

ORDINANCE NO. 2012-02

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 DELETING REFERENCE TO "MARITAL STATUS" AND SUBSTITUTING THAT IT IS THE COUNTY'S DESIRE TO ALSO PROHIBIT DISCRIMINATION IN HOUSING BASED ON "FAMILIAL STATUS"; AMENDING SECTION 2 OF ORDINANCE 86-01 CONTAINING DEFINITIONS BY SUBSTITUTING SUBSECTION d. Family WITH A DEFINITION OF "FAMILIAL STATUS"; AMENDING SECTION 3 THEREOF PERTAINING TO UNLAWFUL HOUSING PRACTICES SO AS TO DELETE REFERENCE TO MARITAL STATUS AND MAKE UNLAWFUL AND A DISCRIMINATORY HOUSING PRACTICE (1) THE SALE OR RENTAL OF HOUSING BECAUSE OF FAMILIAL STATUS, (2) THE FINANCING OF HOUSING BECAUSE OF FAMILIAL STATUS, AND (3) BROKERAGE SERVICES FOR HOUSING BECAUSE OF FAMILIAL STATUS; AMENDING SUBSECTION 6 (3) (C) THEREOF PERTAINING TO THE GENERAL STATEMENT OF FACTS CONTAINED IN AN INFORMAL COMPLAINT TO DELETE MARITAL STATUS AND INCLUDE FAMILIAL STATUS IN THE BASIS OF DISCRIMINATION; ALSO AMENDING ORDINANCE 86-02 TO DELETE ALL REFERENCES TO "MARITAL STATUS" AND SUBSTITUTE "FAMILIAL STATUS"; PROVIDING FOR SAVINGS AND SEVERABILITY AND 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 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, familial status, or age, and, to that end, to prohibit discrimination in housing by any person."

DEPARTMENT OF STATE  
TALLAHASSEE, FLORIDA

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SECTION 2. That Section 2, Subsection d. of the said Ordinance No. 86-01 pertaining to definitions is hereby amended by deleting the definition of “family” and substituting a definition of “familial status” as follows:

“Familial status - One or more individuals (who have not attained the age of 18 years) being domiciled with--

(1) a parent or another person having legal custody of such individual or individuals; or

(2) the designee of such parent or other person having such custody, with the written permission of such parent or other person.

The protections afforded against discrimination on the basis of familial status shall also apply 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.”

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:

“(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, familial 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 therefore 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 race, color, ancestry, national origin, handicap, religion, sex, familial 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, familial status or age.”

SECTION 4. 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 or approved 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, familial status or age).

SECTION 5. AMENDMENT TO ORDINANCE NUMBER 86-02 OF CALHOUN COUNTY.

Ordinance number 86-02, adopted by the Calhoun County Board of County Commissioners on December 30, 1986, is also hereby amended to delete all references to “marital status” and substitute “familial status”.

SECTION 6. SAVINGS CLAUSE AND SEVERABILITY

Any portion of said ordinances not amended herein shall remain in full force and effect.

If any section, subsection, paragraph, sentence, clause or phrase of this ordinance is held for any reason to be unconstitutional, void or invalid, the validity of the remaining portion of the ordinance shall not be affected thereby

SECTION 7. EFFECTIVE DATE.

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

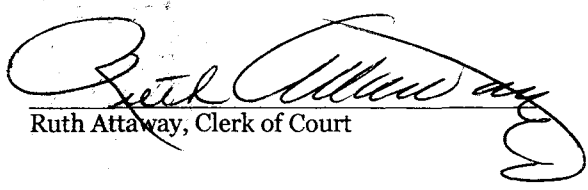
INTRODUCED in open session of the Board of County Commissioners of Calhoun County, Florida, on the 18<sup>th</sup> day of September, 2012.

BOARD OF COUNTY COMMISSIONERS,  
CALHOUN COUNTY, FLORIDA

BY: 

Harold Pickron, Chairman BCC

ATTEST:

  
Ruth Attaway, Clerk of Court