PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

| Meeting Date: November | 20, 2007 | [] | Consent Workshop | [X] | Regular Public Hearing | |
|---|--|---|--|--|--|--|
| Department: Submitted By: Submitted For: | The Count | | ney's Office pportunity | | | |
| ann man man man man aint donn uby day gam aint top talk ann dan any nao nao aint aint | I. EXECUTIVE BRIEF | | | | | |
| Motion and Title: Staff and advertise for public of the Board of County Ordinance No. 90-1 as am codified in Sections 15-36 Beach County ordinance accommodation"; providing providing for meetings of conflict; providing for sev Ordinances; and providing Summary: This ordinal apparture to be a parture to the providing of the conflict | hearing on Commission ended by O through 15 for equal g for definithe Fair Ho rerability; programmer will accemble of the fair Ho rerability; programmer will accemble of the fair Ho rerability; programmer will accemble of the fair House of the fa | Decem ers of rdinance 5-64 of opport itions; using E oviding ctive da | ber 18, 2007 a Palm Beach se No. 95-42 a the Palm Beach cunity to house providing for Board; providin for inclusion te. additional pro- | at 9:30 Count nd Ord ch Co- sing a addition g for in the | D a.m.: an Ordinance y, Florida, amending dinance No. 96-23, as unty Code, the "Palm nd places of public onal protected class; the repeal of laws in a Code of Laws and class to the equal | |
| opportunity to housing a references to individuals we housing Board. Countywice | vith disabiliti | of pu ies and | blic accommo provide for re | odatior egular | n ordinance, correct meetings of the Fair | |
| Background and Policy Ordinance 90-1, as amer places of public accomm Commissioners directed stexpression. | nded, which modation. | provide On O | ed for equal o ctober 2, 200 | opporti 07, th | unity to housing and e Board of County | |
| Attachments: | | | | | | |
| 1. Proposed Ordinanc | e | \bigcap | | | | |
| Approved By: | County Atte | orney | Man | | IN 9 07 Date | |

II. FISCAL IMPACT ANALYSIS

| A. Five Year Summary of Fiscal Impact: | | | | | | | |
|--|--|---|---------------------------------------|--------------------------|----------------------------------|--------------------------------------|----|
| | Fiscal Years | 2008 | 2009 | 2010 | 2011 | 2012 | |
| Ope Exte | oital Expenditures erating Costs ernal Revenues gram Income (County) Kind Match (County) | -0- -0- -0- -0- -0- | -0 - -0 - - 0 - - 0- - 0- | -0- -0- -0- -0- | - 0 - - 0 - - 0 - - 0 - | -0 - -0 - -0 - -0 - -0 - | |
| NE | ET FISCAL IMPACT | | | | | | |
| | ADDITIONAL FTE DSITIONS (Cumulative) | #1,1°=1/4,0°=1,0°=1,0°=1,0°=1,0°=1,0°=1,0°=1,0°=1 | | , | | - | |
| ls lt | em Included In Current Bu | dget? Ye | es | No | | | |
| Buc | lget Account No.: Fund | Pan | _ Departme | ent | | Jnit | |
| В. С. | Recommended Sources Departmental Fiscal Rev | | /Summary o | of Fiscal | Impact: | | |
| 0. | III. REVIEW COMMENTS | | | | | | |
| A. | OFMB Fiscal and/or Cor No fiscal impac | ntract Dev | | | nents: | | |
| | OFMB 1/-14-07 0/1/14 | CN 13/1 | 1/1/07 | ntract De |) - Hock ev. and C | ontrol 15 | Jo |
| B. | Legal Sufficiency: | | | | | | |
| | to flate | h | | | | | |
| | Assistant County Attori | ney | | | | | |

C. Other Department Review:

Department Director

This summary is not to be used as a basis for payment.

G: WPDATA ENG TKF OEO-FH Fair-Housing-Ord-Amendment-Agenda-Summary- 11-07-07.rtf

| 1 2 | |
|----------|---|
| 3 | ORDINANCE NO. 2007 - |
| 4 5 | AN ORDINANCE OF THE BOARD OF COUNTY |
| 6 | COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, |
| 7 8 | AMENDING ORDINANCE NO. 90-1 AS AMENDED BY |
| 9 | ORDINANCE NO. 95-42 AND ORDINANCE NO. 96-23, AS CODIFIED IN SECTIONS 15-36 THROUGH 15-64 OF THE |
| 10 | PALM BEACH COUNTY CODE, "THE PALM BEACH |
| 11 12 | COUNTY ORDINANCE FOR EQUAL OPPORTUNITY TO HOUSING AND PLACES OF PUBLIC |
| 13 | ACCOMMODATION;" PROVIDING FOR DEFINITIONS; |
| 14 | PROVIDING FOR ADDITIONAL PROTECTED CLASS; |
| 15 16 | PROVIDING FOR MEETINGS OF THE FAIR HOUSING BOARD; PROVIDING FOR THE REPEAL OF LAWS IN |
| 17 | CONFLICT; PROVIDING FOR SEVERABILITY; |
| 18 | PROVIDING FOR INCLUSION IN THE CODE OF LAWS |
| 19 20 | AND ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE. |
| 21 | ELLEGINE DATE. |
| 22 23 | WHEREAS, it is the public policy of the United States of America to provide for |
| 24 | fair housing and access to public accommodations throughout the United States and the |
| 25 | policy of Palm Beach County, Florida, to also so provide; and |
| 26 | WHEREAS, discrimination in housing and in places of public accommodation |
| 27 | deprives individuals of their basic right to associate, causes friction among groups in |
| 28 | society, and adversely affects the public health, safety, and welfare; and |
| 29 | WHEREAS, the Board of County Commissioners enacted Ordinance No. 90-1, |
| 30 | as amended by Ordinance 95-42 and 96-23, which provided for equal opportunity to |
| 31 | housing and places of public accommodation; and |
| 32 | WHEREAS, the Board of County Commissioners wishes to further amend such |
| 33 | ordinance in order to add an additional protected class. |
| 34 | NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY |
| 35 | COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Palm Beach County |
| 36 | Ordinance No. 90-1, as amended by Ordinance 95-42 and Ordinance 96-23, as codified |
| 37 | in Section 15-36 through 15-64 of the Palm Beach County Code be and hereby is |
| 88 | amended as follows: |
| 39 | SECTION I. PROTECTED CLASSES: Sections 15-36 through 15-64 of the |
| 0 | Palm Beach County Code shall be amended as follows: |
| 1 | Each and every reference to the protected classes "race, color, sex, national |

origin, religion, age, disability, familial status, marital status and sexual orientation" in

Sections 15-36, 15-42(1), 15-43(1)(a-b), 15-44(1)(a-b), 15-57, 15-58(1-10), 15-59, 15-

60, 15-61, 15-62(a), shall be amended to read: "race, color, sex, national origin, religion,

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- age, handicap disability, familial status, marital status, sexual orientation and gender identity or expression.
- **SECTION II. DISABILITY:** Section 15-37(10) of the Palm Beach County Code shall be amended to read as follows:

Handicap Disability means with respect to a person.

- a. Has a physical or mental impairment which substantially limits one (1) or more major life activities.
 - b. Has a record of such an impairment; or
 - c. Is regarded as having such impairment.
- d. "Handicap" "Disability" does not include current illegal use or addiction to a controlled substance (as defined in Section 102 of the Controlled Substance Act (21U.S.C.802)).
- e. As used throughout this article, prohibitions against discrimination on the basis of handicap-disability includes handicaps-disabilities of the buyer or renter, or of a person residing in or intending to reside in that dwelling after it is sold, rented, or made available, or of any person associated with the buyer or renter.
- SECTION III. PERSON WITH DISABILITY: Section 15-58(11-13) of the Palm Beach County Code shall be amended to read as follows:
- (1) To refuse to permit, at the expense of a handicapped-person with a disability, reasonable modifications of existing premises occupied or to be occupied by such person if such modifications may be necessary to afford such person full enjoyment of the premises, except that, in the case of a rental, the landlord may, where it is reasonable to do so, condition permission for a modification on the renter agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted. The landlord may not increase for handicapped persons with disabilities any customarily required security deposit. However, where it is necessary in order to ensure with reasonable certainty that funds will be available to pay for the restorations at the end of the tenancy, the landlord may negotiate, as part of a restoration agreement, a provision requiring that the tenant pay into an interest-bearing escrow account, over a reasonable period, a reasonable amount of money not to exceed the cost of the restorations. The interest in any such account shall accrue to the

| 1 | benefit of the tenant. | | | | | | |
|----|-------------------------|--|--|--|--|--|--|
| 2 | (12) To refuse | (12) To refuse to make reasonable accommodations in rules, policies, practices | | | | | |
| 3 | or services, when su | ch accommodations may be necessary to afford a handicapped | | | | | |
| 4 | person with a disabilit | \underline{y} equal opportunity to use and enjoy a dwelling. | | | | | |
| 5 | (13) To fail to | design and construct multifamily dwellings for first occupancy after | | | | | |
| 6 | March 13, 1991, in su | ch a manner that: | | | | | |
| 7 | a. T | he public use and common use portions of such dwellings are | | | | | |
| 8 | re | eadily accessible to and usable by persons with a disability. | | | | | |
| 9 | b. A | Il the doors designed to allow passage into and within all premises | | | | | |
| 10 | W | ithin such dwellings are sufficiently wide to allow passage by | | | | | |
| 11 | h | andicapped persons in with disabilities who utilize wheelchairs; | | | | | |
| 12 | а | nd | | | | | |
| 13 | c. A | Il premises within such dwellings contain the following features of | | | | | |
| 14 | а | doptive design: Building entrances on an accessible route, an | | | | | |
| 15 | а | ccessible route into and through the dwelling; light switches, | | | | | |
| 16 | е | ectrical outlets, thermostats, and other environmental controls in | | | | | |
| 17 | a | ccessible locations, reinforcements in bathroom walls to allow | | | | | |
| 18 | la | ter installation of grab bars; and usable kitchen and bathrooms | | | | | |
| 19 | SI | uch that an individual in who utilizes a wheelchair can maneuver | | | | | |
| 20 | al | pout the space; | | | | | |
| 21 | d. C | ompliance with the appropriate requirements of the American | | | | | |
| 22 | N | ational Standards Institute for buildings and facilities providing | | | | | |
| 23 | a | ccessibility and usability for persons with physical disabilities | | | | | |
| 24 | pl | nysically handicapped people, commonly cited as ANSI. A 117.1- | | | | | |
| 25 | 19 | 986, Suffices to satisfy the requirements of paragraph 13(d). | | | | | |
| 26 | SECTION IV. | DEFINITION OF GENDER IDENTITY OR EXPRESSION: | | | | | |
| 27 | Section 15-37(18) is a | dded to the Palm Beach County Code and shall read as follows: | | | | | |
| 28 | Gender Identit | or Expression means a gender-related identity, appearance, | | | | | |
| 29 | expression or behavio | or of an individual, regardless of the individual's assigned sex at | | | | | |

SECTION V. BOARD MEETING: Section 15-41 of the Palm Beach County

birth.

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Code is amended to read as follows:

Administrative Hearings. Notice of the time and place of the meting shall be given to all board members and all parties scheduled to be heard, and shall be made public. The chairperson may call an unscheduled meeting. Upon not less than twenty-four (24) hours' notice, and meetings may also be called by the director upon the request of three (3) members of the board. The County Administrator shall provide such staff as may reasonably be required in his/her discretion to assist the board in the performance of its duties. The County Administrator shall provide a regular meeting place for the board.

SECTION VI. REPEAL OF LAWS IN CONFLICT: All local laws and ordinances applying to the unincorporated area of Palm Beach County, Florida in conflict with any provisions of this ordinance are hereby repealed.

SECTION VII. SEVERABILITY: If any section, paragraph, sentence, clause, phrase, or word of this ordinance is for any reason held by a court to be unconstitutional, inoperative, or void, such holding shall not affect the remainder of this ordinance.

SECTION VIII. INCLUSION IN THE CODE OF LAWS AND ORDINANCES:

The provisions of this ordinance shall become and be made a part of the Code of Laws and Ordinances of Palm Beach County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section", "article", or other appropriate word.

SECTION IX. EFFECTIVE DATE: The provisions of this ordinance shall become effective upon filing with the Department of State.

| 1 | APPROVED AND ADOPTED | by the Board of County Commissi | oners of Palm |
|----------------------------|---|---|---------------|
| 2 | Beach County, Florida, on this the | day of | , 2007. |
| 3 4 5 6 7 8 | SHARON R. BOCK, CLERK & COMPTROLLER PALM BEACH COUNTY | PALM BEACH COUNTY, FLORI BOARD OF COUNTY COMMISS | • |
| 9 10 11 12 | By: Deputy Clerk | By: Addie L. Greene, Chairp | erson |
| 13 14 15 16 | APPROVED AS TO FORM AND LEGAL SUFFICIENCY | | |
| 17 18 19 20 21 | By: Amy The County Attorney | | |
| 22 | EFFECTIVE DATE: Filed with | the Department of State on the | day of |
| 23 | , 2007. | | |
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| 25 26 | | | |
| 27 | G:\WPDATA\ENG\TKF\0E0-FH\Fair-Housing-Ord-Amen | dment-11-07-07.rtf | |
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