

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

MEETING DATE: 04/06/21

Consent Regular

Ordinance Public Hearing

Department: Office of Equal Opportunity

Submitted By: Office of Equal Opportunity

I. EXECUTIVE BRIEF

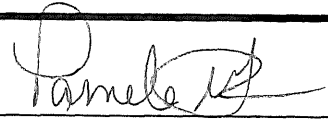
Motion and Title: Staff recommends motion to receive and file: the Addendum to the Memorandum of Understanding (Addendum) with the U.S. Department of Housing and Urban Development (HUD) retroactive to February 19, 2021.

Summary: The most recent Addendum between the Office of Equal Opportunity (OEO) and HUD was executed on February 12, 2020 and extended certification until February 12, 2025 (R 2020-0890). The purpose of this Addendum is to ensure consistency in application by the OEO so that the substantive rights protected under the County’s ordinance (Chapter 15, Article III. – Housing, Places of Public Accommodation) remain substantially equivalent to those protected by the Federal Fair Housing Act, as required by 42 U.S.C. §§ 3610(f) and 3616. Specifically, the OEO acknowledged that the County’s fair housing law provides express protections for both sexual orientation and gender identity. On November 17, 2015, the Board of County Commissioners delegated authority to the County Administrator or designee, OEO Director, to sign renewals and extensions of the MOU with HUD that do not change the scope of work or terms and conditions. Countywide (DO)

Background and Justification: On February 4, 1997, the BCC approved an Agreement between OEO and HUD, which provided for the processing and referral of housing discrimination complaints between the respective agencies. On November 17, 2015, the BCC delegated authority to the County Administrator or designee, OEO Director, to sign renewals and extensions of the MOU with HUD that do not change the scope of work or terms and conditions.

Attachment:

- 1. Addendum to the Memorandum of Understanding

Recommended by:  10 March 2021.
Department Director Date

Approved by:  3/22/21
Assistant County Administrator Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2021	2022	2023	2024	2025
Capital Expenditures	-0-	-0-	-0-	-0-	-0-
Operating Costs	-0-	-0-	-0-	-0-	-0-
External Revenues	-0-	-0-	-0-	-0-	-0-
Program Income (County)	-0-	-0-	-0-	-0-	-0-
In-Kind Match (County)	-0-	-0-	-0-	-0-	-0-
 NET FISCAL IMPACT **	 -0-	 -0-	 -0-	 -0-	 -0-
 # ADDITIONAL FTE POSITIONS (Cumulative)	 ___0___	 ___0___	 ___0___	 ___0___	 ___0___

Is Item Included in Current Budget? Yes ___ No X
 Does this item include the use of federal funds? Yes ___ No x
 Budget Account No.: Fund ___ Department ___ Unit ___ Object ___
 Program Category ___

B. Recommended Sources of Funds/Summary of Fiscal Impact:

**This item has no additional fiscal impact.

C. Departmental Fiscal Review:

III. REVIEW COMMENTS:

A. OFMB Fiscal and/or Contract Dev. and Control Comments:

Lisa M. ... 3/11/21
 OFMB
 3/11

Dr. J. ... 3/11/21
 Contract Administration
 3-12-21 TW

B. Legal Sufficiency:

[Signature]
 Assistant County Attorney

C. Other Department Review:

 Department Director

THIS SUMMARY IS NOT TO BE USED AS A BASIS FOR PAYMENT.

**ADDENDUM TO THE MEMORANDUM OF UNDERSTANDING WITH THE U.S.
DEPARTMENT OF HOUSING & URBAN DEVELOPMENT**

FAIR HOUSING ASSISTANCE PROGRAM

Statement of Consistency with Bostock v. Clayton County, GA, 590 U.S. ___ (2020)

I. PURPOSE

The purpose of this Addendum is to ensure consistency in application by Palm Beach County Office of Equal Opportunity (the Agency) so that the substantive rights protected under Chapter 15, Article III. - Housing, Places of Public Accommodation remain substantially equivalent to those protected by the federal Fair Housing Act, as required by 42 U.S.C. §§ 3610(f) and 3616.

II. AUTHORITY

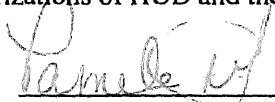
On February 11, 2021, pursuant to and in order to implement the holding of *Bostock v. Clayton County, GA, 590 U.S. ___ (2020)*, HUD's Acting Assistant Secretary for Fair Housing and Equal Opportunity (FHEO) issued a memorandum directing that discrimination because of sex, as used in the federal Fair Housing Act, includes discrimination because of sexual orientation and gender identity and that complaints alleging housing discrimination because of sex involving sexual orientation and gender identity are jurisdictional under the Act. Because this finding relates to substantive rights protected by the Act, agencies participating in the Fair Housing Assistance Program must either administer a law that explicitly prohibits discrimination because of gender identity and sexual orientation or must apply its fair housing law in a manner consistent with *Bostock* and the FHEO Memorandum.

III. ACKNOWLEDGEMENT

The Agency acknowledges that its fair housing law either provides express protections for both sexual orientation and gender identity or that the Agency will apply its fair housing law such that discrimination because of sex includes sexual orientation and gender identity. Where this acknowledgement relies on the latter, the Agency official's signature below certifies the Agency's authority to apply the jurisdiction's law in this manner.


IV. SIGNATURES

Executed by the undersigned on the dates shown below, and pursuant to the respective authorizations of HUD and the Agency.



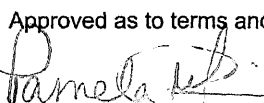
for the Agency

19 February 2021.
Date

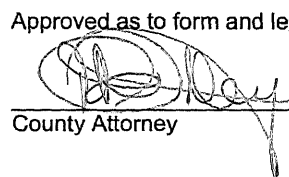


for HUD

3/9/2021
Date

Approved as to terms and conditions


Pamela Guerrier, Director
Palm Beach County
Office of Equal Opportunity

Approved as to form and legal sufficiency


County Attorney