(7); however, nothing in this provision shall prohibit the use  
44 of attorneys, escrow agents, abstractors, title companies, and other  
45 such professional assistance as necessary to perfect or transfer the  
46 title; or

(2) Rooms or units in housing containing living quarters occupied or intended to be occupied by no more than four families living independently of each other if the owner actually maintains and occupies one of such living quarters as such owner's residence, provided that the owner sells or rents such rooms or units:

a. Without the use in any manner of the sales or rental facilities or the sales or rental services of any real estate broker, agent, or salesperson, or of such facilities or services of any person in the business of selling or renting housing, or of any employee or agency of any such broker, agent, salesperson, or person; and

b. Without the publication, posting, or mailing, after notice, of any advertisement or written notice in violation of subsection 111.40(a)(7).

(3) Nothing in this section shall prohibit the use of attorneys, escrow agents, abstractors, title companies, and other such professional assistance as necessary to perfect or transfer the title. For the purpose of this section, a person shall be deemed to be in the business of selling or renting housing if:

a. Within the preceding 12 months, a person participated as principal in three or more transactions involving the sale or rental of any housing or any interest therein; or

b. Within the preceding 12 months, a person participated as agent, other than in the sale of his or her own personal residence, in providing sales or rental facilities or sales or rental services in two or more transactions involving the sale or rental of any housing or any interest therein; or

c. A person is the owner of any housing designed or intended for occupancy by, or occupied by, five or more families.

(c) *Physical accessibility.* Nothing in section 111.40 requires any person renting or selling a dwelling constructed for first occupancy before March 13, 1991, to modify, alter, or adjust the dwelling in order to provide physical accessibility, except as otherwise required by law.

(d) *Housing for older persons—Definition.* Any provision of this article regarding familial status or age does not apply with respect to housing for older persons. As used in this subsection, the term "housing for older persons" means housing:

(1) Provided under any local, state, or federal program that the Secretary of the United States Department of Housing and Urban Development determines is specifically designed and operated to assist elderly persons, as defined in the local, state, or federal program;

(2) Intended for, and solely occupied by, persons 62 years of age or older; or

(3) Intended and operated for occupancy by at least one person 55 years of age or older per unit. In determining whether housing qualifies as housing for older persons under

1 this subparagraph, the manager shall consider at least the following factors:

2

3                   a. The existence of significant facilities and services specifically  
4 designed to meet the physical or social needs of older persons; or, if providing such facilities and  
5 services is not practicable, such housing is necessary to provide important housing opportunities  
6 for older persons;

7

8                   b. At least 80 percent of the units are occupied by at least one person 55  
9 years of age or older per unit; and

10

11                   c. The publication of and adherence to policies and procedures which  
12 demonstrate an intent by the owner or manager to provide housing for persons 55 years of age or  
13 older.

14

15                (e) *Same—Additional criteria.* Housing shall not fail to be considered housing for older  
16 persons if:

17

18                (1) A person who resides in such housing on or after September 13, 1988, does  
19 not meet the age requirements of this subsection, provided that any new occupant meets such age  
20 requirements; or

21

22                (2) One or more units are unoccupied, provided that any unoccupied units are  
23 reserved for occupancy by persons who meet the age requirements of this subsection.

24

25                (f) *Miscellaneous exceptions.* Nothing in section 111.40.

26

27                (1) Prohibits a person engaged in the business of furnishing appraisals of real  
28 property from taking into consideration factors other than a protected status or characteristic.

29

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

32

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

36

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

40

41                **SECTION 3.** Severability. It is the declared intent of the Board of County

42

43 Commissioners that, if any section, subsection, sentence, clause, phrase, or provision of this

1 ordinance is held invalid or unconstitutional by a court of competent jurisdiction, such invalidity  
2 or unconstitutionality shall not be so construed as to render invalid or unconstitutional the  
3 remaining provisions of this ordinance.

4                   **SECTION 4.** Repealing Clause. All ordinances or portions thereof in conflict herewith  
5                   are, to the extent of such conflict, hereby repealed on January 1, 2014 (see Sec. 111.15).

6                   **SECTION 5.** Inclusion in the Code. It is the intent of the Board of County  
7 Commissioners of Alachua County, Florida, and it is hereby provided that the provisions of this  
8 ordinance shall become and be made a part of the Code of Ordinances of Alachua County,  
9 Florida; that the Code may be renumbered or re-lettered to accomplish this intention.

10        **SECTION 6.** Effective Date. A certified copy of this ordinance shall be filed with the  
11        Department of State by the Clerk of the Board within ten (10) days after enactment by the  
12        Board and shall take effect upon filing with the Department of State.

13 DULY ADOPTED in regular session, this \_\_\_\_ day of \_\_\_\_\_, 2019.

**BOARD OF COUNTY COMMISSIONERS OF  
ALACHUA COUNTY, FLORIDA**

18 ATTEST:

BY:

---

Charles S. Chestnut, IV, Chair  
Board of County Commissioners

22 J. K. "Jess" Irby, Esq.  
23 Clerk of Court

25 (SEAL)

**APPROVED AS TO FORM**

---

## County Attorney