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ORDINANCE NO. 2017-

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, PERTAINING TO THE BROWARD COUNTY HUMAN RIGHTS ACT ("ACT"); AMENDING VARIOUS SECTIONS OF CHAPTER 16½ OF THE BROWARD COUNTY CODE OF ORDINANCES ("CODE") TO PROHIBIT DISCRIMINATION UPON ADDITIONAL BASES; AND PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE.

(Sponsored by Commissioners Nan H. Rich
and Dale V.C. Holness)

WHEREAS, the Broward County Board of County Commissioners (the "Board") has determined that amending various sections of Chapter 16½ of the Broward County Code of Ordinances is appropriate at this time to prohibit discrimination based on additional bases,

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

Section 1. Section 16½-2 of the Broward County Code of Ordinances is hereby amended to read as follows:

Sec. 16½-2. Purposes; construction.

(a) The general purposes of the Broward County Human Rights Act are:

...

(2) To secure for all individuals within the County freedom from discrimination because of race, color, religion, sex, national origin, age, marital status,

1 political affiliation, familial status, disability, sexual orientation, pregnancy,
2 ~~or~~ gender identity or expression, veteran or service member status, lawful
3 source of income, or being the victim of dating violence, domestic
4 violence, or stalking, in connection with employment, public
5 accommodations, ~~and~~ or real estate transactions, where applicable, and
6 thereby to promote the interests, rights, and privileges of individuals within
7 the County.

8 Section 2. Section 16½-3 of the Broward County Code of Ordinances is
9 hereby amended to read as follows:

10 **Sec. 16½-3. Definitions.**

11 As used in this chapter:

12 ...

13 (p) *Discriminatory classification* means a classification on the basis of race,
14 color, religion, sex, national origin, age, marital status, political affiliation, familial status,
15 disability, sexual orientation, pregnancy, ~~or~~ gender identity or expression, veteran or
16 service member status, lawful source of income, or being the victim of dating violence,
17 domestic violence, or stalking. Familial status, veteran or service member status, lawful
18 source of income, or being the victim of dating violence, domestic violence, or stalking
19 shall only be included in this definition for the purpose of claims alleging a discriminatory
20 housing practice under this Act.

21 ...

22 ~~(ff) *HRA classification* means a classification on the basis of gender identity or~~
23 ~~expression, marital status, political affiliation, or sexual orientation.~~

24
Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in
underscored type are additions.

1 ~~(gg)~~ (ff) *Human Rights Section* means the Human Rights Section of the Broward
2 County Office of Intergovernmental Affairs and Professional Standards.

3 ~~(hh)~~ (gg) *Labor organization* includes:

4 (1) An organization of any kind representing employees in dealing with
5 employers concerning grievances, labor disputes, wages, rates of pay,
6 hours, or other terms or conditions of employment;

7 (2) A conference, general committee, system board, or council that is
8 subordinate to a national or international labor organization; and

9 (3) An agent of a labor organization.

10 (hh) *Lawful source of income* means the origin or cause of a legal gain or
11 recurrent benefit, often measured in money or currency, including, but not limited to,
12 income derived from social security, supplemental security income, child support,
13 alimony, veteran's benefits, disability benefits, unemployment, pension and retirement
14 benefits, an annuity, a gift, an inheritance, the sale or pledge of or interest in property,
15 or any form of federal, state, or local public, food, or housing assistance or subsidy,
16 including assistance from the Supplemental Nutrition Assistance Program (SNAP) and
17 the Housing Choice Voucher Program or "Section 8" vouchers, whether such income is
18 received directly or indirectly by the renter or purchaser and even if such income
19 includes additional federal, state, or local requirements.

20 . . .

21 (ccc) *Service member status* means the state of serving on active duty in the
22 armed forces of the United States, including the Reserves and National Guard.

23 ~~(eee)~~ (ddd) *Sexual orientation* means being heterosexual, bisexual, or homosexual, or
24 the perception that an individual is heterosexual, bisexual, or homosexual, or the

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1 perception that an individual is associated with individuals who are heterosexual,
2 bisexual, or homosexual.

3 ~~(ddd)~~ (eee) *Training program* means any plan containing terms and conditions for
4 qualification, recruitment, employment, or training of employees to:

5 (1) Enter a specific trade or occupation after completion of a specified training
6 program; or

7 (2) Offer a person, already either partially or wholly trained in a specified trade
8 or occupation, an opportunity to advance himself or herself after
9 completion of a specified training program.

10 A training program may be managed and supervised by representatives of
11 labor and management ("joint"), or unilateral (~~"non-joint"~~) ("nonjoint").

12 ~~(eee)~~ (fff) *Undue hardship* means an action requiring significant difficulty or expense,
13 when considered in light of the following factors: (i) the nature and cost of the
14 accommodation needed; and (ii) the overall financial resources of the facility or facilities
15 involved in the provision of the reasonable accommodation, the number of persons
16 employed at such facility, and the effect on expenses and resources, or the impact
17 otherwise, of such accommodation upon the operation of the facility.

18 (ggg) *Veteran status* means the state of having served in any branch of the
19 armed forces of the United States, including the Reserves and National Guard, and
20 having been discharged or released therefrom under conditions other than dishonorable
21 as defined under federal law.

22 (hhh) *Victim of dating violence* means a person who has been subjected to acts
23 or threats of violence, not including acts of self-defense, during the course of a
24

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1 significant relationship of a romantic or intimate nature, committed by another person
2 under the following circumstances:

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

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

7 This subsection does not include violence between individuals involved in a
8 casual acquaintanceship or individuals who have engaged only in ordinary fraternization
9 in a business or social context.

10 (iii) *Victim of domestic violence* shall mean a family or household member
11 who has been subjected to acts or threats of violence, not including acts of self-defense,
12 by another family or household member. For purposes of this section, "family or
13 household member" includes:

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

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

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

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

19 (iii) *Victim of stalking* means a victim of acts that constitute or are deemed
20 under state law to be willful, malicious, and repeated following, harassing, or
21 cyberstalking of another person, or the making of a credible threat with the intent to
22 place that victim in reasonable fear of death or bodily injury of the person, or the
23 person's child, sibling, spouse, parent, or dependent. The term "cyberstalking" means
24 engaging in a course of conduct to communicate, or to cause to be communicated,

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1 words, images, or language by or through the use of electronic mail or electronic
2 communication, directed at a specific person, causing substantial emotional distress to
3 that person and serving no legitimate purpose.

4 Section 3. Section 16½-35 of the Broward County Code of Ordinances is
5 hereby amended to read as follows:

6 **Sec. 16½-35. Discriminatory practices in real estate transactions.**

7 It is unlawful for any person, including but not limited to any owner, lessee,
8 lessor, sublessee, sublessor, assignee, assignor, manager, real estate broker,
9 salesperson, condominium association, homeowner's association, cooperative
10 association, or any representative of any of the foregoing:

11 . . .

12 (e) To induce or attempt to induce, for profit, any person to sell or rent any
13 dwelling by a representation regarding the entry or prospective entry into the
14 neighborhood of a person or persons of a particular race, color, religion, sex, national
15 origin, marital status, age, familial status, political affiliation, disability, sexual orientation,
16 gender identity or expression, ~~or pregnant women~~ pregnancy status, veteran or service
17 member status, lawful source of income, or being the victim of dating violence, domestic
18 violence, or stalking.

19 . . .

20 Section 4. Section 16½-35.2 of the Broward County Code of Ordinances is
21 hereby amended to read as follows:

22 **Sec. 16½-35.2. Blockbusting.**

23 It is unlawful for a person, for the purpose of inducing a real estate transaction
24 from which such person may benefit financially:

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underscored type are additions.

1 . . .

2 (c) To induce or attempt to induce, for profit, any person to sell or rent any
3 dwelling by representations regarding the entry or exit or prospective entry or exit into or
4 from the neighborhood of a person or persons of a particular race, color, religion, sex,
5 national origin, marital status, age, familial status, political affiliation, disability, sexual
6 orientation, pregnancy status, ~~or~~ gender identity or expression, veteran or service
7 member status, lawful source of income, or being the victim of dating violence, domestic
8 violence, or stalking.

9 Section 5. Section 16½-35.4 of the Broward County Code of Ordinances is
10 hereby amended to read as follows:

11 **Sec. 16½-35.4. Exemptions; real estate transactions.**

12 . . .

13 (b) Nothing in this section:

14 (1) Prohibits a person engaged in the business of furnishing appraisals of real
15 property from taking into consideration factors other than race, color,
16 national origin, religion, sex, age, marital status, political affiliation,
17 disability, familial status, sexual orientation, pregnancy, gender identity or
18 expression, veteran or service member status, lawful source of income,
19 being the victim of dating violence, domestic violence, or stalking, or other
20 discriminatory classification.

21 . . .

22 Section 6. SEVERABILITY.

23 If any portion of this Ordinance is determined by any Court to be invalid, the
24 invalid portion shall be stricken, and such striking shall not affect the validity of the

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1 remainder of this Ordinance. If any Court determines that this Ordinance, or any portion
2 hereof, cannot be legally applied to any individual(s), group(s), entity(ies), property(ies),
3 or circumstance(s), such determination shall not affect the applicability hereof to any
4 other individual, group, entity, property, or circumstance.

5 Section 7. INCLUSION IN CODE.

6 It is the intention of the Board of County Commissioners that the provisions of
7 this Ordinance shall become and be made a part of the Broward County Code; and that
8 the sections of this Ordinance may be renumbered or relettered and the word
9 "ordinance" may be changed to "section," "article," or such other appropriate word or
10 phrase in order to accomplish such intentions.

11 Section 8. EFFECTIVE DATE.

12 This Ordinance shall become effective as provided by law.

13

14 ENACTED

15 FILED WITH THE DEPARTMENT OF STATE

16 EFFECTIVE

17

18

19 Approved as to form and legal sufficiency:
Andrew J. Meyers, County Attorney

20

21 By /s/ Tricia D. Brissett 11/16/17
22 Tricia D. Brissett (date)
Assistant County Attorney

23

11/16/17
Human Rights Act
#17-0411

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