

ORDINANCE NO. 86-02

AN ORDINANCE AMENDING ORDINANCE NO. 86-01 OF CALHOUN COUNTY, FLORIDA, KNOWN AS THE FAIR HOUSING CODE OF CALHOUN COUNTY; AMENDING SECTION 1 THEREOF PROVIDING FOR A DECLARATION OF POLICY BY ADDING THAT IT IS THE COUNTY'S DESIRE TO ALSO PROHIBIT DISCRIMINATION IN HOUSING FOR THE HANDICAPPED; AMENDING SECTION 2 THEREOF CONTAINING DEFINITIONS BY ADDING A SUBSECTION TO INCLUDE A DEFINITION OF HANDICAP; AMENDING SECTION 3 THEREOF PERTAINING TO UNLAWFUL HOUSING PRACTICES SO AS TO MAKE UNLAWFUL AND A DISCRIMINATORY HOUSING PRACTICE (1) THE SALE OR RENTAL OF HOUSING BECAUSE OF HANDICAP STATUS, (2) THE FINANCING OF HOUSING BECAUSE OF HANDICAP STATUS, AND (3) BROKERAGE SERVICES FOR HOUSING BECAUSE OF HANDICAP STATUS; AMENDING SECTION 4 THEREOF PERTAINING TO EXEMPTIONS AND EXCEPTIONS BY ADDING A NEW SUBSECTION REQUIRING MODIFICATION OR ALTERATION OF DWELLINGS TO PROVIDE PHYSICAL ACCESSIBILITY ONLY AS MAY BE OTHERWISE REQUIRED BY LAW; AMENDING SUBSECTION 6 (3)(C) THEREOF PERTAINING TO THE GENERAL STATEMENT OF FACTS CONTAINED IN AN INFORMAL COMPLAINT TO INCLUDE HANDICAP STATUS IN THE BASIS OF DISCRIMINATION; PROVIDING AN EFFECTIVE DATE.

BE IT ENACTED BY THE PEOPLE OF CALHOUN COUNTY:

SECTION 1. That Section of Ordinance No. 86-01 adopted by Calhoun County Board of County Commissioners on a second and final reading on December 17, 1985 pertaining to a declaration of policy is hereby amended to read as follows:

"SECTION 1. DECLARATION OF POLICY.

It is the policy of Calhoun County, in keeping with the laws of the United States of America and the State of Florida, to promote through fair, orderly and lawful procedure the opportunity for each person so desiring to obtain housing of such person's choice in this County, without regard to race, color, ancestry, national origin, handicap, religion, sex, marital status or age, and, to that end, to prohibit discrimination in housing by any person."

SECTION 2. That Section 2 of the said Ordinance No. 86-01 pertaining to definitions is hereby amended by adding a new subsection to include a definition of handicap as follows:

"d-1. Handicap - A person who has a physical impairment which substantially limits on or more major life activities or who has a record of having, or is regarded as having, such physical impairment."

Section 3. That Section 3 of the said Ordinance No. 86-01 pertaining to unlawful housing practices is hereby amended in the following respects:

The first paragraph Subsection (1) pertaining to the sale or rental of housing and advertising in connection therewith is hereby amended to read as follows:

"SECTION 3. UNLAWFUL HOUSING PRACTICES.

(1) Unlawful housing practices - sale or rental and advertising in connection therewith.

Except as provided in Section 5 hereof, it shall be unlawful and a discriminatory housing practice for an owner, or any other person engaging in a real estate transaction, or for a real estate broker, as defined in this ordinance, because of race, color, ancestry, national origin, handicap, religion, sex, marital status or age:"

That Subsection (2) thereof pertaining to financing is hereby amended to read as follows:

"(2) Unlawful housing practices - Financing

It shall be unlawful and a discriminatory housing practice for any lending institution, as defined herein, to deny a loan or other financial assistance to a person applying therefor for the purpose of purchasing, constructing, improving, repairing or maintaining housing, or to discriminate against such person in the fixing of the amount, interest rate, duration, or other terms or conditions of such loan or other financial assistance, because of the race, color, ancestry, national origin, handicap, religion, sex, marital status or age of such person or of any person associated with such person in connection with such loan or other financial assistance or for purposes of such loan or other assistance, or of the present or prospective owners, lessees, tenants or occupants of the housing in relation to

which such loan or other financial assistance is to be made or given; provided, that nothing contained in this subsection shall impair the scope or effectiveness of the exceptions contained in Section 4 of this ordinance."

That Subsection (3) thereof pertaining to brokerage services is hereby amended to read as follows:

"(3) Unlawful housing practices - 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 race, color, ancestry, national origin, handicap, religion, sex, marital status or age."

SECTION 4. That Section 4 of the said Ordinance No. 86-01 pertaining to exemptions and exceptions is hereby amended by adding a new subsection pertaining to the modification or alteration of dwellings to provide physical accessibility to read as follows:

"SECTION 4. - EXEMPTIONS AND EXCEPTIONS.

Subsection (4). Nothing in Section 4 hereof shall be construed to require any person renting or selling a dwelling to modify, alter, or adjust the dwelling in order to provide physical accessibility except as otherwise required by law."

SECTION 5. That Section 6(3)(c) of said Ordinance No. 86-01 pertaining to general statement of facts contained in an informal complaint is hereby amended to read as follows:

"SECTION 6. COMPLAINTS.

(3) An informal complaint must be in writing, verified or affirmed, on a form to be supplied by the administrator and shall contain the following:

c. General statement of facts of the offense including the basis of the discrimination (race, color, ancestry, national origin, handicap, religion, sex, marital status or age."

SECTION 6. EFFECTIVE DATE.

This Ordinance shall take effect immediately upon its passage, approval and publication as provided by law.

INTRODUCED in open session of the Board of County Commissioners of Calhoun County, Florida, on the 30th day of December, 1986.

PASSED in open session of the Board of County Commissioners of Calhoun County, Florida on the 30th day of December 1986.

BOARD OF COUNTY COMMISSIONERS,
CALHOUN COUNTY, FLORIDA

BY: Ronald W. Wood

RONALD WOOD, Chairman

ATTEST:

Willie D. Wise

WILLIE D. WISE, Clerk