APPROVED BY ORANGE
COUNTY BOARD OF COUNTY
COMMISSIONERS

BCC Mtg. Date: January 24, 2023

EFFECTIVE DATE: March 1, 2023

ORDINANCE NO. 2023-06

AN ORDINANCE PERTAINING TO RESIDENTIAL TENANCIES AND FAIR HOUSING IN ORANGE COUNTY, FLORIDA; AMENDING CHAPTER 25 ("LICENSES, TAXATION AND MISCELLANEOUS BUSINESS REGULATIONS"), ARTICLE XIII ("RENTAL NOTICES") OF THE ORANGE COUNTY CODE OF ORDINANCES; AMENDING THE TITLE OF ARTICLE XIII AND CREATING DIVISIONS THEREIN; AMENDING SECTIONS 25-370, 25-371, AND 25-372 OF THE CODE TO REFERENCE THE DIVISION AND CLARIFY APPLICABILITY, ENFORCEMENT AND PENALTIES; 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 CHAPTER 11 ("CODE ENFORCEMENT"), ARTICLE III ("CODE ENFORCEMENT CITATION PROGRAM"), SECTION 11-62 ("APPLICABLE CODES AND ORDINANCES") TO PROVIDE FOR ENFORCEMENT; AMENDING CHAPTER 22 ("HUMAN RIGHTS"), ARTICLE IV ("FAIR HOUSING") OF THE CODE; PROHIBITING DISCRIMINATION IN HOUSING BASED ON ADDITIONAL CATEGORIES; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; 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 assist 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

WHEREAS, the Board agrees that providing accurate information to Orange County 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

WHEREAS, the Board recognizes that while reasonable tenant fees may be a necessary 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

WHEREAS, government programs exist which assist families, the elderly, veterans, and 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 Supportive Housing (VASH) vouchers; and

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 in such programs and other landlords resist renting to voucher recipients because they perceive this group to be undesirable tenants, they fear that other tenants would object to voucher recipients as neighbors, or both; and

WHEREAS, the Board desires to eliminate discrimination in a person's ability to obtain housing based on a person's lawful source of income, and prohibit discrimination against victims of dating violence, domestic violence, and stalking, thereby increasing the number of households who are able to successfully locate safe, affordable, and accessible housing in Orange County; and

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

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

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.

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 underlines and deletions being shown by strike-throughs:

CHAPTER 25. LICENSES, TAXATION AND MISCELLANEOUS BUSINESS REGULATIONS

* * *

ARTICLE XIII. RESIDENTIAL TENANCIES ~~RENTAL NOTICES~~

DIVISION 1. RENTAL NOTICES ORDINANCE

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

This division ~~article~~ shall be titled "Rental Notices Ordinance."

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

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

(b) A residential landlord that proposes to increase the rental rate by more than five-percent (5%) at the end of a lease for a specific 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.

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

(i) Accept the rental increase;

(ii) Reach an acceptable compromise on rental amount; or

(iii) Reject the rental increase.

(2) If the required sixty (60) days' written notice has been provided and the tenant has rejected the rental increase or 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.

(3) The landlord shall retain a copy of the notice and proof of delivery for a period of one (1) year.

(c) The requirements of this division ~~article~~ shall apply to those residential tenancies subject to Chapter 83, Part II, Florida Statutes, located within incorporated and unincorporated areas of Orange County. In accordance with Chapter 723, Florida Statutes, this division ~~article~~ shall not apply to mobile home lot 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.

(a) The Orange County Office of Tenant Services ~~Neighborhood Services Division (or such successor County division or 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~~.

(b) County employees assigned to the ~~The Orange County Neighborhood Services Division (or such successor County division or department responsible for the enforcement of the County Code of Ordinances) is~~ Office of Tenant Services and designated as code enforcement officers by the County shall be considered code enforcement officers authorized to enforce this division ~~article~~ through the issuance of a noncriminal civil 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.

(c) Violations of this division ~~article~~ shall be considered a Class III 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.

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 County Code of Ordinances, Section 25-410 through Section 25-449, is hereby enacted to read as follows with additions being shown by underlines:

CHAPTER 25. LICENSES, TAXATION AND MISCELLANEOUS BUSINESS REGULATIONS

* * *

ARTICLE XIII. RESIDENTIAL TENANCIES

* * *

DIVISION 3. TENANT'S BILL OF RIGHTS ORDINANCE

Section 25-410. Title.

This division shall be titled "Tenant's Bill of Rights Ordinance."

Section 25-411. Applicability.

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

Section 25-412. Definitions.

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

(a) *Landlord* shall mean the owner or lessor of a dwelling unit and shall include their agents and employees.

(b) *List of Tenant Fees* shall mean a printed, paper copy, in a font 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 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 a tenant fee may vary, then the List of Tenant Fees must include an approximation or an explanation of how the amount is calculated. For purposes of this division, if a tenant has consented to receiving and signing documents via electronic means, then the List of Tenant Fees may be provided to the tenant in electronic form rather than as a printed, paper copy.

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

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

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

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

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

(h) *Tenant* shall mean a natural person or persons who shall occupy, attempt to occupy, or inquire about occupying a rental unit in exchange for consideration and by virtue of a written or oral

rental agreement with the owner of such rental unit, or are a "tenant" as defined in Section 83.43, Florida Statutes, as may be amended.

(i) *Tenant Fees* shall mean charges of any kind that a landlord levies against a tenant in connection with the tenant's use or occupancy of a rental unit or premises, except for rent, and shall include, but are not limited to, late fees, pet fees, maintenance 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 1 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;

(9) Performing other administrative duties related to this division as may be assigned by the County Mayor or their designee; and

(10) Collecting data as necessary to prepare and submit an annual report to the Board of County Commissioners that summarizes the activities undertaken by the Office of Tenant Services pursuant to this division.

Section 25-414. Notice of Tenant Rights.

(a) The Office of Tenant Services shall create, maintain, and publish a Notice of Tenant Rights. The Notice of Tenant Rights must 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 to the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 25-415. List of Tenant Fees.

(a) Landlords shall provide tenants with a List of Tenant Fees that includes any and all tenant fees that may be assessed against the 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 disclosed in a List of Tenant Fees.

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

(2) For tenancies without a specific duration in which the rent is payable on a monthly or quarterly basis, the List of Tenant Fees must be agreed to by the landlord and tenant 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.

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

ii. If the required sixty (60) days' notice has been provided and the tenant has rejected the List of Tenant Fees or 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.

(b) There shall be a rebuttable presumption that a landlord has complied with this section if the landlord can provide a written, dated, and signed affirmation from the tenant stating that the 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.

Section 25-416. Enforcement and Penalties.

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

(b) County employees assigned to the Office of Tenant Services and designated as code enforcement officers by the County shall be considered code enforcement officers authorized to enforce this division through the issuance of a noncriminal civil 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.

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

Sections 25-417 – 25-449. Reserved.

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

CHAPTER 11. CODE ENFORCEMENT

* * *

ARTICLE III. CODE ENFORCEMENT CITATION PROGRAM

* * *

Section 11-62. Applicable codes and ordinances.

A schedule of codes and ordinances, which may be enforced pursuant to the supplemental code enforcement citation procedures 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 within a referenced chapter has a specific penalty identified therein, that more-specific penalty shall prevail so long as it does not exceed the maximum penalty permitted by F.S. ch. 162, as amended. The schedule of codes and ordinances shall include such codes and ordinances as they may be from time to time amended, renumbered, codified, or recodified including codes and ordinances enacted 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
Section 21-239	Vending operation on public right-of-way or unpermitted vending operation on property abutting a public right-of-way	II
Chapter 24	Landscaping, buffering and open space	I
Chapter 25, Article II	Garage Sales	I
Chapter 25, Article III	Local business taxes	II
Chapter 25, Article XIII, Division 1	Rental Notices Ordinance	III
Chapter 25, Article XIII, Division 3	Tenant's Bill of Rights Ordinance	III

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

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, or actual or perceived status as a victim of domestic violence, dating violence, or stalking, 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.

* * *

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

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

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

The term *victim of dating violence* does not include violence in a casual acquaintanceship or violence between individuals who only have engaged in ordinary fraternization in a business or social context.

Victim of domestic violence shall mean a person who has been subjected to acts or threats of violence, not including acts of self-defense, by a family or household member. For the purposes of defining this term, "family or household member" shall include:

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

(2) A person related to the victim by blood or marriage;

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

(4) A person who is presently cohabitating with the victim as if a family or has cohabitated with the victim in the past as if a family; or

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

With the exception of persons who have a child in common, the family or household members must be currently residing or have in the past resided together in the same single dwelling unit.

Victim of stalking shall mean a victim of acts that constitute or are deemed under state law to be willful, malicious, and repeated following, harassing, or cyberstalking of another person, or the making of a credible threat with the intent to place that victim in reasonable fear of death or bodily injury of the person, or the person's child, sibling, spouse, parent, or dependent. The term "cyberstalking" means engaging in a course of conduct to communicate, or to cause to be communicated, words, images, or language by or through the use of electronic mail or electronic communication, directed at a specific person, causing substantial emotional distress to that person and serving no legitimate purpose.

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, or actual or perceived status as a victim of domestic violence, dating violence, or stalking.

(b) It shall be unlawful to discriminate against any individual in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of age, race, color, religion, national origin, disability, marital status, familial status, lawful source of income, sex, ~~or~~ sexual orientation, or actual or perceived status as a victim of domestic violence, dating violence, or stalking. Prohibited actions under this subsection include, but are not limited to:

(1) Using different provisions in leases or contracts of sale, such as those relating to rental charges, security deposits and the terms of a lease and those relating to down payment and

closing requirements, because of age, race, color, religion, national origin, disability, marital status, familial status, lawful source of income, sex, ~~or~~ sexual orientation, or actual or perceived status as a victim of domestic violence, dating violence, or stalking. Nothing in this subsection prohibits provisions in leases or contracts of sale that are required by federal, state, or local law, rule, or regulation for a specific lawful source of income including, but not limited to, Housing Choice (Section 8) Vouchers.

(2) Failing or delaying maintenance or repairs of sale or rental dwellings because of age, race, color, religion, national origin, disability, marital status, familial status, lawful source of income, sex, ~~or~~ sexual orientation, or actual or perceived status as a victim of domestic violence, dating violence, or stalking.

(3) Failing to process an offer for the sale or rental of a dwelling or to communicate an offer accurately because of age, race, color, religion, national origin, disability, marital status, familial status, lawful source of income, sex, ~~or~~ sexual orientation, or actual or perceived status as a victim of domestic violence, dating violence, or stalking.

(4) Limiting the use of privileges, services or facilities associated with a dwelling because of the age, race, color, religion, national origin, disability, marital status, familial status, lawful source of income, sex, ~~or~~ sexual orientation, or actual or perceived status as a victim of domestic violence, dating violence, or stalking, of an owner, tenant or a person associated with him or her.

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

(c) It shall be unlawful to make, print, or publish, or cause to be made, printed, or published, any notice, statement, or advertisement with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on age, race, color, religion, national origin, disability, marital status, familial status, lawful source of income, sex, ~~or~~ sexual orientation, or actual or perceived status as a victim of domestic violence, dating violence, or stalking, or an intention to make any such preference, limitation, or discrimination. The prohibitions in this subsection shall apply to all written or oral

notices or statements by a person engaged in the sale or rental of a dwelling. Written notices and statements include any applications, flyers, brochures, deeds, signs, banners, posters, billboards or any documents used with respect to the sale or rental of a dwelling. Discriminatory notices, statements and advertisements include, but are not limited to:

(1) Using words, phrases, photographs, illustrations, symbols or forms which convey that dwellings are available or not available to a particular group of individuals because of age, race, color, religion, national origin, disability, marital status, familial status, lawful source of income, sex, ~~or~~ sexual orientation, or actual or perceived status as a victim of domestic violence, dating violence, or stalking.

(2) Expressing to agents, brokers, employees, prospective sellers or renters or any other individuals a preference for or limitation on any purchaser or renter because of age, race, color, religion, national origin, disability, marital status, familial status, lawful source of income, sex, ~~or~~ sexual orientation, or actual or perceived status as a victim of domestic violence, dating violence, or stalking.

(3) Selecting media or locations for advertising the sale or rental of dwellings which deny particular segments of the housing market information about housing opportunities because of age, race, color, religion, national origin, disability, marital status, familial status, lawful source of income, sex, ~~or~~ sexual orientation, or actual or perceived status as a victim of domestic violence, dating violence, or stalking.

(4) Refusing to publish advertising for the sale or rental of dwellings or requiring different charges or terms for such advertising because of age, race, color, religion, national origin, disability, marital status, familial status, lawful source of income, sex, ~~or~~ sexual orientation, or actual or perceived status as a victim of domestic violence, dating violence, or stalking.

(d) It shall be unlawful to represent to any individual because of age, race, color, religion, national origin, disability, marital status, familial status, lawful source of income, sex, ~~or~~ sexual orientation, or actual or perceived status as a victim of domestic violence, dating violence, or stalking that any dwelling is not available for inspection, sale, or rental when such dwelling is in fact so available.

(e) It is unlawful, for profit, to induce or attempt to induce any individual to sell or rent any dwelling by a representation regarding the entry or prospective entry into the neighborhood of an individual or individuals of a particular age, race, color, religion, national origin, disability, marital status, familial status, lawful source of income, sex, ~~or~~ sexual orientation, or actual or perceived status as a victim of domestic violence, dating violence, or stalking.

(f) It shall be unlawful, because of age, race, color, religion, national origin, marital status, familial status, disability, lawful source of income, sex, ~~or~~ sexual orientation, or actual or perceived status as a victim of domestic violence, dating violence, or stalking, to restrict or attempt to restrict the choices of an individual by word or conduct in connection with seeking, negotiating for, buying or renting a 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:

(1) Discouraging any individual from inspecting, purchasing or renting a dwelling because of age, race, color, religion, national origin, disability, marital status, familial status, lawful source of income, sex, ~~or~~ sexual orientation, or actual or perceived status as a victim of domestic violence, dating violence, or stalking, or because of the age, race, color, religion, national origin, disability, marital status, familial status, lawful source of income, sex, ~~or~~ sexual orientation, or actual or perceived status as a victim of domestic violence, dating violence, or stalking of individuals in a community, neighborhood or development.

(2) Discouraging the purchase or rental of a dwelling because of age, race, color, religion, national origin, disability, marital status, familial status, lawful source of income, sex, ~~or~~ sexual orientation, or actual or perceived status as a victim of domestic violence, dating violence, or stalking, by exaggerating drawbacks or failing to inform any individual of desirable features of a dwelling or of a community, neighborhood, or development.

(3) Communicating to any prospective purchaser that he or she would not be comfortable or compatible with existing

residents of a community, neighborhood or development because of age, race, color, religion, national origin, disability, marital status, familial status, lawful source of income, sex, ~~or~~ sexual orientation, or actual or perceived status as a victim of domestic violence, dating violence, or stalking.

(4) Assigning any individual to a particular section of a community, neighborhood or development, or to a particular floor of a building, because of age, race, color, religion, national origin, disability, marital status, familial status, lawful source of income, sex, ~~or~~ sexual orientation, or actual or perceived status as a victim of domestic violence, dating violence, or stalking.

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

(1) Discharging or taking other adverse action against an employee, broker or agent because he or she refused to participate in a discriminatory housing practice.

(2) Employing codes or other devices to segregate or reject applicants, purchasers or renters, refusing to take or to show listings of dwellings in certain areas because of age, race, color, religion, national origin, disability, marital status, familial status, lawful source of income, sex, ~~or~~ sexual orientation, or actual or perceived status as a victim of domestic violence, dating violence, or stalking, 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, or actual or perceived status as a victim of domestic violence, dating violence, or stalking.

(3) Denying or delaying the processing of an application made by a purchaser or renter or refusing to approve such an 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, or actual or perceived status as a victim of domestic violence, dating violence, or stalking.

(4) Refusing to provide municipal services or property or hazard insurance for dwellings or providing such services or insurance differently because of age, race, color, religion, national origin, disability, marital status, familial status, lawful source of income, sex, ~~or~~ sexual orientation, or actual or perceived status as a victim of domestic violence, dating violence, or stalking.

* * *

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

It shall be unlawful to deny any individual access to, or membership or participation in, any multiple-listing service, real estate brokers' organization, or other service, organization, or 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, or actual or perceived status as a victim of domestic violence, dating violence, or stalking.

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

(a) It shall be unlawful for any bank, building and loan association, insurance company, or other corporation, association, firm, or enterprise the business of which consists in whole or in part of the making of commercial real estate loans to deny a loan or other financial assistance to an individual applying for the loan for the purpose of purchasing, constructing, improving, repairing, or maintaining a dwelling, or to discriminate against him or her in the fixing of the amount, interest rate, duration, or other term or condition of such loan or other financial assistance, because of the age, race, color, religion, national origin, disability, marital status, familial status, lawful source of income, sex, ~~or~~ sexual orientation, or actual or perceived status as a victim of domestic violence, dating violence, or stalking of

such individual or of any individual associated with him or her in connection with such loan or other financial assistance or the purposes of such loan or other financial assistance, or because of the age, race, color, religion, national origin, disability, marital status, familial status, lawful source of income, sex, ~~or~~ sexual orientation, or actual or perceived status as a victim of domestic violence, dating violence, or stalking of the present or prospective owners, lessees, tenants, or occupants of the dwelling or dwellings in relation to which such loan or other financial assistance is to be made or given.

(b) Residential real estate transactions.

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

(2) As used in this subsection, the term "residential 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 property.

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

Section 22-55. Exemptions.

* * *

(f) Nothing in this article:

(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, or actual or perceived

status as a victim of domestic violence, dating violence, or stalking.

* * *

(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.

* * *

DIVISION 2. ADMINISTRATION AND ENFORCEMENT

* * *

Section 22-57. Complaints—Filing.

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

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

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

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

(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, or actual or perceived status as a victim of domestic violence, dating violence, or stalking).

(4) Name, address and signature of complainant.

* * *

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

Section 7. ***Filing of Ordinance and Effective Date.*** This ordinance shall take effect on March 1, 2023.

ADOPTED THIS 24th DAY OF January, 2023.

ORANGE COUNTY, FLORIDA
By: Board of County Commissioners

By: _____
for Jerry L. Demings
Orange County Mayor

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

By: _____
Deputy Clerk