



Interoffice Memorandum

AGENDA ITEM

November 9, 2022

TO: Mayor Jerry L. Demings
-AND-
County Commissioners

FROM: Jon V. Weiss, P. E., Director
Planning, Environmental, and Development Services
Department

SUBJECT: November 29, 2022 – Discussion Item
Tenant Bill of Rights Draft Ordinance

At the September 27, 2022 Board meeting, staff presented details on the Tenant's Bill of Rights for discussion. The presentation included the research conducted, stakeholder engagement, staff recommendations and optional elements. Staff also provided an update on the progress of establishing the Office of Tenant Services. There was majority interest in further developing an ordinance for the Tenant's Bill of Rights, and the Board directed staff to draft an ordinance for further review and consideration.

At the November 29, 2022 Board meeting, staff will present the draft Tenant's Bill of Rights Ordinance for discussion. The ordinance establishes the Office of Tenant Services and the Notice of Tenant Rights, requires landlords to provide tenants with a list of tenant fees, and empowers the Office of Tenant Services to investigate alleged violations of the ordinance to include non-criminal civic citations. The Board also directed staff to conduct additional research regarding additional anti-discrimination protections for victims of domestic violence and immigration status as well as the applicability of the ordinance to the municipalities, and staff will present those findings and recommendations. Finally, staff will provide a brief update on the progress of the creation of the Office of Tenant Services.

A public hearing on the proposed ordinance will be scheduled for in early 2023. This item is for informational purposes; no action is required.

JVW/SS

Attachment

ORDINANCE NO. 2022-_____

AN ORDINANCE PERTAINING TO RESIDENTIAL TENANCIES AND FAIR HOUSING IN ORANGE COUNTY, FLORIDA; AMENDING CHAPTER 25, ARTICLE XIII OF THE ORANGE COUNTY CODE OF ORDINANCES; AMENDING THE TITLE OF ARTICLE XIII AND CREATING DIVISIONS THEREIN; AMENDING THE RENTAL NOTICES ORDINANCE; ENACTING A NEW TENANT’S BILL OF RIGHTS ORDINANCE TO BE CODIFIED AT CHAPTER 25, ARTICLE XIII, DIVISION 3 OF THE CODE, SECTION 25-410 THROUGH SECTION 25-449; AMENDING SCHEDULE “A” OF SECTION 11-62 TO PROVIDE FOR ENFORCEMENT; AMENDING CHAPTER 22, ARTICLE IV OF THE CODE; PROVIDING FOR A PROHIBITION ON SOURCE OF INCOME DISCRIMINATION; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR FILING OF ORDINANCE AND EFFECTIVE DATE.

WHEREAS, Orange County is experiencing a significant demand for affordable rental housing units; and

WHEREAS, the availability of safe and affordable housing is an essential component of individual and community well-being; and

WHEREAS, federal, state, and local laws afford tenants with certain protections and rights including, but not limited to, laws that: (1) ensure that residential dwellings comply with building codes; (2) establish processes related to residential evictions; and (3) protect tenants from discrimination based on certain classifications; and

WHEREAS, various nonprofit entities and federal, state, and local government agencies have resources to provide assistance to Orange County tenants facing challenges with their landlords; and

WHEREAS, despite these rights, protections, and resources, many tenants in Orange County are unaware of the laws that protect and afford rights to tenants or the steps that tenants can take to seek redress with other agencies or entities; and

WHEREAS, the Orange County Board of County Commissioners desires to establish an Office of Tenant Services and adopt a Tenant’s Bill of Rights in order to increase tenant awareness of their rights and to provide guidance to tenants regarding available community resources; and

WHEREAS, the Board has budgeted for an Office of Tenant Services for fiscal year 2022-2023; and

48 **WHEREAS**, the Board agrees that providing accurate information to Orange County
50 tenants concerning existing laws that protect tenants, the rights afforded under such laws, and
connecting tenants to community agencies or other entities can improve housing stability and
reduce evictions and homelessness; and

52 **WHEREAS**, the Board recognizes that while reasonable tenant fees may be a necessary
54 aspect of the landlord/tenant relationship, it is essential that tenants understand and know the extent
of the tenant fees for which they will be responsible; and

56 **WHEREAS**, government programs exist which assist families, the elderly, veterans, and
58 persons with disabilities to afford decent and safe housing in the private rental market through
financial subsidies including Housing Choice (Section 8) Vouchers and Veterans Affairs
60 Supportive Housing (VASH) vouchers; and

62 **WHEREAS**, the U.S. Department of Housing and Urban Development reports that some
landlords avoid renting to voucher recipients because of the administrative burdens of participating
64 in such programs and other landlords resist renting to voucher recipients because they perceive
this group to be undesirable tenants and/or they fear that other tenants would object to voucher
66 recipients as neighbors; and

68 **WHEREAS**, the Board desires to eliminate discrimination in a person’s ability to obtain
housing based on a person’s lawful source of income for rental payments, thereby increasing the
70 number of households who are able to successfully locate safe, affordable, and accessible housing
in Orange County; and

72 **WHEREAS**, the Board finds that such measures are in the interest of the public health,
74 safety, and welfare.

76 BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ORANGE
COUNTY, FLORIDA:

78 **Section 1. Recitals.** The recitals set forth above are hereby adopted and incorporated
into the body of this ordinance as if fully set forth herein.

80 **Section 2. Amendments to Chapter 25, Article XIII.** Chapter 25, Article XIII of the
Orange County Code of Ordinances is hereby amended as follows, with additions being shown by
82 underlines and deletions being shown by strike-throughs:

84 **CHAPTER 25. LICENSES, TAXATION AND
MISCELLANEOUS BUSINESS REGULATIONS**

* * *

86 **ARTICLE XIII. RESIDENTIAL TENANCIES RENTAL**
 NOTICES

88 **DIVISION 1. RENTAL NOTICES ORDINANCE**

90 *Section 25-370.* *Title.*

92 This division ~~article~~ shall be titled “Rental Notices
Ordinance.”

94 *Section 25-371.* *Required written fair notice of termination*
96 *of quarterly and monthly residential*
98 *tenancies without specific duration; written*
 notification requirements related to rental
 payment increases for certain residential
 tenancies.

100 (a) A residential tenancy without a specific duration and in which
102 the rent is payable on a quarterly or monthly basis may be
104 terminated by either the landlord or tenant by giving not less
106 than sixty (60) days’ written notice prior to the end of the
 applicable quarterly or monthly period.

108 (b) A residential landlord that proposes to increase the rental rate by
110 more than five-percent (5%) at the end of a lease for a specific
112 term, or during a tenancy without a specific duration in which
 the rent is payable on a quarterly or monthly basis, shall provide
 sixty (60) days’ written notice of the increase to the tenant.

114 (1) Within said sixty (60) day period, the tenant shall either:

- 116 (i) Accept the rental increase;
- 118 (ii) Reach an acceptable compromise on rental amount; or
- 120 (iii) Reject the rental increase.

122 (2) If the required sixty (60) days’ written notice has been
124 provided and the tenant has rejected the rental increase or
126 failed to reach an acceptable compromise on rental amount,
 then the landlord may impose the rental increase or require
 the tenant(s) to vacate the residence upon the tenancy’s
 termination.

- 128 (3) The landlord shall retain a copy of the notice and proof of
130 delivery for a period of one (1) year.
- 132 (c) The requirements of this division article shall apply to those
134 residential tenancies subject to Chapter 83, Part II, Florida
136 Statutes, located within incorporated and unincorporated areas
138 of Orange County. In accordance with Chapter 723, Florida
140 Statutes, this division article shall not apply to mobile home lot
142 rents in mobile home parks or the related landlord-tenant
relationships.
- (d) Except for the notice provisions set forth in subsections (a) and
(b) above, all other provisions of Part II of Chapter 83, Florida
Statutes, as may be amended, shall govern residential tenancies.

Section 25-372. Enforcement and Penalties.

- 144 (a) The Orange County Office of Tenant Services ~~Neighborhood~~
146 ~~Services Division (or such successor County division or~~
148 ~~department responsible for the enforcement of the County Code~~
of Ordinances) is empowered to investigate any situation where
a person is alleged to be violating this division article.
- 150 (b) ~~County employees assigned to the The Orange County~~
152 ~~Neighborhood Services Division (or such successor County~~
154 ~~division or department responsible for the enforcement of the~~
County Code of Ordinances) is Office of Tenant Services shall
156 be considered code enforcement officers authorized to enforce
158 this division article through the issuance of a noncriminal civil
citation in accordance with Part II of Chapter 162, Florida
160 Statutes, and the County's Code Enforcement Citation Program
contained in Chapter 11, Article III of the Orange County Code
of Ordinances.
- 162 (c) Violations of this division article shall be considered a Class III
164 violation and subject to a fine as provided in Section 11-67 of
the Orange County Code of Ordinances.

Sections 25-373 – 25-379 25-449. Reserved.

DIVISION 2. RESERVED

Sections 25-380 – 25-409. Reserved.

172 **Section 3. Enactment of New Chapter 25, Article XIII, Division 3.** A new Tenant’s
Bill of Rights Ordinance, to be codified at Chapter 25, Article XIII, Division 3 of the Orange
174 County Code of Ordinances, Section 25-410 through Section 25-449, is hereby enacted to read as
follows:

176 **CHAPTER 25. LICENSES, TAXATION AND
MISCELLANEOUS BUSINESS REGULATIONS**

178 * * *

ARTICLE XIII. RESIDENTIAL TENANCIES

180 * * *

DIVISION 3. TENANT’S BILL OF RIGHTS ORDINANCE

182 **Section 25-410. Title.**

184 This division shall be titled “Tenant’s Bill of Rights
186 Ordinance.”

188 **Section 25-411. Applicability.**

190 This division shall be applicable to residential tenancies
subject to Chapter 83, Part II, Florida Statutes, that are in existence
192 on or after this division’s effective date, and any extensions or
renewals of such tenancies. This division shall apply to rental units
194 located in the unincorporated areas of Orange County.

196 **Section 25-412. Definitions.**

198 The following words and phrases, as used in this division,
shall have the following meanings:

- 200 (a) *Landlord* shall mean the owner or lessor of a dwelling unit and
202 shall include their agents and employees.
- 204 (b) *List of Tenant Fees* shall mean a printed, paper copy, in a font
206 twelve-point or larger and on paper of eight and one-half by
eleven (8½ x 11) inches or larger, of an itemized list of tenant
208 fees. The List of Tenant Fees must include a description of each
tenant fee, the amount that may be charged, and the frequency
of which each tenant fee may be charged. If the exact amount of
210 a tenant fee may vary, then the List of Tenant Fees must include

212 an approximation, or an explanation of how the amount is
213 calculated, or both. For purposes of this division, if a tenant has
214 consented to receiving and signing documents via electronic
215 means, then the List of Tenant Fees may be provided to the
216 tenant in electronic form rather than as a printed, paper copy.

217 (c) *Notice of Tenant Rights* shall mean a printed, paper copy,
218 available in both English and Spanish, in font twelve-point or
219 larger and on paper of eight and one-half by eleven (8½ x 11)
220 inches or larger, of a Notice of Tenant Rights as published by
221 the Office of Tenant Services. For purposes of this division, if a
222 tenant has consented to receiving and signing documents via
223 electronic means, then the Notice of Tenant Rights may be
224 provided to the tenant in electronic form rather than as a printed,
225 paper copy.

226 (d) *Office of Tenant Services* shall mean the Orange County Office
227 of Tenant Services.

228 (e) *Rent* shall mean the periodic payments due the landlord from the
229 tenant for occupancy under a rental agreement, or is “rent” as
230 defined in Section 83.43, Florida Statutes, as it may be amended.

231 (f) *Rental Agreement* shall mean an agreement, either written or
232 oral, by which a tenant is entitled to possess a rental unit in
233 exchange for consideration, or is a “rental agreement” as defined
234 in Section 83.43, Florida Statutes, as it may be amended.

235 (g) *Rental Unit* shall mean a residential housing unit that is or may
236 be occupied by a tenant who does not own the property in
237 exchange for consideration and by virtue of an agreement with
238 the owner of such residential property, or which is a “dwelling
239 unit” as defined in Section 83.43, Florida Statutes, as it may be
240 amended. Rental units governed by Chapter 723, Florida
241 Statutes, are excluded from this definition and the provisions of
242 this division.

243 (h) *Tenant* shall mean a natural person or persons who shall occupy,
244 attempt to occupy, or inquire about occupying a rental unit in
245 exchange for consideration and by virtue of a written or oral
246 rental agreement with the owner of such rental unit, or are a
247 “tenant” as defined in Section 83.43, Florida Statutes, as may be
248 amended.

249 (i) *Tenant Fees* shall mean a charge of any kind that a landlord
250 levies against a tenant in connection with the tenant’s use or
251

occupancy of a rental unit or premises, except for rent, and shall include, but may not be limited to, late fees, pet fees, maintenances fees, parking fees, trash fees, and amenity fees.

Section 25-413. Office of Tenant Services.

(a) *Office established.* There is hereby established the Orange County Office of Tenant Services which shall have the powers and duties enumerated in this section to implement the provisions of this Tenant's Bill of Rights Ordinance.

(b) *Powers and duties.* The duties, functions, powers, and responsibilities of the Office of Tenant Services shall include, but are not limited to, the following:

(1) Receiving, processing, and investigating complaints of alleged violations of this division and the Rental Notices Ordinance codified at Chapter 25, Article XIII, Division I of the County Code and to conciliate related disputes through conference with the landlord and tenant;

(2) Coordinating with and referring appropriate matters and complaints to federal, state, and local agencies or organizations (including legal and other advocacy organizations) that may have the authority or expertise to address certain housing-related issues;

(3) Publishing and disseminating information and educational materials relating to this division, including to landlords to promote their participation in existing affordable housing programs;

(4) Conducting trainings and outreach for tenants and landlords;

(5) Serving as an advisor on housing related policy matters;

(6) Working to secure grants and other resources to support tenant services;

(7) Developing resources for landlords and tenants to promote housing stability;

(8) Serving as a County liaison when engaging with community and professional groups that represent tenants and landlords; and

- 304 (9) Performing other administrative duties related to this
division as may be assigned by the County Mayor or their
306 designee.

308 ***Section 25-414. Notice of Tenant Rights.***

- 310 (a) The Office of Tenant Services shall create, maintain, and publish
312 a Notice of Tenant Rights. The Notice of Tenant Rights must
314 generally include information on tenants' rights under federal,
state, and local laws and contact information for local
organizations that are available to assist tenants. The Notice of
Tenant Rights must include, at a minimum, information related
316 to the following:

- 318 (1) Right to notice of termination and notice of rental increases
in accordance with the County's Rental Notices Ordinance
320 codified at Chapter 25, Article XIII, Division 1 of the County
Code, as amended:

- 322 (2) Right to reasonable notice prior to a landlord's entry into a
324 rental unit in accordance with Section 83.53, Florida
Statutes, as amended:

- 326 (3) Right to maintenance of the rental unit in accordance with
328 applicable building, housing, and health codes pursuant to
Section 83.51, Florida Statutes, as amended:

- 330 (4) Prohibition of discrimination in housing in accordance with
332 Chapter 22, Article IV of the County Code, as amended; the
State of Florida's Fair Housing Act codified at Chapter 760,
334 Part II, Florida Statutes, as amended; and the federal Fair
Housing Act codified at 42 U.S.C. §§ 3601-19, as amended;

- 336 (5) Right to reasonable accommodations and reasonable
338 modifications for people with disabilities in accordance with
local, state, and federal fair housing laws;

- 340 (6) Right to the return of a security deposit or written notice of
342 a claim in accordance with Section 83.49, Florida Statutes,
as amended;

- 344 (7) Prohibition of a landlord interrupting utility services and
346 preventing a tenant from gaining reasonable access to the
rental unit in accordance with Section 83.67, Florida
348 Statutes, as amended;

350 (8) Prohibition of a landlord retaliating against a tenant for
purposes including, but not limited to, seeking tenant
352 services in accordance with Section 83.64, Florida Statutes,
as amended; and

354 (9) Right to raise defenses to an eviction in accordance with
Section 83.60, Florida Statutes, as amended.

356 (b) It shall be unlawful for a landlord to allow a tenant to rent or
358 occupy a rental unit under said landlord's control or authority
without first providing the tenant with a copy of the Notice of
360 Tenant Rights.

362 (1) For new tenants, the Notice of Tenant Rights must be
provided prior to the commencement of the rental term. For
364 existing tenants already occupying a rental unit as of this
division's effective date, the Notice of Tenant Rights must
366 be provided prior to the commencement of a new or renewed
rental term.

368 (2) For tenancies without a specific duration in which the rent is
370 payable on a weekly, monthly, or quarterly basis, the Notice
of Tenant Rights must be provided prior to the initial
372 commencement of the rental term and thereafter no less than
once per year.

374 (c) There shall be a rebuttable presumption that a landlord has
376 complied with this section if the landlord can provide a written,
dated, and signed affirmation from the tenant stating that the
378 tenant has received a copy of the Notice of Tenant Rights.
Signed affirmations must be retained for at least one (1) year
380 after the tenant vacates the rental unit.

382 ***Section 25-415. List of Tenant Fees.***

384 (a) Landlords shall provide tenants with a List of Tenant Fees that
includes any and all tenant fees that may be assessed against the
386 tenant. It shall be unlawful for a landlord to assess a fee against
a tenant that was not previously agreed to by the tenant and
388 disclosed in a List of Tenant Fees.

390 (1) For new tenants, the List of Tenant Fees must be agreed to
by the landlord and tenant prior to the commencement of the
392 rental term. For existing tenants already occupying a rental
unit as of this division's effective date, the List of Tenant

394 Fees must be agreed to by the landlord and tenant prior to
396 the commencement of a new or renewed rental term.

398 (2) For tenancies without a specific duration in which the rent is
400 payable on a weekly, monthly, or quarterly basis, the List of
402 Tenant Fees must be agreed to by the landlord and tenant
404 prior to the initial commencement of the rental term.
Thereafter, the landlord shall provide the tenant with a List
of Tenant Fees at least sixty (60) days before any new or
additional tenant fees may be assessed.

406 i. Within said sixty (60) day period, the tenant shall either:
408 agree to the new tenant fees; reach an acceptable
compromise on tenant fees; or reject the new tenant fees.

410 ii. If the required sixty (60) days' notice has been provided
412 and the tenant has rejected the List of Tenant Fees or
414 failed to reach an acceptable compromise on tenant fees,
then the landlord may impose the tenant fees or require
the tenant to vacate the residence upon the tenancy's
termination.

416 (b) There shall be a rebuttable presumption that a landlord has
418 complied with this section if the landlord can provide a written,
dated, and signed affirmation from the tenant stating that the
420 tenant has agreed to, and received a copy of, the List of Tenant
Fees. Signed affirmations must be retained for at least one (1)
year after the tenant vacates the rental unit.

422 ***Section 25-416. Enforcement and Penalties.***

424 (a) The Office of Tenant Services is empowered to investigate any
426 situation where a person is alleged to be violating this division.

428 (b) County employees assigned to the Office of Tenant Services
430 shall be considered code enforcement officers authorized to
432 enforce this division through the issuance of a noncriminal civil
434 citation in accordance with Part II of Chapter 162, Florida
Statutes, and the County's Code Enforcement Citation Program
contained in Chapter 11, Article III of the Orange County Code
of Ordinances.

436 (c) Violations of this division shall be considered a Class III
438 violation and subject to a fine as provided in Section 11-67 of
the Orange County Code of Ordinances.

440 *Sections 25-417 – 25-449. Reserved.*

442 *Section 4. Amendments to Section 11-62.* Section 11-62 of the Orange County Code
("Applicable codes and ordinances") is amended to read as follows, with additions being shown
444 by underlines and deletions being shown by strike-throughs:

Sec. 11-62. Applicable codes and ordinances.

446
448 A schedule of codes and ordinances, which may be enforced
pursuant to the supplemental code enforcement citation procedures
450 contained herein, is set out directly below as Schedule "A". Where
a chapter or part of a chapter is referenced, all sections within that
chapter or part are subject to enforcement by citation. If a section
452 within a referenced chapter has a specific penalty identified therein,
that more-specific penalty shall prevail so long as it does not exceed
454 the maximum penalty permitted by F.S. ch. 162, as amended. The
schedule of codes and ordinances shall include such codes and
456 ordinances as they may be from time to time amended, renumbered,
codified, or recodified including codes and ordinances enacted
458 subsequent to the adoption of this article.

SCHEDULE "A"

Code Provision	Description	Class
Chapter 2, Article IX	Emergency management	III
Section 3-101	Adult entertainment establishment general operational rules	II
Section 9-277	Property maintenance	I
Chapter 15	Environmental control	III
Chapter 18	Fire prevention and protection	III
Section 21-3	Uniform numbering system	I

462	Section 21-239	Vending operation on public right-of-way or unpermitted vending operation on property abutting a public right-of-way	II
464	Chapter 24	Landscaping, buffering and open space	I
466	Chapter 25, Article II	Garage Sales	I
468	Chapter 25, Article III	Local business taxes	II
470	Chapter 25, Article XIII	<u>Residential Tenancies</u> Rental Notices	III
472	Chapter 28, Article II	Lot Cleaning	I
	Chapter 28, Article III	Parking of motor vehicles on residentially and agriculturally zoned property	II
	Chapter 31.5	Signs	III
	Chapter 32	Solid Waste	II
	Chapter 38	Zoning	II

Section 5. Amendments to Chapter 22, Article IV. Chapter 22, Article IV of the Orange County Code of Ordinances is hereby amended as follows, with additions being shown by underlines and deletions being shown by strike-throughs:

CHAPTER 22. HUMAN RIGHTS

* * *

ARTICLE IV. FAIR HOUSING

480
482
484
486
488
490
492
494
496
498
500
502
504
506
508
510
512
514
516
518
520
522
524

DIVISION 1. GENERALLY

Section 22-50. Generally.

The general purpose of this article is to promote through fair, orderly, and lawful procedure the opportunity for each individual so desiring to obtain housing of such individual's choice in Orange County without regard to race, color, religion, national origin, disability, marital status, familial status, lawful source of income, sex, or sexual orientation, and, to that end, to prohibit discrimination in housing by any person.

Section 22-51. Definitions.

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

* * *

Lawful source of income shall mean income from: (1) a lawful profession, occupation or job; (2) any government or private assistance, grant, loan or housing assistance program or subsidy, including but not limited to Housing Choice (Section 8) Vouchers and Veterans Affairs Supportive Housing (VASH) Vouchers, Social Security, and Supplemental Security Income; (3) a gift, an inheritance, a pension or other retirement benefits, an annuity, trust income, investment income, alimony, child support, or veteran's benefits; or (4) the sale of property or an interest in property.

* * *

Section 22-52. Discrimination in the sale or rental of housing and prohibited practices.

- (a) It shall be unlawful to refuse to sell or rent after the making of a bona fide offer, to refuse to negotiate for the sale or rental of, or otherwise to make unavailable or deny a dwelling to any individual because of age, race, religion, national origin, disability, marital status, familial status, lawful source of income, sex, or sexual orientation.
- (b) It shall be unlawful to discriminate against any individual in the terms, conditions, or privileges of sale or rental of a dwelling, or

526 in the provision of services or facilities in connection therewith.
527 because of age, race, color, religion, national origin, disability,
528 marital status, familial status, lawful source of income, sex, or
sexual orientation. Prohibited actions under this subsection
include, but are not limited to:

530
531 (1) Using different provisions in leases or contracts of sale, such
532 as those relating to rental charges, security deposits and the
533 terms of a lease and those relating to down payment and
534 closing requirements, because of age, race, color, religion,
535 national origin, disability, marital status, familial status,
536 lawful source of income, sex, or sexual orientation.

537 (2) Failing or delaying maintenance or repairs of sale or rental
538 dwellings because of age, race, color, religion, national
539 origin, disability, marital status, familial status, lawful
540 source of income, sex, or sexual orientation.

541 (3) Failing to process an offer for the sale or rental of a dwelling
542 or to communicate an offer accurately because of age, race,
543 color, religion, national origin, disability, marital status,
544 familial status, lawful source of income, sex, or sexual
545 orientation.

546 (4) Limiting the use of privileges, services or facilities
547 associated with a dwelling because of age, race, color,
548 religion, national origin, disability, marital status, familial
549 status, lawful source of income, sex, or sexual orientation of
550 an owner, tenant or a person associated with him or her.

551 (5) Denying or limiting services or facilities in connection with
552 the sale or rental of a dwelling, because an individual failed
553 or refused to provide sexual favors.

554 (c) It shall be unlawful to make, print, or publish, or cause to be
555 made, printed, or published, any notice, statement, or
556 advertisement with respect to the sale or rental of a dwelling that
557 indicates any preference, limitation, or discrimination based on
558 age, race, color, religion, national origin, disability, marital
559 status, familial status, lawful source of income, sex, or sexual
560 orientation, or an intention to make any such preference,
561 limitation, or discrimination. The prohibitions in this subsection
562 shall apply to all written or oral notices or statements by a person
563 engaged in the sale or rental of a dwelling. Written notices and
564 statements include any applications, flyers, brochures, deeds,
565 signs, banners, posters, billboards or any documents used with
566
567
568
569
570

572 respect to the sale or rental of a dwelling. Discriminatory
573 notices, statements and advertisements include, but are not
574 limited to:

575 (1) Using words, phrases, photographs, illustrations, symbols or
576 forms which convey that dwellings are available or not
577 available to a particular group of individuals because of age,
578 race, color, religion, national origin, disability, marital
579 status, familial status, lawful source of income, sex, or
580 sexual orientation.

581 (2) Expressing to agents, brokers, employees, prospective
582 sellers or renters or any other individuals a preference for or
583 limitation on any purchaser or renter because of age, race,
584 color, religion, national origin, disability, marital status,
585 familial status, lawful source of income, sex, or sexual
586 orientation of such individuals.

587 (3) Selecting media or locations for advertising the sale or rental
588 of dwellings which deny particular segments of the housing
589 market information about housing opportunities because of
590 age, race, color, religion, national origin, disability, marital
591 status, familial status, lawful source of income, sex, or
592 sexual orientation.

593 (4) Refusing to publish advertising for the sale or rental of
594 dwellings or requiring different charges or terms for such
595 advertising because of age, race, color, religion, national
596 origin, disability, marital status, familial status, lawful
597 source of income, sex, or sexual orientation.

602 (d) It shall be unlawful to represent to any individual because of age,
603 race, color, religion, national origin, disability, marital status,
604 familial status, lawful source of income, sex, or sexual
605 orientation that any dwelling is not available for inspection, sale,
606 or rental when such dwelling is in fact so available.

607 (e) It is unlawful, for profit, to induce or attempt to induce any
608 individual to sell or rent any dwelling by a representation
609 regarding the entry or prospective entry into the neighborhood
610 of an individual or individuals of a particular age, race, color,
611 religion, national origin, disability, marital status, familial
612 status, lawful source of income, sex, or sexual orientation.

613 (f) It shall be unlawful, because of age, race, color, religion,
614 national origin, marital status, familial status, disability, lawful
615 source of income, sex, or sexual orientation.

618 source of income, sex, or sexual orientation, to restrict or attempt
620 to restrict the choices of an individual by word or conduct in
622 connection with seeking, negotiating for, buying or renting a
624 dwelling so as to perpetuate, or tend to perpetuate, segregated
housing patterns, or to discourage or obstruct choices in a
community, neighborhood or development. Prohibited actions
under this subsection that are generally referred to as unlawful
steering practices include, but are not limited to:

626 (1) Discouraging any individual from inspecting, purchasing or
628 renting a dwelling because of age, race, color, religion,
national origin, disability, marital status, familial status,
630 lawful source of income, sex, or sexual orientation, or
because of the age, race, color, religion, national origin,
632 disability, marital status, familial status, lawful source of
income, sex, or sexual orientation of individuals in a
community, neighborhood or development.

634 (2) Discouraging the purchase or rental of a dwelling because of
636 age, race, color, religion, national origin, disability, marital
status, familial status, lawful source of income, sex, or
638 sexual orientation, by exaggerating drawbacks or failing to
inform any individual of desirable features of a dwelling or
640 of a community, neighborhood, or development.

642 (3) Communicating to any prospective purchaser that he or she
644 would not be comfortable or compatible with existing
residents of a community, neighborhood or development
646 because of age, race, color, religion, national origin,
disability, marital status, familial status, lawful source of
income, sex, or sexual orientation.

648 (4) Assigning any individual to a particular section of a
650 community, neighborhood or development, or to a particular
floor of a building, because of age, race, color, religion,
652 national origin, disability, marital status, familial status,
lawful source of income, sex, or sexual orientation.

654 (g) It shall be unlawful, because of age, race, color, religion,
656 national origin, disability, marital status, familial status, lawful
source of income, sex, or sexual orientation, to engage in any
658 conduct relating to the provision of housing or of services and
facilities in connection therewith that otherwise makes
660 unavailable or denies dwellings to individuals. Prohibited
activities relating to dwellings under this subsection include, but
662 are not limited to:

- 664 (1) Discharging or taking other adverse action against an
666 employee, broker or agent because he or she refused to
participate in a discriminatory housing practice.
- 668 (2) Employing codes or other devices to segregate or reject
670 applicants, purchasers or renters, refusing to take or to show
672 listings of dwellings in certain areas because of age, race,
674 color, religion, national origin, disability, marital status,
676 familial status, lawful source of income, sex, or sexual
678 orientation, or refusing to deal with certain brokers or agents
because they or one (1) or more of their clients are of a
particular age, race, color, religion, national origin,
disability, marital status, familial status, lawful source of
income, sex, or sexual orientation.
- 680 (3) Denying or delaying the processing of an application made
682 by a purchaser or renter or refusing to approve such an
684 individual for occupancy in a cooperative or condominium
dwelling because of age, race, color, religion, national
origin, disability, marital status, familial status, lawful
source of income, sex, or sexual orientation.
- 686 (4) Refusing to provide municipal services or property or hazard
688 insurance for dwellings or providing such services or
690 insurance differently because of age, race, color, religion,
national origin, disability, marital status, familial status,
lawful source of income, sex, or sexual orientation.

692 * * *

694 ***Section 22-53. Discrimination in the provision of
696 brokerage services.***

698 It shall be unlawful to deny any individual access to, or
700 membership or participation in, any multiple-listing service, real
702 estate brokers' organization, or other service, organization, or
704 facility relating to the business of selling or renting dwellings, or to
discriminate against him or her in the terms or conditions of such
access, membership, or participation, on the basis of age, race, color,
religion, national origin, disability, marital status, familial status,
lawful source of income, sex, or sexual orientation.

706 ***Section 22-54. Discrimination in the financing of housing
708 or in residential real estate transactions.***

710 (a) It shall be unlawful for any bank, building and loan association,
insurance company, or other corporation, association, firm, or
712 enterprise the business of which consists in whole or in part of
the making of commercial real estate loans to deny a loan or
714 other financial assistance to an individual applying for the loan
for the purpose of purchasing, constructing, improving,
716 repairing, or maintaining a dwelling, or to discriminate against
him or her in the fixing of the amount, interest rate, duration, or
718 other term or condition of such loan or other financial assistance,
because of the age, race, color, religion, national origin,
720 disability, marital status, familial status, lawful source of
income, sex, or sexual orientation of such individual or of any
722 individual associated with him or her in connection with such
loan or other financial assistance or the purposes of such loan or
724 other financial assistance, or because of the age, race, color,
religion, national origin, disability, marital status, familial
726 status, lawful source of income, sex or sexual orientation of the
present or prospective owners, lessees, tenants, or occupants of
728 the dwelling or dwellings in relation to which such loan or other
financial assistance is to be made or given.

730 (b) Residential real estate transactions.

732 (1) It shall be unlawful for any person or entity whose business
includes engaging in residential real estate transactions to
734 discriminate against any individual in making available such
a transaction, or in the terms or conditions of such a
736 transaction, because of age, race, color, religion, national
origin, disability, marital status, familial status, lawful
738 source of income, sex, or sexual orientation.

740 (2) As used in this subsection, the term “residential estate
transaction” means any of the following;

742 a. The making or purchasing of loans or providing other
744 financial assistance (i) for purchasing, constructing,
improving, repairing, or maintaining a dwelling; or (ii)
746 secured by residential real property.

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

750 ***Section 22-55. Exemptions.***

752 * * *

(f) Nothing in this article:

756

- (1) Prohibits a person engaged in the business of furnishing appraisals of real property from taking into consideration factors other than age, race, color, religion, national origin, disability, marital status, familial status, lawful source of income, sex, or sexual orientation.

758

760

762

* * *

764

- (5) Requires a landlord to alter a rental unit to meet any requirement specific to a lawful source of income if such alteration is not otherwise required by laws applicable to the rental unit.

766

768

770

* * *

772

DIVISION 2. ADMINISTRATION AND ENFORCEMENT

774

* * *

776

Section 22-57. Complaints—Filing.

778

- (a) A person who claims that another person has committed a discriminatory housing practice against him or her may report alleged offense to the manager by filing a complaint within ninety (90) days after the date of the alleged discriminatory housing practice.

780

782

784

- (b) A complaint shall be in writing, signed under oath, on a form to be supplied by the manager and shall contain the following:

786

788

- (1) Identity, name and address of the respondent(s).

790

- (2) Date of alleged offense and date of filing the complaint.

792

- (3) General statement of facts of the alleged offense including the basis of the discrimination (race, color, religion, sex, national origin, disability, familial status, lawful source of income, or sexual orientation).

794

796

- (4) Name, address and signature of complainant.

798

* * *

800

Section 6. Repeal of Laws in Conflict. All local laws and ordinances in conflict with
802 any provision of this ordinance are hereby repealed to the extent of such conflict.

Section 7. Severability. If any section, subsection, sentence, clause, or provision of this
804 ordinance or the application thereof to any person or circumstance is held invalid for any reason,
the invalidity shall not affect any other provision or application of this ordinance, and to this end
806 the provisions of this ordinance are declared severable.

Section 8. Filing of Ordinance and Effective Date. This ordinance shall take effect
808 on March 1, 2023.

810 ADOPTED THIS ____ DAY OF _____, 20__.

812

814

ORANGE COUNTY, FLORIDA
By: Board of County Commissioners

816

By: _____
Jerry L. Demings
Orange County Mayor

818

820

822 ATTEST: Phil Diamond, CPA, County Comptroller
As Clerk of the Board of County Commissioners

824

By: _____
Deputy Clerk

826

828

S:\DSchott\PED Services\Tenant Bill of Rights Ordinance\Draft Ordinances