

ORDINANCE NO. 2013-

1 AN ORDINANCE OF THE BOARD OF COUNTY
2 COMMISSIONERS OF BROWARD COUNTY, FLORIDA,
3 RELATING TO THE HUMAN RIGHTS ACT; AMENDING
4 SECTION 16½-35 OF THE BROWARD COUNTY CODE OF
5 ORDINANCES ("CODE") TO INCLUDE A PROVISION
6 REQUIRING BOARDS SUCH AS CONDOMINIUM
7 ASSOCIATIONS, HOMEOWNERS' ASSOCIATIONS, AND
8 COOPERATIVE ASSOCIATIONS TO PROVIDE WRITTEN
9 NOTICE REGARDING THE STATUS OF AN APPLICATION
10 TO RENT OR PURCHASE A DWELLING AND, IF THE
11 APPLICATION IS DENIED, TO EXPRESSLY STATE IN
12 WRITING THE REASON(S) FOR THE DENIAL; AND
13 PROVIDING FOR SEVERABILITY, INCLUSION IN THE
14 CODE, AND AN EFFECTIVE DATE.

9 (Sponsored by Commissioners Dale V.C. Holness and Lois Wexler)

10 WHEREAS, the Board of County Commissioners has determined that the
11 protections of the County's Human Rights Act, Sections 16½-1, *et seq.*, of the Broward
12 County Code of Ordinances, would be enhanced by requiring boards such as
13 condominium associations, homeowners' associations, and cooperative associations to
14 provide certain written notices in conjunction with an application to rent or purchase a
15 dwelling,

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

18 Section 1. Section 16½-35 of the Broward County Code of Ordinances is hereby
19 amended in applicable part to read as follows:

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

21 It is unlawful for any person, including but not limited to ~~the~~ any owner, lessee,
22 lessor, sublessee, sublessor, assignee, assignor, manager, real estate broker,
23 salesperson, condominium association, homeowners' association, cooperative
24 association, or any representative of any of the foregoing:

1 (a) To refuse to sell or rent after the making of a bona fide offer, to refuse to
2 negotiate for the sale or rental of, or otherwise to make unavailable or deny, a dwelling
3 to any person because of a discriminatory classification.

4 (b) To discriminate against any person in the terms, conditions, or privileges
5 of the sale or rental of a dwelling, or in the provision of services or facilities in
6 connection therewith, because of a discriminatory classification.

7 . . .

8 **Sec. 16 $\frac{1}{2}$ -35.6. Required Notices in Connection with Application to**
9 **Purchase or Rent a Dwelling.**

10 (a) Within ten (10) days after its receipt of an application (or any amended
11 application) to purchase or rent a dwelling, the condominium association, homeowners'
12 association, or cooperative association shall provide the applicant with written
13 acknowledgement of receipt of the application. If the application is incomplete or
14 completed incorrectly, the acknowledgement shall specifically identify each item that
15 needs to be completed or corrected.

16 (b) Within forty-five (45) days after receipt of a complete application, the
17 association shall either reject or approve the application and shall provide the applicant
18 with written notice of same. If the application is rejected, the written notice must state
19 with specificity each reason for the rejection.

20 Section 2. **SEVERABILITY.**

21 If any portion of this Ordinance is determined by any Court to be invalid, the
22 invalid portion shall be stricken, and such striking shall not affect the validity of the
23 remainder of this Ordinance. If any Court determines that this Ordinance, or any portion
24 hereof, cannot be legally applied to any individual(s), group(s), entity(ies), property(ies),

1 or circumstance(s), such determination shall not affect the applicability hereof to any
2 other individual, group, entity, property, or circumstance.

3 Section 3. INCLUSION IN CODE.

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

9 Section 4. EFFECTIVE DATE.

10 This Ordinance shall become effective as provided by law.

11

12 ENACTED

13 FILED WITH THE DEPARTMENT OF STATE

14 EFFECTIVE

15

16

17

18

19

20

21

22

23

24

DYH/lw
08/14/13
HRA 2013.doc
#13-419

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