



# 2011-2016 ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING CHOICE



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# **Analysis of Impediments to Fair Housing Choice in Orange County**



Prepared by:

**Orange County Government**  
Housing and Community Development Division

**June 15, 2011**



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## 2011-2016 Analysis of Impediments to Fair Housing Choice



# THE FEDERAL FAIR HOUSING LAW

(The Fair Housing Amendments Act of 1988)

It is Illegal to Discriminate Against Any Person  
Because of Race, Color, Religion, Sex, Handicap,  
Familial Status, or National Origin

- In the sale or rental of housing or residential lots
- In advertising the sale or rental of housing
- In the financing of housing
- In the provision of real estate brokerage services
- In the appraisal of housing
- Blockbusting is also illegal



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# CHAPTER I

INTRODUCTION AND SUMMARY  
OF THE ANALYSIS OF IMPEDIMENTS  
TO FAIR HOUSING CHOICE





# **I. Introduction and Summary of the Analysis of Impediments to Fair Housing Choice**

## **A. Introduction**

The U.S. Department of Housing and Urban Development (HUD) has a commitment to eliminate discriminatory practices in housing and an obligation under Section 808 of the Fair Housing Act, to encourage the adoption and enforcement of fair housing laws in federally funded housing and community development programs. Title VIII of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) and implementing regulations in 24 CFR part 1, prohibit discrimination in any program or activity funded in whole or in part with federal funds made available under this part. In addition to its responsibility for enforcing other Federal statutes prohibiting discrimination in housing, HUD has a statutory obligation under Section 109 of the HCD Act of 1974, Title I, prohibiting discrimination on the basis of race, color, national origin, disability, age, religion, and sex within Community Development Block Grant (CDBG) programs or activities.

Orange County receives federal funding from the United States Department of Housing and Urban Development (HUD) to conduct housing and community development activities under 24 CFR Parts 91 and 570, the Consolidated Planning process. The Consolidated Planning process combines major federal grants such as the Community Development Block Grant (CDBG), the HOME Investment Partnership Program (HOME) and the Emergency Solutions Grant (ESG).

As a requirement for receiving these entitlement funds, jurisdictions are required to submit a certification to HUD to Affirmatively Further Fair Housing. This certification requires the completion of an Analysis of Impediments (AI) to Fair Housing Choice. This Analysis must include:

- An Introduction and Summary of the Analysis of Impediments and Interventions to Eliminate Barriers
- Methodology

- Jurisdictional Data, Housing Market Profile and Special Populations
- Overview of Fair Housing Laws and Resources
- Consultation to Identify Impediments to Fair Housing Choice
- Maintenance of Records
- Findings and Recommended Actions

This Analysis of Impediments to Fair Housing Choice was developed with broad involvement and guidance from the City of Orlando and Orange County staff, housing advocacy groups and community representatives. Staff coordinated the planning process, collection and analysis of data to develop the final report. The Orange County Housing and Community Development Division will monitor progress of the plan for Orange County and assess the fair housing challenges and opportunities that the County will face over the next five years.



## **Orange County**

In Orange County, the designated entity for the submission of the Consolidated Plan and the Analysis of Impediments to Fair Housing is the Housing and Community Development Division. Orange County's last Analysis of Impediments to Fair Housing Choice was completed in 2003.

### **The mission of the Orange County Housing and Community Development Division is:**

To create and maintain a viable urban community by providing affordable housing opportunities, neighborhood improvements, human services and expanded opportunities principally for low and moderate income residents of Orange County.

### **Commitment to Fair Housing:**

In accordance with the applicable statutes and the regulations governing the Consolidated Plan, Orange County certifies that it will ***affirmatively further fair housing***. This means that the jurisdiction has conducted an analysis of impediments to fair housing choice within the jurisdiction, will take appropriate actions to overcome the effects of any impediments identified through that analysis, and maintain records reflecting that analysis and actions in this regard.

---

Orange County Mayor Teresa Jacobs  
or Authorized Representative

---

Date

## **B. Summary of the Analysis of Impediments and Interventions to Eliminate Barriers to Fair Housing**

As part of the development of the Analysis of Impediments to Fair Housing Choice, the Orange County Housing and Community Development Division entered into a working collaboration to update previous fair housing plans and to create new strategies. The Analysis combined primary and secondary research, based on data collected by both entities.

In a coordinated effort to meet HUD requirements to affirmatively further fair housing, the jurisdictions also adopted information and recommendations from active fair housing organizations including the City of Orlando's Office of Community Affairs-Human Relations, the Fair Housing Continuum, and Community Legal Services. One-on-one meetings were conducted with fair housing advocacy groups prior to the formulation of the Analysis of Impediments to Fair Housing Choice.

### **Fair Housing Focus Group**

A Fair Housing focus group meeting was conducted on April 28, 2011. The meeting was hosted by the Orlando Housing Authority. The purpose of this meeting was to facilitate communication among fair housing advocacy groups, not for profit organizations and jurisdictions, to obtain input for the Analysis, and provide information on the latest enforcement and advocacy strategies being implemented in the City of Orlando and Orange County.

The following organizations were present at this meeting:

1. Catholic Charities of Central Florida
2. Center for Drug Free Living
3. City of Orlando Housing and Community Development
4. City of Orlando Human Relations
5. Coalition for the Homeless
6. Community Legal Services of Mid-Florida
7. Covenant House

8. Department of Families and Children
9. Fair Housing Continuum
10. Habitat for Humanity of Orlando
11. Harbor House
12. Lighthouse of Central Florida
13. Orange County Neighborhood Services
14. Orlando Housing Authority
15. Orange County Health Department
16. Orange County Housing and Community Development
17. Quest, Inc.

The meeting provided an opportunity for information sharing and fair housing compliance updates from local fair housing enforcement agencies and advocacy groups. The following is a brief summary of the fair housing impediments and opportunities that were identified at the focus group meeting.

Community Legal Services of Mid-Florida provided an overview of their investigation and enforcement efforts during the past twelve (12) months. There were fifteen (15) fair housing cases investigated. Among those, five (5) were filed on the basis of race or color, and ten (10) on the basis of disability. Most of the persons claiming discrimination on the basis of a disability were also persons on subsidized, assisted housing. Community Legal Services also offers a fair housing testing program. The organization conducted fourteen (14) tests, three (3) were based on familial status, and the remaining on national origin or disability. The tests found no cause or inconclusive results. In addition to receiving federal funding from the Department of Housing and Urban Development (HUD) to conduct fair housing outreach and enforcement, the organization has also received a grant to investigate mortgage rescue scams. This is a very serious concern among focus group participants, due to the high number of foreclosures in the Metropolitan Orlando area.

The second presenter was the Fair Housing Continuum. This agency works very closely with the City of Orlando and the Center for Independent Living, an organization that provides housing and training services for persons with disabilities. The agency reported that the majority of their complaints come from persons with disabilities. Another growing trend is the number of complaints from

non-English speaking persons. Testing is a key tool to investigate disparity of treatment and in the terms and conditions of housing.

The City of Orlando's Office of Community Affairs-Human Relations also provided an overview of their services. The Fair Housing Officer explained the time limits to investigate a fair housing complaint, which is one year after the incident, which may be a barrier to some types of complaints.

There was an open discussion about the current housing environment in the Orlando Metropolitan area. While race, disability, gender, familial status, and national origin are protected classes under the federal law, many landlords rely on other measures to discriminate against those groups based on reasons that are not covered by the provisions of the law. These reasons vary from credit to crime records dating over 25 years ago. There may be disparities in the terms and conditions of housing but these disparities are hard to detect unless testing is in place.

Many participants expressed that the attitudes toward persons with disabilities are a result of fear of the unknown, fear of lowering the value of their property, or a lack of exposure to people that are not like them. Discrimination against persons with disabilities is the most notable and communication and education among disability advocacy groups is needed to address this trend.

Participants expressed the need to educate the public on the particulars of the City of Orlando and Orange County Fair Housing ordinances. These ordinances include sexual orientation as a protected class. It was suggested to include this information in all fair housing outreach efforts.

The Orlando Metropolitan area is now considered the worst housing market in the United States. There was general consensus about the gravity of the number of foreclosed homes in the Orlando market. This trend has resulted in a very tight rental market, particularly the multifamily apartment rental market. Rents have not declined and the supply of rental units is limited. This trend negatively affects housing choice.



The Fair Housing focus group meeting represents the first City of Orlando and Orange County collaboration to listen to fair housing concerns and identify potential impediments to making fair housing choice available to its residents. Based on the success of this effort, and to pursue a strategic direction to address fair housing issues, participants agreed to hold a fair housing focus group meeting annually.

## **Conclusions**

Fair housing issues in Orange County are still present despite enforcement and outreach efforts in place. While the problem does not seem severe, the trends show that fair housing complaints filed have remained consistent throughout the past five years. Based on the nature of the fair housing complaints filed in Orange County, the primary target group for housing discrimination is the disabled population, followed by African Americans. There is a recent trend showing complaints from non-English speakers.

The data analysis used for this report was based on a multi-faceted research approach. This method provides both jurisdictions with a broader but realistic foundation for the formulation of an Analysis of Impediments to Fair Housing Choice. However, any government's ability to achieve significant advances in promoting fair housing programs are subject to funding availability for adequate outreach, training and enforcement.

For the purpose of this analysis, Impediments are defined as actions, omissions, or decisions that adversely impact fair housing choice. Out of this definition, the following impediments and challenges were identified:

### ***Fair Housing Impediments and Challenges in the Public Sector:***

1. Lack of understanding about fair housing discrimination (the community believes fair housing and landlord tenant issues are the same).
2. Lack of a centralized system for the intake of fair housing complaints (confusing complaint intake process when clients are referred to multiple agencies).
3. Lack of testing for discriminatory actions.
4. Lack of affordable housing options for very low income households.
5. Need to expand Fair Housing education and awareness, especially among persons with disabilities, African American and Hispanic communities.
6. Shortage of accessible housing (including common areas) for persons with disabilities.
7. Limited collaboration among Fair Housing advocacy groups and nonprofit agencies (enforcement efforts and complaint information are not shared).
8. Budget cuts threaten Affirmatively Furthering Fair Housing efforts and outreach.
9. Anti-immigrant sentiments are on the rise, which may be conducive to fear and lack of follow through with complaints among minority groups.

### ***Fair Housing Impediments and Challenges in the Private Sector:***

1. History of subprime lending patterns in minority neighborhoods.
2. Discriminatory patterns in the terms and conditions of rental housing are subtle and often undetected.
3. Landlords and management companies do not take fair housing laws and penalties seriously.
4. Minority groups, especially African Americans, are intimidated more often than other nonminority groups where lease violations and/ or evictions are perceived to be more common than in nonminority groups.
5. Management companies may be using disparate treatment in determining terms and conditions for renting. For example, discrimination tactics are

often used in determining the creditworthiness of an applicant but they are sophisticated and hard to detect; these techniques may be used to discriminate and discourage individuals from buying or renting.

***Fair Housing Impediments and Challenges in both Public and Private Sectors:***

1. Uncoordinated enforcement efforts.
2. Reasonable accommodation policies are not put into practice.
3. Diversity training needs to be expanded, especially among apartment managers.
4. Current economic conditions have led to an increase in households with credit issues and previous evictions; restricting their ability to purchase or rent housing.

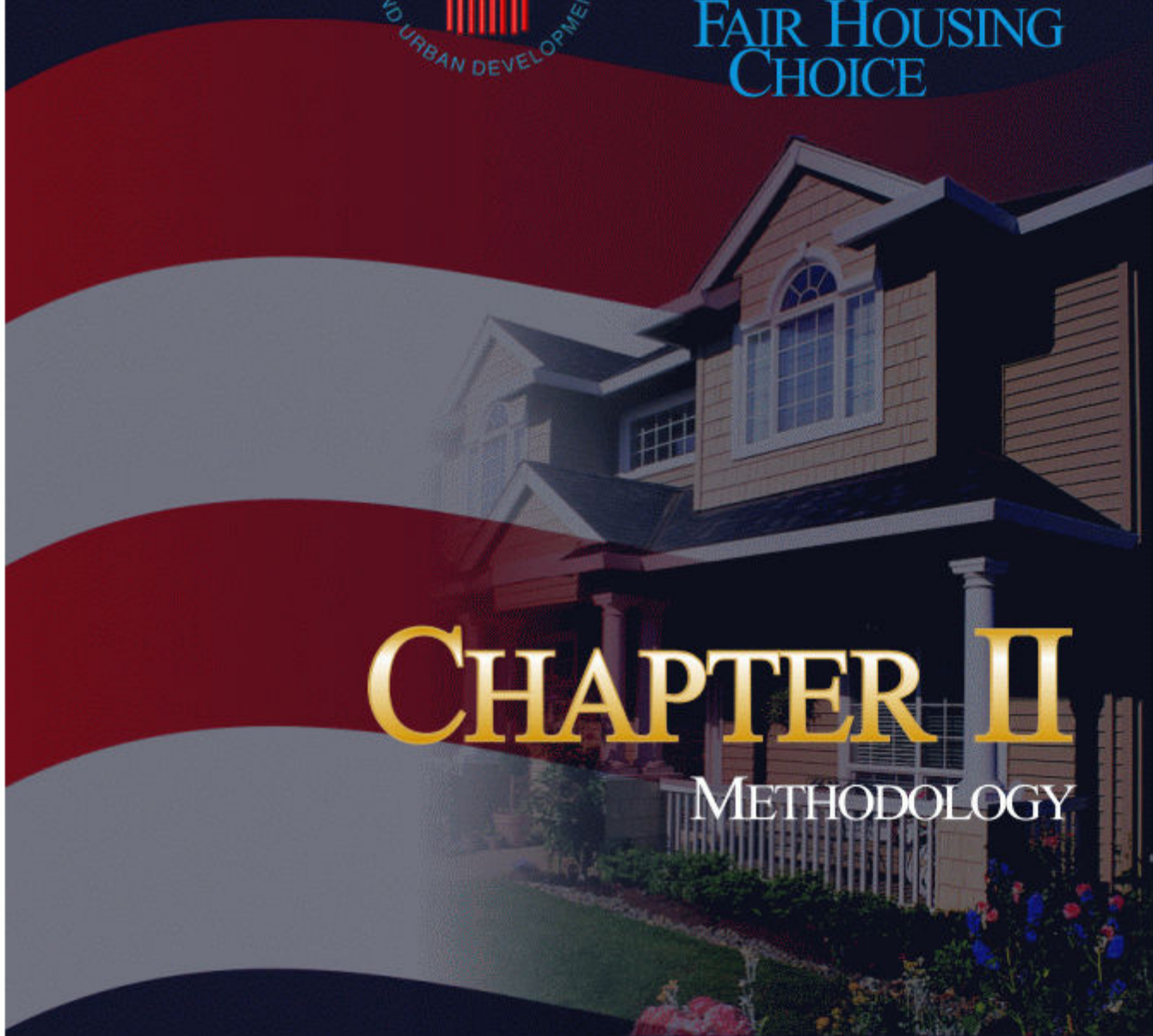
***Recommended Actions to Overcome Fair Housing Impediments:***

1. Continue to conduct paired fair housing testing in the local housing industry for both rental and sales transactions.
2. Increase coordination and collaboration among the legal community, real estate groups, and community groups to raise awareness of fair housing laws and housing discrimination.
3. Create educational fair housing campaigns to further fair housing education and outreach; with emphasis on minority and other target populations.
4. Streamline the fair housing intake process.
5. Explore collaboration with the City of Orlando to serve as the Fair Housing Initiatives Program (FHIP) in Orange County. A FHIP agency is funded by HUD to develop, implement, carry out, or coordinate programs and/or activities to educate the public about, as well as provide enforcement of, fair housing rights under the Fair Housing Act
6. Continue to support and fund affordable housing programs, including those serving disabled populations.

7. Continue to promote Fair Housing Month in April to raise awareness about housing discrimination in the community.
8. Implement a Limited English Proficiency strategy utilizing documents created by HUD program offices, printed in English and multiple other languages, to further fair housing education and outreach.



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CHAPTER II  
METHODOLOGY





## **II. Methodology of the Analysis of Impediments to Fair Housing Choice**

Orange County has adopted a mixed approach to research local fair housing issues. This methodology included focus groups, interviews, a field study consisting of multiple fair housing tests, literature review and analysis and interpretation of current trends.

**Fair Housing Study:** The City of Orlando facilitated a \$25,000 grant to implement a fair housing field study consisting of twenty six (26) fair housing tests in addition to ten (10) education training sessions. The study was conducted by the Fair Housing Continuum, Inc. during the period of October 1, 2009 to September 30, 2010. The purpose of this study was to assess the extent of housing discrimination in the City of Orlando and portions of Orange County. The results of this field study have been incorporated in this AI and will be used to recommend strategies and raise awareness about fair housing. This study provided primary data for the evaluation of the varying dimensions of housing discrimination in the rental market within the City of Orlando and Orange County.

The study consisted of twenty six (26) fair housing tests that included seven (7) apartment rental sites. The study concluded that forty percent (40%) of the tests conducted showed some form of differential treatment. Six (6) or twenty percent (20%) of the total sample required re-testing, and other six (6) tests or twenty percent (20%) of the total sample had recommendations for enforcement.

The remaining sample showed no cause for discrimination. However, ten (10) tests or thirty four percent (34%) of the total sample showed inconclusive results and had recommendations for retesting.

Most of the complaints and tests findings were against people with disabilities, followed by discrimination based on race, particularly African Americans. The tests also indicated discrimination patterns of minorities against other minority groups.

**Outreach:** Fair Housing information has been issued through public service announcements on local radio stations (both English and Spanish) as a match to a Community Legal Services (CLS) of Mid-Florida's fair housing enforcement grant. In addition, over 1,500 copies of fair housing information to local community centers, the main branch library, the County Administration Building, affordable housing seminars, homeownership classes, and through CLS have been distributed in the community.

A Housing and Community Development survey was also distributed throughout local community centers (including community centers within the City of Orlando), nonprofit organizations, and posted on the Orange County Housing and Community Development Division web page. The survey included an assessment of housing discrimination in Orange County. Twenty eight percent identified housing discrimination as a high priority, thirty percent as a medium priority and forty two percent as low priority.

The City of Orlando Office of Community Affairs-Human Relations contracted the Fair Housing Continuum, Inc. to conduct ten (10) Education and Outreach activities reaching three hundred and forty six (346) people. One thousand five hundred sixty two (1,562) fair housing handouts were distributed. Additionally, the City of Orlando also held two major Fair Housing Month workshops. One of the workshops was about removing barriers for people with disabilities and the other on the subject of foreclosures.

**Focus Groups:** Staff held various focus groups and interviews with local fair housing practitioners and advocacy organizations. These groups included the City of Orlando Office of Community Affairs-Human Relations, Fair Housing Continuum, Inc., Mid- Florida Community Legal Services, local housing authorities, representatives from the local HUD office, local nonprofit organizations and advocacy groups. Staff collected fair housing data useful for this report and information on the volume and nature of fair housing complaints in Orange County.



Based on the information collected, there were fifteen (15) fair housing complaints filed in Orange County through Community Legal Services of Mid-Florida.

**Interviews:** Staff has conducted interviews with neighborhood organizations, housing professionals and service providers to identify barriers to fair housing choice in our community.

**Literature Review:** Staff reviewed current literature and demographic information pertinent to housing market trends, including current census data, home mortgage data, HUD research reports, newspaper articles and housing industry journals.

**Analysis and Review of Current Housing Trends:** This type of review provided important insight related to current issues in our society and how they may impact the fair housing environment. These trends include issues such as foreclosures, unemployment, availability of housing financing, and budget cuts to affordable housing programs.

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# CHAPTER III

JURISDICTIONAL DATA,  
HOUSING MARKET PROFILE  
AND SPECIAL POPULATIONS





### **III. Jurisdictional Data, Housing Market Profile and Special Populations**

#### **Orange County's Jurisdictional Data**

Orange County is the core of the Central Florida region, midway between the City of Jacksonville and Miami. Its geographic territory covers about 1,000 square miles and contains 13 municipalities.

Orange County is a charter county with its own constitution. Local governance is by a Mayor elected by the community at large and an elected board of commissioners, each assigned to one of six geographic districts. Before the approval by voters of a 2004 charter amendment, the position of Mayor was called "Orange County Chairman", which became an elected position in 1990. The current Mayor of Orange County is Teresa Jacobs.

Many of the world's most popular theme parks are located here, including Universal Studios, Walt Disney World and Sea World. The University of Central Florida is now considered the nation's second largest university and there are many other higher education institutions in the Orlando MSA.

The county has consistently ranked as one of the fastest growing areas in Florida. Orange County's population growth is greatly attributed to the number of retirees and immigrants that are still moving into the area. Consequently, Orange County is now the fifth most populous county in Florida with 6.1% of Florida's total population. Despite the population growth, Florida is no longer considered the low cost destination for businesses and migrants. Higher cost of living has also led to an out-migration in recent years, as the population leaves the state in search of other lower living options<sup>1</sup>.

According to the 2010 U.S. Census, Orange County's population is estimated at 1,145,956 residents. This number represents a 27.8% growth in one decade. There are approximately 1,268 persons per square mile, compared to 350.8 persons per square mile in the State of Florida. It is expected that Orange County will reach 1.3 million people by 2015.

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<sup>1</sup> Florida & Metro Forecast, Institute for Economic Competitiveness, Florida Summary, March, 2009.

The population in Orange County is very diverse. The 2010 Census revealed an increase in ethnic populations, predominantly among African-Americans and Hispanics. The Hispanic or Latino population in Orange County had the highest percentage of growth and is now estimated to be 308,244 or 26.9% of the county's population. The African American population is now the second largest in the county with 21% of the population. About 14.4 % of the population is foreign born, with 6.6 % arrived between 1990 and 2000.

Approximately 25% of Orange County's population speaks a language other than English. Of these households, 17% speak Spanish at home, 5.4% speak other Indo-European languages, 2.1% speak an Asian or Pacific Island language, and 0.6% speaks another language at home.

The senior household population (households that are headed by a person age 65 or older) in Orange County is 65,691 households or 15.8%. Of these households, almost 80% own their homes.

**Table 1** shows the latest population trends in Orange County, based on 2009 Census data estimates<sup>2</sup>:

**Table 1: Population by Race and Ethnicity in Orange County**

Race and Ethnicity	Percent of Population
White	71.7
White Persons Non-Hispanic	48.9
African-American	20.9
American Indian/Alaska Native	0.5
Asian	4.7
Native Hawaiian/Pacific Islander	0.2
Hispanic Ethnicity	25.7%
Other Race	6.0

**Source:** 2009 American Communities Survey, U.S. Census

<sup>2</sup> Orange County, Florida 2009 Population Estimates retrieved from <http://quickfacts.census.gov>

Demographic and housing unit estimates based on Census Bureau's statistical data reported a total of 487,839 households in Orange County in 2010. This figure represents a 45% increase in a decade. According to Census definitions, a household includes all of the people who occupy a housing unit. The average household size is 2.7 people. Most of the households (46%) are married-couple families and 25% were people living alone. Most of the other households were composed of people with no family or legal relationship related to the householder<sup>3</sup>.

The rate of geographic mobility seems moderate: 79% of the people living in Orange County were living in the same residence one year earlier; 13% moved during the past year from another residence, 4% moved from another county in the State of Florida; 3% from another state; and 1% from abroad.

### **Income & Poverty**

In 2010, the median income in the Orlando MSA was \$ 60,900; in 2011 the median income decreased to \$57,400<sup>4</sup>. About 14% of the population is below the poverty level and 19% of children 0-17 years of age are living below poverty.

The current economic recession has been particularly hard for families residing in the Orlando MSA. The cost of living has increased in the midst of one of the worst economic recessions. For example, Orlando Utilities Commission raised the electric rate 13.7% and Progress Energy has raised its rates by at least 25%. Statistics provided by the U.S. Department of Housing and Urban Development (HUD) indicate that the Orlando MSA's household income had a modest decrease from \$60,900 in 2010 to \$57,400 in 2011. Personal bankruptcy filing rates in Orange County are higher (6.78) than in the State of Florida (4.97). Orange County now ranks 5<sup>th</sup> for bankruptcy filing rates in the State of Florida. Households living in poverty are having even more difficulty paying rent or moving toward homeownership in this economic scenario. They often rely on rent subsidies or public assistance, and funds for these types of programs are in very short supply. Many heads of households hold multiple jobs or live in substandard housing.

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<sup>3</sup> 2009 American Community Survey, U.S. Census

<sup>4</sup> FY 2011 Income Limits Documentation. Retrieved on June 5, 2011 from <http://www.huduser.gov>

The unemployment rate in Orange County is falling to some of the lowest levels in two years. As of April 2011, the Orlando MSA jobless rate dipped to 9.9%, the first time it slides below double digits since May 2009<sup>5</sup>. According to the Orlando Sentinel (May 2011), job growth in the metro Orlando area is being propelled by the leisure and hospitality industry. These are employment industries that are traditionally characterized by part time, seasonal work and low paying wages.

Programs like the Homeless Prevention and Rapid Re-housing (HPRP) funded through stimulus funds provided a short term solution to the economic crisis, especially households who were at risk of homelessness due to unemployment or lost wages. Approximately 400 households received emergency assistance or short term rental subsidies to avoid eviction.

Despite the small economic recovery indicators, the homeless population in Orange County continues to grow as workers from local and surrounding jurisdictions continue to lose their jobs and homes. According to the Homeless Services Network, there are more than 4,000 homeless persons in Orange, Osceola, and Seminole Counties on any given night, with less than 2,500 available beds<sup>6</sup>. Veterans and families continue to be the fastest growing segment of the homeless population in the region. Veterans are about 1/3 of the homeless population. The lowest income census tracts in Orange County are located within the jurisdiction of the City of Orlando and surrounding areas (Parramore and Orange Blossom Trail) with median incomes ranging from \$13,000 - \$22,000. The census tracts with the highest poverty rates in Orange County (including the City of Orlando) are CT 104, 105, 106 (Parramore/City of Orlando); CT 114 (Orange Blossom Trail) CT 117.02 (Lake Mann); CT 165.06 (East Orange), and CT 176 (Apopka area). Local governments have encouraged fair and equal housing opportunities and a strong commitment to the economic development of low income areas through capital improvements and the production of affordable housing through private sector and nonprofit partnerships.

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<sup>5</sup> *Good news: Orlando's jobless rate below 10%*. The Orlando Sentinel, May 21, 2011.

<sup>6</sup> Homeless Services Network, Retrieved on May, 2011 from <http://www.hsncfl.org/homeward-bound>



## **Employment**

Employment in Orange County is expected to show very slow growth. In the past two years, unemployment rates have fluctuated between 10% and 11.5% in Central Florida Region. The local economy is moving towards diversification, but still relies heavily on jobs in the service sector of the tourism industry.

The housing industry slump has been a huge factor for the job losses in the region. Most of the jobs created during the last decade were linked to the local housing industry. Local nonprofit organizations have stepped in during the midst of this economic crisis to assist the unemployed with financial assistance as well as job training and placement.

New collaborations are promoting job creation and retention in innovative ways. For example, to help local businesses the Chamber of Commerce for Persons with Disabilities, Inc. has teamed up with the Center for Independent Living, Inc. to create a locally focused initiative to assist persons with disabilities grow their business opportunities or get their own businesses off the ground<sup>7</sup>. Other nonprofit organizations such as Lighthouse, Urban League and Primrose are offering job training and placement for low income and disabled persons.

The industry with the highest rate of employees continues to be the leisure and hospitality industry, which accounts for 22% of all jobs in the Orlando MSA. The tourism industry, as the most important industry in Orange County, faces the biggest challenge during the current economic recession. This challenge is not limited to a national crisis but our local tourism industry is highly dependant on international visitors to the area. A global economic crisis also constitutes a serious threat to our local tourism industry. The second largest segment of employment is Professional and Business Services with 18.2%, followed by trade, transportation and utilities (17.5%), education and health (11.2%), and government (10.3%)<sup>8</sup>.

As in many cities and counties nationwide, our local economic structure has been negatively impacted by the current economic crisis. For most working individuals,

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<sup>7</sup> *Enabling Opportunity*, The Orlando Sentinel, June 12, 2009.

<sup>8</sup> Office of Economic and Demographic Research, Florida Legislature, March, 2011.

this translates into fewer job opportunities and higher economic hardships to afford housing. For the most vulnerable populations (special needs, disabled, and elderly households on fixed incomes) this translates into higher economic inequalities.

Table 2 shows the major employers in Orlando area.

<b>Table 2: Top Area Employers</b>		
<b>Employer</b>	<b>Business</b>	<b>Number of Employees</b>
Walt Disney World	Entertainment	59,500
Orange County Public Schools	Education	24,063
Florida Hospital	Healthcare	16,002
Universal Orlando	Entertainment	13,000
Orlando Regional Medical System	Healthcare	10,000
University of Central Florida	Education	8,946
Lockheed Martin Corp.	Manufacturing	7,200

**Source:** Office of Economic and Demographic Research, Florida Legislature, March, 2011

## Housing Market Profile

Demographic and housing unit estimates based on Census Bureau's statistical data reported a total of 487,839 households in Orange County in 2010. This figure represents a 45% increase in a decade. According to Census definitions, a household includes all of the people who occupy a housing unit. The average household size is 2.6 people. Most of the households (46%) are married-couple families and 25% were people living alone. Most of the other households were composed of people with no family or legal relationship related to the householder<sup>9</sup>.

The rate of geographic mobility seems moderate: 79% of the people living in Orange County were living in the same residence one year earlier; 13% moved during the past year from another residence, 4% moved from another county in the State of Florida; 3% from another state; and 1% from abroad.

A recent real estate forecast ranks Orlando as the nation's worst housing market by the end of 2011<sup>10</sup>. What once was the hottest housing market in the nation, has become one of the biggest economic challenges to local governments. Five years ago, construction of both single-family homes and multifamily housing set a record pace; now is almost nonexistent. Data provided by the Orange County Clerk's Office shows 31,308 foreclosure filings in 2009 and 17,921 in 2010. Vacant homes in the Orlando MSA have jumped from 58,303 to 143,867 during a decade when the housing stock grew by 78 percent. As a result, the number of vacant homes in the Orlando MSA jumped by more than 80,000 in the past decade, according to census figures.<sup>11</sup>

This housing crisis is relevant to fair housing issues because increased activity in other areas of the housing market (foreclosures, short sales and rental housing) means increased opportunities for housing discrimination and fraudulent housing scams. Therefore, fair housing education and outreach activities are more important than ever.

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<sup>9</sup> 2009 American Community Survey, U.S. Census

<sup>10</sup> *Forecast: Orlando worst housing market in U.S.*, Orlando Sentinel, May 9, 2011

<sup>11</sup> Shanklin, Mary and Maines, John. *Vacancies mount in foreclosure-racked areas*, Orlando Sentinel, March 28, 2011.

## Housing for Sale

Both the new single family construction and resale housing markets in the Orlando MSA, are experiencing drastic changes. In fact, the Orlando MSA shifted from being the number one real estate market in the nation to becoming one of the top markets in foreclosed homes. The “for sale” housing market has become a foreclosure driven market.

The inventory of foreclosures remains a problem in terms of housing prices. Banks have become top “sellers” of homes. The price pressure is defining the “for sale” housing market through 2011. According to real estate experts, older well-established neighborhoods may experience a slight recovery in the next 18 months while subdivisions that were built in the prime of the housing market frenzy (2005-2006) will take longer to stabilize. In May 2011, the Orlando Regional Realtor® Association (ORRA) reported that homebuyers have been gradually chipping away at Orlando’s once-towering inventory and have reduced it down to 11,480 homes available for purchase. That’s an inventory level not seen since the end of the red-hot housing market in 2005. As of May, 2011, the inventory levels of all home types were on the decrease, with condo inventory leading the slide at 53.65 percent, lower than it was in April 2010.

Area real estate reports reflect home types and differentiate a median price for “normal” homes (homes other than short sales or foreclosures), short sales and foreclosed home sales. The following table provides an inventory comparison of all homes available for purchase in 2011 and 2010.

**Table 3: Inventory of Housing for Sale**

<b>Type of Home Available for Purchase</b>	<b>Available for Purchase in April 2010</b>	<b>Available for Purchase in April 2011</b>	<b>% Change</b>
Total	15,766	11,480	(-)27.19
Single family	11,738	9,382	(-)20.07
Condo	2,764	1,281	(-)53.65
Duplex/Townhome/Villa	1,264	817	(-)35.36

**Source:** Housing Market Statistics retrieved on May 31, 2011 from <http://www.orldrealtor.com/>

Recent market statistics from the Orlando Real Estate Realtor Association show sales in the Orlando area as of April of 2011 were down by 9.68 percent compared to April of 2010. To date, sales in 2011 are 1.82 percent above sales in 2010.

Orlando's median price has experienced slight gains in the past three months, with area homes selling for a median of \$105,000. However, the median price is 8.70 percent lower than April 2010's median price of \$115,000. The lower median price of foreclosures and short sales which comprised 65.49 percent of all sales in April actually represents a 5 percent drop from last month. Nevertheless, foreclosures and short sales continue to drag down the overall median price. The median price for bank-owned sales in April, 2011 was \$80,000 and the median price for short sales was \$91,000. The median price for "normal" existing homes sold in April, 2011 was \$160,000.

In addition to a 6% month-over-month increase in the median price of "normal" sales, the number of Orlando's normal sales increased by 8.14 percent to 824 in April from 762 in March, 2011. Homes of all types spent an average of 104 days on the market before coming under contract in April 2011. The average home sold for 94% of its listing price. In April 2010 those numbers were 81 days and 95.81 percent, respectively.

According to local real estate agents, many of the home buyers are investors and international buyers looking to benefit from the excess bank owned and short sale inventory. In February, 2011, 58% of the sales were cash transactions and the majority of the homes being sold are priced under \$50,000. These conditions in the Orlando housing market are highly favorable to investors.<sup>12</sup>

### **Housing for Rent**

While bargains in the single family housing and condo market get the home sales moving, foreclosures have also contributed to stabilize the rental market. Overbuilding in recent years has caused an abundance of multi-family housing.

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<sup>12</sup> *Home Prices Churn Lower*, The Orlando Sentinel, February 15, 2011.

Nevertheless, the rental market has benefitted from the foreclosure crisis by homeowners transitioning into rental housing. The Orlando MSA rents have remained stable despite the current housing market crisis. Furthermore, information collected for this report showed that the more frequent issues related to discriminatory actions pertain to refusal to rent, or in the terms and conditions of rental housing.

The following table shows the 2011 Fair Market Rents for Orange County for all Bedroom Sizes:

**Table:4: FY 2011 Fair Market Rents**

<b>Final FY 2011 Fair Market Rents (FMRs) By Unit Bedrooms</b>					
	<b>Efficiency</b>	<b>One-Bedroom</b>	<b>Two-Bedroom</b>	<b>Three-Bedroom</b>	<b>Four-Bedroom</b>
<b>FY 2011 FMR</b>	<b>\$795</b>	<b>\$865</b>	<b>\$988</b>	<b>\$1,237</b>	<b>\$1,456</b>

*Source: Dept. of HUD. Retrieved on June 5, 2011 from <http://www.huduser.org>*

With an increasing demand for rental housing, multifamily housing complexes may not be aggressively recruiting new tenants with rent discounts and other incentives. However, as the economic recession continues to affect the housing market, some leasing offices and landlords may be less inclined to discriminate on the basis of race, color, sex, national origin, religion, disability or family status.

### **Housing Affordability**

According to the Orlando Regional Realtors Association, the Orlando MSA market affordability definition is defined by an affordability index. The affordability index of 99 percent means that buyers earning the state-reported median income are 1 percent short of the income necessary to purchase a median-priced home. Conversely, an affordability index that is over 100 means that median-income earners make more than is necessary to qualify for a median-priced home. The Orlando affordability index is high, 251.18 percent as of April, 2011.

However, first-time homebuyer affordability in April, 2011 decreased to 178.61% from the previous month's 183.51 percent, which can be attributed in part to the rise in median price. First-time buyers who earn the reported median income of \$36,499 can qualify to purchase one of the 5,843 homes in Orange and Seminole counties currently listed in the local multiple listing services for \$159,413 or less. The area's average interest rate decreased slightly in April 2011 to 4.89 percent, from the 4.91 percent posted in March 2011.

These conditions seem favorable for homeownership and housing affordability. However, since most of the homes (over 50%) sold in the Orlando MSA are investor borrowers or cash transactions, we may conclude that traditional working families continue to have problems accessing affordable homes due to economic uncertainty, a tight credit (financing) market, a buyer's credit issues or a real estate market that favors cash transactions versus traditional financing.

Minorities and disabled populations have traditionally been the most affected by housing affordability issues. Despite progress made in the last decade, statistics show that minority borrowing is declining nationwide. The Urban Institute analysis of Home Mortgage Disclosure Act (HMDA) data shows that since 2008 the gains made in minority homeownership have disappeared and the minority share of borrowers has sunk back to early 2000 levels. Latinos (or Hispanics) have seen the largest decline in homeownerships, falling from a high of 18 percent of all borrowers in 2006 to only 10 percent in 2008<sup>13</sup>.

As Central Florida continues to deal with the housing market crisis caused by unprecedented foreclosure rates, regulators are proposing rules under the Dodd-Frank Wall Street Reform and Consumer Protection Act that will disqualify many potential homebuyers from purchasing a home. Under the proposed rule, borrowers who cannot afford a 20% down payment and who are unable to obtain financing through a government backed loan such as FHA, will be expected to

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<sup>13</sup> Pettit, Kathryn L.S., and Rueben K. *Investor-Owners in the Boom and Bust*. Metrotrends. Urban Institute. Retrieved on October 26, 2010 from [www.metrotrends.org](http://www.metrotrends.org)

pay a premium for a loan in the private market. Currently, an average first time homebuyer finances about 96% of a mortgage. If the legislation passes, the wait for homeownership will be much longer for low to moderate income families.

Homeownership is vital to the wealth and stability of a community. Both the City of Orlando and Orange County offer programs to assist first time homebuyers. As the jurisdictions continue to offer homeownership opportunities for low to moderate income persons, it is important to be well informed on the current housing market issues and understand how changes in the financing industry will affect fair housing choice.

The effects of the decline of construction and real estate “spill over” to other sectors of the economy have caused unemployment rates in the Orlando area to rise. Data shows that many households in the Orlando MSA struggle to pay for their housing costs. According to HUD "Cost-burdened" households are households that pay more than 30% of income for rent or mortgage costs. In 2009, 126,457 Orange County households (30%) pay more than 30% of income for housing. By comparison, 29% of households statewide are cost-burdened. An estimated 51,302 households in Orange County (12%) pay more than 50% of income for housing.

The increase in households that are cost burden is mainly attributable to shrinking incomes. Table 5 shows the estimated number of cost burden households in Orange County.

	<b>Percentage of Income Paid for Housing</b>		
	<b>0-30%</b>	<b>30-50%</b>	<b>50% or more</b>
Total Households	290,298	75,155	51,302

*Sources: Retrieved on June 6, 2011 from <http://flhousingdata.shimberg.ufl.edu/a/profiles>*

For the purpose of determining income eligibility for federally funded programs, the majority of HUD programs categorize low income households as: Extremely



low income, Very Low Income and Low Income. HUD plans to release new income data in 2012.

Extremely low-income households or families are defined as, earning between 0-30 percent of the median income for the area (AMI) with adjustments for smaller and larger families. Based on 2009 U.S. Census population data, an estimated 38,445 families meet the definition of extremely low income. Persons likely to be in this category include homeless families, disabled persons, the elderly and households that are severely cost burdened. There are 28,304 extremely low income households who are cost burden or paying more than 30% of their income toward housing costs. At 30% of the AMI, the maximum affordable housing cost is \$431.

Very low-income households or families are defined as, earning between 31-50 percent of the AMI, with adjustments for family size. According to 2009 US census data estimates, a total of 42,959 households in Orange County are defined as very low income. Traditionally, persons in this category include female head of households, persons working in tourism-based service sector jobs, and households that are severely cost burdened. There are an estimated 33,226 very low income households who are cost burden or paying more than 30% of their income toward housing costs. At 50% of the AMI, the maximum affordable housing cost is \$718 per month.

Low-income households or families are defined as earning between 51-80 percent of the median income for the area, with adjustments for family size. Approximately 75,547 households in Orange County are classified as low income according to 2009 census data projections. There are an estimated 26,759 low income households who are cost burden or paying more than 30% of their income toward housing costs. At 80% of the AMI, the maximum affordable housing cost is \$1,148 per month.

In Orange County, the Fair Market Rent (FMR) for a two-bedroom apartment is \$988. In order to afford this level of rent and utilities, without paying more than 30% of income on housing, a household must earn \$3,293 monthly or \$39,520 annually. Assuming a 40-hour work week, 52 weeks per year, and this level of income translates into a Housing Wage of \$19.00. In Orange County, a minimum

wage worker earns an hourly wage of \$7.25. In order to afford the FMR for a two-bedroom apartment, a minimum wage earner must work 105 hours per week, 52 weeks per year. Or, a household must include 2.6 minimum wage earner(s) working 40 hours per week year-round in order to make the two-bedroom FMR housing unit affordable.

In Orange County, the estimated mean (average) wage for a renter is \$13.70 an hour. In order to afford the FMR for a two-bedroom apartment at this wage, a renter must work 55 hours per week, 52 weeks per year. Or, working 40 hours per week year-round, a household must include 1.4 worker(s) earning the mean renter wage in order to make the two-bedroom FMR affordable.

A monthly Supplemental Security Income (SSI) payment for an individual in Orange County is \$674 per month. If SSI represents an individual's sole source of income, such as is the case for many persons with disabilities, \$202 is the monthly rent affordable for this individual while the FMR for a one-bedroom in Orange County is \$865. This example shows the huge affordability gap that exists for low income persons, especially those who are at 50% or less of the AMI.

### **Areas of Minority and Low Income Concentration**

The latest census figures show notable growth in minority population trends. Minorities are extended geographically throughout Orange County. The black population is now the second largest minority group at 21% of the total population, despite a significant growth in the past decade. The Hispanic population is now the largest minority population in Orange County (including the City of Orlando) with 27% of the total population.

All types of households have been affected by the housing market crisis. Unfortunately, many of the areas with high minority concentration were target areas for predatory lending during the housing market peak. Many minority households were persuaded to sell or refinance their homes with subprime loans. As a result, most of these areas have encountered serious foreclosure issues as well. According to the Federal Financial Institutions Examination Council (2010) report, the areas identified on Table 6 are areas with the lowest income levels and high minority concentrations in Orange County and the City of Orlando. This

data was utilized to create the Minority Concentration and Low Income Concentration maps included in Appendix I.

**Table 6: Areas of Minority and Low Income Concentration**

<b>Census Tract</b>	<b>Percent Minority Pop %</b>	<b>2010 Median Tract Income</b>	<b>Percent Below Poverty %</b>
175.01	55.9	40,803	26.6
176.0	81.3	29,902	37.1
159.01	75.0	38,343	27.7
132	53.7	45,267	12.8
116	74.4	45,785	18.9
119.01	92.4	20,895	52.1
117.02	99.1	32,843	39.6
145.01	59.2	40,145	22.3
145.02	79.2	32,283	24.6
146.05	99.5	48,154	17.8
121	72.8	33,592	25.7
115	77.4	34,226	31.5
150.01	51.6	41,911	21.9

**Continuation Table 6: Areas of Minority and Low Income Concentration**

<b>Census Tract</b>	<b>Percent Minority Pop (%)</b>	<b>2010 Median Tract Income</b>	<b>Percent Below Poverty (%)</b>
152.02	48.8	42,807	24.1
165.06	35.9	44,469	40.1
165.08	34.2	46,558	20.5
169.05	83.0	34,421	22.8

*Source: 2010 FFIEC Census Report Summary*

**Table 6b: Areas of Minority and Low Income Concentration in the City of Orlando**

<b>Census Tract</b>	<b>Percent Minority Pop (%)</b>	<b>2010 Median Tract Income</b>	<b>Percent Below Poverty (%)</b>
114.0	35.2	13,045	32.6
104	98.1	16,467	60.0
105	98.8	20,152	52.5
106	83.2	22,198	45.2
146.01	93.7	31,102	31.4

*Source: 2010 FFIEC Census Report Summary*

## Special Populations

This section addresses the barriers to fair housing choice that special populations may encounter in the Orlando MSA.

- **Elders:** The senior household population (households that are headed by a person age 65 or older) in Orange County is 65,691 households or 15.8%. Of these households, almost 80% own their homes. Elder households often spend a significant amount of their limited income for housing. Although the federal guidelines suggest that 30 percent of income be spent on housing for renters and 40 percent for homeowners, housing costs consume a high percentage of income earned by Florida's elder homeowners and tenants. When combined with the fact that elders are being asked to spend more out-of pocket to cover their health and in-home care cost, it is clear that elders are left with limited resources to meet other needs. According to the Florida Housing Data Clearinghouse of the Shimberg Center for Housing Studies at the University of Florida, there are 19,928 elder households in Orange County who are cost burdened, paying more than 30% of income for housing (rent or mortgage costs).

Affordable rental housing also is in short supply for low-income elder households in Orange County. Elders have a difficult time finding rental housing to suit their incomes and needs, which include mobility and accessibility, support services such as meals and transportation, and the placement of housing close to services and community functions. Providing community-based affordable housing allows elders to live independently and be integrated with the community.

Subsidized assisted living units for low-income seniors remain at full occupancy due to the high demand for these units. A study by conducted the Seniors Alliance found that the HUD-sponsored elderly units have satisfied about 27 percent (27%) of the potential demand for elderly renter households earning 30 percent or less of the area median income (\$12,250 or less for 1 person) in Orange County, leaving 73 percent (73%) of the potential demand unmet. There is virtually no supply of independent

elderly units that would be affordable to elderly tenants earning 31 to 50 percent of the area median income (\$12,250 to \$20,450).

Housing instability is even a more serious challenge for minority senior households. *Living Longer on Less* (2010), a report published by The Institute on Assets and Social Policy at The Heller School for Social Policy and Management at Brandeis University states that 91% of both African American and Latino seniors face financial vulnerability. Furthermore, 44% of African American and 37% of Latino senior households are at risk with respect to home-equity, meaning that they rent or have no home equity.

- **Persons with Physical and Developmental Disabilities:** Housing affordability and accessibility is a significant problem for persons with disabilities. Focus groups held with representatives from the disabled community stressed the need for affordable and accessible housing. There is an estimated 57,000 residents with disabilities in Orange County and 23% live below poverty level. The Center for Independent Living, a local nonprofit organization service people with disabilities, reports that the unemployment rate among people with disabilities is 15.4%, higher than for people with no disabilities. Physical barriers such as narrow doorways, lack of ramps, high counter heights and appliance design limit the supply of housing available to this group. Local fair housing advocacy groups report an increase in fair housing complaints dealing with housing accommodations.
- **Victims of Domestic Violence:** According local nonprofit organizations and statistics from the Center for Disease Control, there is an epidemic of domestic violence in the Central Florida Region. The first half of 2010 showed that 40% of all homicides in Orange County were a result of domestic violence. This represents an 80% increase over those in 2009. One in every four homicides in the City of Orlando was the result of

domestic violence; these crimes claimed the lives of 10 men, women and children. Survivors of domestic violence can access local shelters but due to safety issues, these locations are kept confidential. After spending time at these shelters, a few survivors may be able to move into the transitional housing located on-site. However, there are very limited transitional facilities and there are few options for homeless women and children. They face many obstacles in the search for housing. According to a recent study done at the request of the Department of Children and Families, the Institute for family Violence Studies at Florida State University reports that finding safe, affordable housing is the number one concern of women in domestic violence shelters throughout the state.

Community Legal Services of Mid-Florida, Inc. provided the following information regarding same-gender domestic and sexual violence and the lack of awareness and services that exists. According to a 2009 report from the National Coalition of Anti-Violence Programs (NCAVP), the national rate of domestic and sexual violence in same-gender relationships is roughly the same as domestic and sexual violence against women (25% to 33%). Those involved in same-gender battering frequently report being afraid of revealing their sexual orientation or the nature of their relationship because the system is often oppressive and hostile towards them. Lesbian, Gay, Bisexual or Transgender (LGBT) victims of domestic or sexual violence need significant and comprehensive domestic violence services, including shelter. However, often the services do not exist or LGBT victims are not aware of them.

- **Sexual Orientation**

Since 2006, both Orange County and the City of Orlando have Fair Housing laws which include discrimination based on a person's sexual orientation. On June 10, 2010, the U.S. Department of Housing and Urban Development (HUD) began requiring grant applicants seeking HUD funding to comply with state and/or local anti-discrimination laws that protect lesbian, gay, bi-sexual, and transgender (LGBT) individuals.

The City of Orlando's Fair Housing Ordinance: Article V. Discrimination in Housing and Public Accommodations, Section 57.36, states as its goal: "(1) (b) To secure individuals within the City of Orlando the freedom from discrimination because of race, color, religion, national origin, sex, sexual orientation, familial status, or handicap in connection with housing and public accommodations, and thereby promote the interests, rights and privileges of individuals within the City."

Furthermore, the ordinance states: "The term sexual orientation means a condition of being heterosexual, homosexual or bisexual. This definition is not intended to permit any practice prohibited by federal, state or local law and is not intended to require or create any special preferences in employment or contracting". Within the Orange County Fair Housing Ordinance: Division 1, Sec. 22-50 states "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, sex, or sexual orientation, and, to that end, to prohibit discrimination in housing by any person."

Furthermore, the ordinance states: Sec. 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, sex, or sexual orientation. (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, sex, or sexual orientation."

Federal Executive Order 12259, followed by Executive Order 12892, provides that federal agencies shall require applicants or participants of federal agency program requirements relating to housing and urban



development to affirmatively further fair housing. On July 7, 2010 HUD issued a press release under HUD No. 10-119 from HUD Secretary Shaun Donovan stating “that for the first time in its history, the U.S. Department of Housing and Urban Development (HUD) will require grant applicants seeking HUD funding to comply with state and local anti-discrimination laws that protect lesbian, gay, bi-sexual, and transgender (LGBT) individuals.”

- **Persons with HIV/AIDS:** Over a million Americans are now HIV positive. The State of Florida ranks second in the nation in the number of annual AIDS cases in 2006 (4,932 cases) and third in the number of cumulative AIDS cases from 1981-2006 (105,614 cumulative cases). Florida also ranks second in the nation in the number of cumulative pediatric AIDS cases (1,530 cumulative cases). Data from the Florida Department of Health indicates that by the end of 2007, Orange County had the fourth highest number of cumulative AIDS cases in the State of Florida (6,619 cumulative cases). The following are *Quick Facts*<sup>14</sup> about the Orlando Eligible Metropolitan Statistical Area (EMSA) which includes Orange, Osceola, Lake and Seminole counties:
  - Total number of reported cases in 2009 in the EMSA was 8,812.
  - The City’s HOPWA program assisted 1,268 households with financial assistance in 2009.
  - The Ryan White Part A - Ambulatory Outpatient Care served 2690 persons with HIV.
  - The 2007 American Community Survey estimates that 49.2 percent of the Orlando EMA’s residents are at or below 300 percent of the 2007 Federal Poverty Level (FPL).<sup>16</sup>
  - Nearly 18.7 percent of all adults in the Orlando EMA do not have insurance of any kind.

Public funding available to support Persons Living with AIDS/HIV (PLWA/H’s) is distributed among three grant programs, including Housing Opportunities for Persons with AIDS (HOPWA). The City of Orlando is the

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<sup>14</sup> Source: CHARTS

grant recipient for the Orlando Eligible Metropolitan Statistical Area (EMSA) which covers the counties of Orange, Osceola, Lake and Seminole. HOPWA funds are distributed to not-for-profit agencies throughout the EMSA and are selected through an RFA process. These agencies provide direct assistance to low income households, where the head of household is a PLWH/A, and who are at risk of homelessness. Services provided are emergency financial assistance with rent, mortgage, utilities, case management, permanent housing placement and facility based housing.

Through the Ryan White Treatment Extension Act a broad range of services such as medical care, case management, pharmaceuticals, mental health, and other supportive services are financed. In 2009, Congress passed the Ryan White HIV/AIDS Treatment Extension Act. This bill extends the Ryan White Care Act for an additional four years. Ryan White Part A funds are awarded directly to communities in which greater than 2% of the population consists of persons living with HIV/AIDS. Intended for emergency relief, Part A consists of about \$9 million in federal aid of which about seventy-five percent (75%) is allocated to direct care health and supportive services within the Orlando EMSA. Another \$1.5 million is allocated for ancillary services from the State of Florida under Ryan White Part B and Florida general revenue to what is referred to as the East Central Florida AIDS Network (ECFAN) Consortium. ECFAN consists of Orange, Osceola, Seminole and Brevard counties. Part A and Part B funds are used for improving the quality, availability and organization of health care and support services for persons infected/affected by HIV/AIDS.

### **Other groups**

- **Large families** – Large families are also a group that has traditionally been identified as a group with housing affordability challenges. Large families are defined as families with five or more family members living together. Approximately 49.5% of Orange County's households are families with children. These families often experience difficulty in finding

suitable living arrangements since less than fifteen percent of the of the County's total rental units are three bedrooms or more.

### **Affordable Housing Programs**

Local governments have encouraged fair and equal housing opportunities through generous amount of program resources. These programs have been directed to encourage the stability of low income neighborhoods, development of affordable housing and assistance to first time homebuyers. Programs have included:

- *Impact Fee Subsidy Program:* Orange County was the first jurisdiction in Central Florida to develop and implement an *Impact Fee Subsidy Program* to encourage developers to build affordable housing within its boundaries. Subsidies are available on impact fees, sewer capital charges, and water capacity demand charges to developers and builders of affordable housing. The City of Orlando also offers Impact Fee discounts for sewer charges and waives the charges for transportation impact fees for the construction of affordable housing units.
- *Expedited Regulatory Review:* Both Orange County and the City of Orlando have set up an expedited process for regulatory review of affordable housing development proposals. The process may reduce by 60 or more days the combined length of development review time required by the various divisions involved, such as Board of Zoning Adjustments (BZA), Planning and Zoning and the Development Review Committee (DRC). Development applications that are certified as affordable housing are entitled to review in the expedited manner.
- *Multi-Family Housing:* Both the City of Orlando and Orange County utilize federal and state programs, such as HOME, SHIP and NSP, for the acquisition and/or renovation of existing multi-family rental developments serving low-income households. Funding is utilized for site acquisition, site development, infrastructure improvements and renovations. All assisted

developments must commit to lower rents for a period of twenty (20) or more years.

## **Homeownership Programs**

- *Neighborhood Stabilization Program (NSP)*: The Neighborhood Stabilization Program or NSP was created by the Housing and Economic Recovery Act of 2008 to respond to rising residential foreclosures and property abandonment. The main purpose of the NSP is to stabilize neighborhoods negatively impacted by foreclosures.

The program goal is to have a positive impact on neighborhoods hardest hit by foreclosures. In Orange County, five geographical areas were selected to participate in the NSP- 1 program for home purchase and mortgage assistance: Pine Hills, Azalea Park, Union Park, Holden Heights/Oak Ridge and Meadow Woods. Another allocation of NSP funds, referred to as NSP- 3, targets the neighborhood of Pine Hills.

Homebuyers can choose one of the following options to purchase foreclosed homes under NSP:

- Buy foreclosed homes that have been purchased by the County and completely renovated. These homes are equipped with Energy Star appliances. NSP homebuyer assistance for downpayment and closing cost will be available based on eligibility.
- Purchase foreclosed homes in NSP areas with your realtor and qualify for NSP homebuyer assistance.

Orange County will use NSP funds to acquire, renovate, and sell of foreclosed homes at affordable prices to eligible families. For complete information on Orange County's Neighborhood Stabilization Program to include applications, eligibility requirements, target areas, and homes for sale, please go to our NSP web site: <http://netapps.ocfl.net/nsp/>

The City of Orlando's NSP-1 program is for home purchase. It is implemented in three geographic areas; southwest Orlando, Rosemont and East Orlando. The City's NSP-3 program will target the East Orlando neighborhood. The City partnered with three not for profit organizations. All three of the organizations acquired homes, rehabilitated them, and

rented the units to very low income households. One of the three organizations, along with the City, acquired, rehabilitated and sold homes. For additional information about the City of Orlando's NSP program, please visit [www.cityoforlando.net](http://www.cityoforlando.net).

- *Down Payment Assistance Programs:* Low to moderate income families have benefited from local down payment assistance programs in the City of Orlando and Orange County. These programs provide \$10,000 to \$17,500 in down-payment and closing cost funds, depending on the funding source and household income. Down payment programs require participating homebuyers to attend homebuyer education classes where they learn about homeownership issues, including those related to housing discrimination. The City of Orlando added a Chapter to its Land Development Code in the 1990s that provides guidelines for Infill development.

## **Housing Development**

- *Infill Programs:* Both the City of Orlando and Orange County offer infill housing programs. This effort includes collaborations with other government entities, nonprofit organizations, developers and private institutions to revitalize distressed neighborhoods. Community development strategies have included infill development for affordable housing. In 2007, Orange County prepared an Infill Master Plan (IMP). The IMP focuses attention and provides guidelines for infill, redevelopment, and rehabilitation. It illustrates the County's goals of increasing home ownership, promoting good building and urban design, and preserving the environment by protecting rural and environmentally sensitive lands, implementing smart growth approaches, sustainable development, green building and other measures that are gaining popularity and wider acceptance. The IMP articulates the County's strategy for infill and redevelopment.

- *New Urbanism Housing:* Both the City of Orlando and Orange County have developed urban planning approaches to promote housing and neighborhood sustainability. One of these planning approaches is New Urbanism, urban design movement that has the goal of reforming all aspects of urban planning through the development of compact, mixed-use neighborhoods. There are some common elements of new urbanism design. New urbanism neighborhoods are walkable and are designed to contain a diverse range of housing and jobs and have transportation hubs. New urbanism can take a variety of approaches, one method of which is urban infill. Urban infill is the practice of developing vacant or underutilized properties within an urban area rather than undeveloped land in more rural areas. Infill helps to prevent sprawl and can aid in economic revitalization. Infill projects are inherently challenging, because they must be based on the existing context, the needs of a community and market demands. Recent approaches to new urbanism infill offer alternative solutions to the challenge of growing smart. The purpose of this analysis is to study infill New Urbanism projects that may serve as models for Orange County and the City of Orlando in achieving smart growth goals. One of many approaches New Urbanism can take is urban infill, which is the practice of developing vacant or underutilized properties within an urban area rather than undeveloped land in more rural areas.

### **Housing Rehabilitation for Low Income Residents**

- *Housing Rehabilitation:* To help residents stay in homes they already own, City and County housing rehabilitation programs offer minor repairs, emergency repairs or major rehabilitation services for qualified homeowners. The property must be deteriorating or have minor or major code violations. In addition, Orange County operates a weatherization program funded by the State of Florida to help reduce high utility costs for low-income families. Qualified homes are inspected and low cost repairs are made to ensure energy efficiency. These repairs include weather-

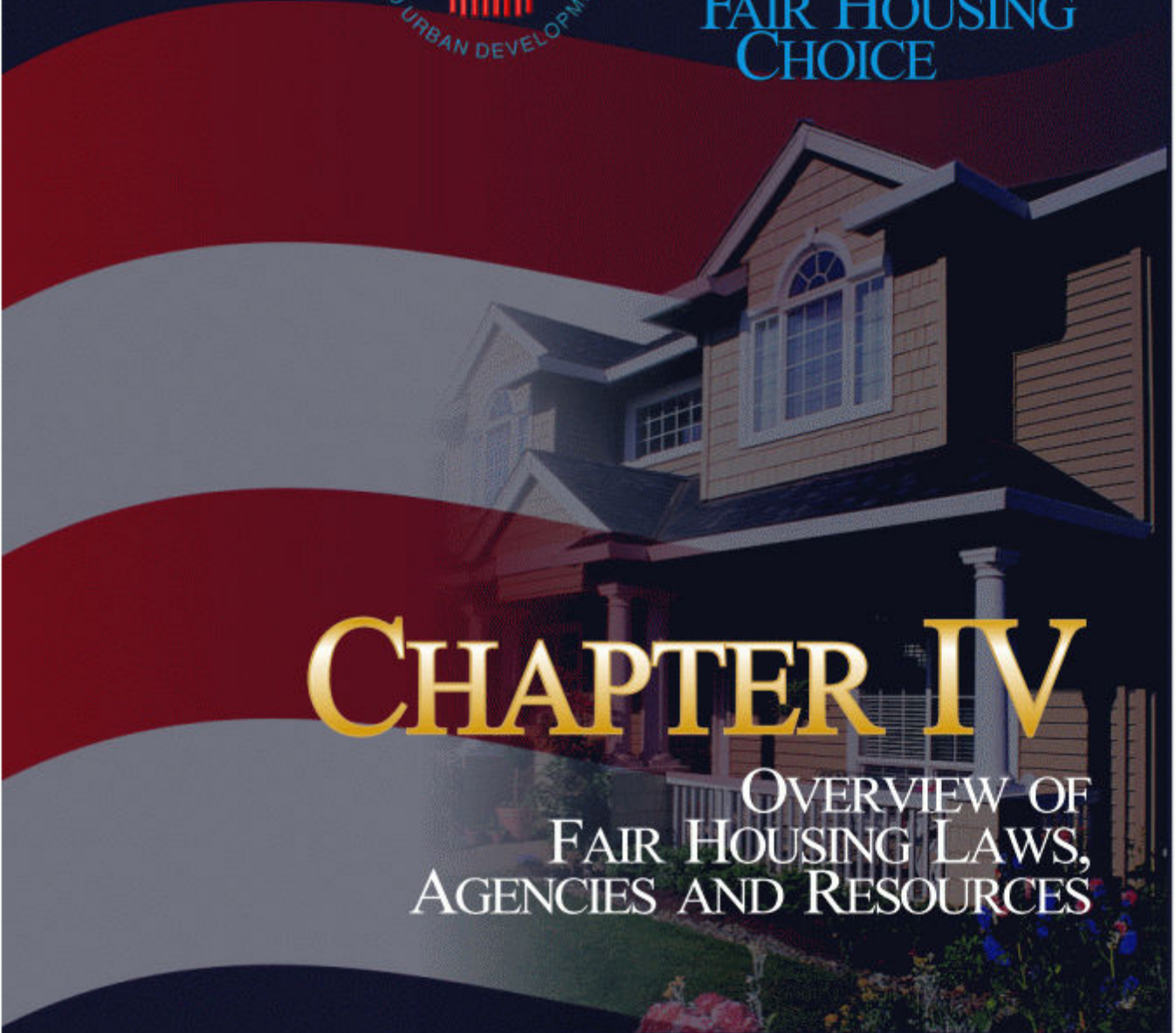
stripping, caulking, replacing windows, doors, heating/cooling units and other minor repairs. These services are available to residents who meet income guidelines and eligibility requirements regardless of their race, color, national origin, religion, sex, familial status, and disability.

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2011-2016  
ANALYSIS OF  
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CHOICE



# CHAPTER IV

OVERVIEW OF  
FAIR HOUSING LAWS,  
AGENCIES AND RESOURCES





## **IV. Overview of Fair Housing Laws, Agencies and Resources**

### **Fair Housing Related Laws**

Residents of the City of Orlando and Orange County are protected against discriminatory housing practices under federal, state and local laws. Fair housing is defined by HUD in 24 CFR 570.904(C)(1) to mean the ability of persons of similar income levels to have the same housing choices regardless of race, color, religion, sex, handicap, familial status or national origin. Fair housing laws cover equal opportunity in housing and mortgage lending. One of the purposes of the Analysis to fair housing impediments is to assess the programs throughout the local jurisdiction. The following fair housing laws and programs are available to residents of the City of Orlando and Orange County:

#### **Federal Law**

Title VIII of the Civil Rights Act of 1968, the Fair Housing Act, and the Fair Housing Amendments Act of 1988 (42 U.S. Code §§ 3601-3619, 3631), are federal fair housing laws that prohibit acts of discrimination in all aspects of housing, such as the sale, rental, lease or negotiation for real property. The Fair Housing Act prohibits discrimination based on race, color, religion, sex, familial status, or national origin. In 1988, the Fair Housing Act was amended to extend protection to familial status and people with disabilities (mental or physical). Based on the federal Fair Housing Act, it is unlawful to:

- Refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, sex, familial status, or national origin.
- Discriminate against any person 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 race, color, religion, sex, familial status, or national origin.

- 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 race, color, religion, sex, handicap, familial status, or national origin, or an intention to make any such preference, limitation, or discrimination.
- Represent to any person because of race, color, religion, sex, handicap, familial status, or national origin that any dwelling is not available for inspection, sale, or rental when such dwelling is in fact so available.
- For profit, induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, sex, handicap, familial status, or national origin.

The Fair Housing Amendments Act also requires owners of housing facilities to make “reasonable accommodations” in their rules, policies, and operations to give people with disabilities equal housing opportunities. The Fair Housing Act also requires landlords to allow tenants with disabilities to make reasonable access-related modifications to their private living space, as well as to common use spaces, at the tenant’s own expense. Finally, the Act requires that new multi-family housing with four or more units be designed and built to allow access for persons with disabilities. This requirement includes, but is not limited to having accessible common use areas, units with wide doors for wheelchair accessibility, kitchens and bathrooms that allow a person using a wheelchair to maneuver, and other adaptable features within the units.

Since its adoption in 1968, the U.S. Department of Housing and Urban Development (HUD) has been the lead administrator of the Fair Housing Act. Based on information obtained in February 18, 2011 on website (<http://www.hud.gov/offices/fheo/progdesc/title8.cfm> ), the 1988 amendments have greatly increased the Department's enforcement role. First, the newly protected classes have proven significant sources of new complaints. Second, HUD's expanded enforcement role took the Department beyond investigation and conciliation into the mandatory enforcement area. Complaints filed with HUD are investigated by the Office of Fair Housing and Equal Opportunity (FHEO). If the

complaint is not successfully conciliated, the FHEO determines whether reasonable cause exists to believe that a discriminatory housing practice has occurred. If reasonable cause is found, the parties to the complaint are notified by HUD's issuance of a Determination, as well as a Charge of Discrimination, and a hearing is scheduled before a HUD administrative law judge (ALJ). Either party – the complainant or the respondent -- may cause the HUD-scheduled administrative proceeding to be terminated by electing instead to have the matter litigated in Federal court. Whenever a party has so elected, the Department of Justice takes over HUD's role as counsel seeking resolution of the charge on behalf of aggrieved persons, and the matter proceeds as a civil action. According to the information posted on the HUD's webpage, either form of action -- the ALJ proceeding or the civil action in Federal district court -- is subject to review in the U. S. Court of Appeals.

HUD requires all applicants for competitive grant funding to comply with all applicable federal fair housing and civil rights requirements including those expressed in Fair Housing Act; Title VI of the Civil Rights Act of 1964; Section 504 of the Rehabilitation Act of 1973; and Title II of the Americans with Disabilities Act. As of June 7, 2010, HUD stipulates that applicants and their sub-recipients must comply with state or local laws proscribing housing discrimination based on sexual orientation or gender identity. It is estimated there are approximately 20 states and the District of Columbia that have laws prohibiting discrimination based on sexual orientation discrimination. In addition, 12 states and the District of Columbia prohibit discrimination based on gender identity.

### **State of Florida**

The State of Florida Department of Fair Employment and Housing (DFEH), enforces laws that provide protection and monetary relief to victims of unlawful housing practices. The Florida Fair Housing Act declares it illegal to discriminate in the sale, rental, advertising, financing, or providing of brokerage services for housing. The Fair Housing Act parallels the Federal Fair Housing Act.

It is against the law to do any of the following based on race, sex, disability, nationality, religion, color or familial status:

- Refuse to rent or sell housing
- Falsely deny that housing is available for inspection, rental or sale

- Refuse to make a mortgage loan
- Impose different conditions or terms on a loan
- Threaten, coerce or intimidate any individual exercising a fair housing right
- Refuse reasonable changes to your dwelling to accommodate a disability

Chapter 760, Florida Statutes, addresses housing and employment discrimination based on race, color, religion, familial status, sex, handicap, national origin, and marital status. Section 760.20 through 760.37 covers fair housing. Section 760.23 addresses “discrimination in the sale or rental of housing and other prohibited practices”; Section 760.24 covers “discrimination in the provision of brokerage services”, Section 760.25 addresses discrimination in the financing of housing or in residential real estate transactions” and Section 760.29 covers exemptions to Sections 760.23 through 760.25.

As the State of Florida fair housing office, the Commission acts as an agency “substantially equivalent” to the US Department of Housing and Urban Development. It conducts investigations of alleged housing discrimination because of race, color, religion, sex, handicap, familiar status or national origin in the sale, rental or advertising of dwellings, in the provision of brokerage services, or in the availability or residential real-estate-related transactions. The investigators also provide technical assistance and guidance to parties involved in the complaints, their legal representatives and the general public. Conciliation attempts continue throughout the investigative process. Persons desiring to file a complaint of discrimination, or requiring information on existing complaints, a 24 hour toll-free voice message service is offered. The Commission’s telephone number is 1-(800) 342-8170. Additional information can be found at the State of Florida’s web page:

[http://fchr.state.fl.us/resources/the\\_laws/florida\\_fair\\_housing\\_laws](http://fchr.state.fl.us/resources/the_laws/florida_fair_housing_laws) .

## **Local Ordinances**

### ***City of Orlando***

The City of Orlando’s Code of Ordinances, Title II, Chapter 57, Article V, Discrimination on Housing and Public Accommodations defines discrimination in

housing and public accommodations. As stated in the Code, the general purposes of this article are:

- To provide for execution within the City of Orlando the policies embodied in Title VIII of the Federal Civil Rights Act of 1968, as amended in January 15, 1991; and,
- To secure for all individuals within the City of Orlando the freedom from discrimination because of race, color, religion, national origin, sex, sexual orientation, familial status or handicap in connection with housing and public accommodations and thereby to promote the interests, rights and privileges of individuals within the city.

This section of the chapter - Discrimination in Housing and Public Accommodations, Sections 57.36 to Sections 57.79 in the City Code, covers a broad area of issues including publication and sales discrimination, entry into neighborhood, handicap, residential real estate related transactions, brokerage services, as well as interference, coercion or intimidation. This section also deals with how complaints will be handled as it concerns investigation, judicial review, conciliation, and relief.

It is important to note that the City of Orlando has met HUD's requirements for certification as "substantially equivalent" which means that the fair housing law it administers through the Office of Community Affairs-Human Relations provides rights, procedures, remedies and judicial review "substantially equivalent" to the federal Fair Housing Act. The Office is focused on getting the specific certifications necessary to effectively address the City's housing discrimination needs. For more information about the City of Orlando's Fair Housing Ordinance, please refer to Appendix B.

***Orange County Housing and Community Development Division  
Fair Housing Ordinance***

The Orange County Fair Housing Ordinance protects citizens from discrimination in the sale or rental of housing by prohibiting discrimination on the basis of race, color, national origin, religion, sex, sexual orientation, disability and familial status. An additional protected class, sexual orientation, was added in 2006. A

2010 amendment to the Fair Housing Ordinance outlines the updated process for filing a fair housing complaint.

A person that feels that he/she has been discriminated against may take corrective action by filing a complaint or pursuing the case in court. A housing discrimination case must show that a member of a protected class was discriminated against, while trying to obtain or maintain a dwelling that is covered under the law (four (4) or more units per property). Within the time limitations, a person may file a complaint for a discriminatory act such as denial of reasonable accommodations or modifications, denial of a unit for sale or rent, harassment, disparate treatment in the terms, conditions or policies of housing, etc.

Those who encounter housing discrimination in Orange County may file a discriminatory complaint with the local court or may pursue the complaint through the following channels:

1. Community Legal Services of Mid Florida
2. Florida Commission on Human Relations in Tallahassee; or
3. If the complaint is within the Orlando city limits, the complainant can obtain help from the City of Orlando Office of Community Affairs-Human Relations.

For more information about Orange County's Fair Housing Ordinance, please refer to Appendix C.

## **Fair Housing Agencies**

***The United States Department of Housing and Urban Development (HUD)*** has the mission to promote non-discrimination and ensure fair and equal housing opportunities for all. In an ongoing effort to provide services and activities on a nondiscriminatory manner and to affirmatively further fair housing, HUD is charged by law to implement and enforce a wide array of civil rights laws, not only for members of the public in search of fair housing, but for HUD funded grant recipients as well. HUD is also charged with ensuring the successful operation of specific enforcement of housing programs. The array of laws, executive orders, regulations, etc. are collectively known as civil rights



requirements and called "Civil Rights Related Program Requirements (CRRPRs)."

HUD-funded grant recipients are obligated under various laws not to discriminate in housing or services directly or indirectly on the basis of race, color, religion, sex, national origin, age, familial status, or disability. HUD rules further require that recipients of Federal financial assistance comply with civil rights-related program requirements (CRRPRs) that affect nearly every aspect of each program. HUD's non-discrimination requirements are compiled from several different federal laws designed to protect each individual's right to fair housing and equal opportunity.

A strong commitment to affirmatively further fair housing is not only one of the Department of HUD's guiding principles; it is a requirement for participating in HUD's many housing and community development programs. The Fair Housing Act specifies that the Secretary of Housing and Urban Development shall administer programs and activities relating to housing and urban development in a manner that affirmatively furthers the policies outlined in **section 808 (e) 5**. For more information, please visit:

**([http://portal.hud.gov/hudportal/HUD?src=/program\\_offices/fair\\_housing\\_equal\\_opp/promotingfh](http://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opp/promotingfh))**

***Community Legal Services of Mid-Florida (CLSMF)*** is a HUD funded non-profit organization offering services related to fair housing, landlord/tenant issues, foreclosures, housing code violations, repair contracts, public housing, Section 8 and affordable housing. CLSMF's HUD funded Fair Housing Project promotes equal opportunity in housing for all persons through education, investigation, and enforcement. Services are available free to any person who experiences discrimination in Citrus, Flagler, Hernando, Lake, Marion, Orange, Putnam or Sumter Counties, regardless of income. Educational presentations are available to employees, churches, temples, synagogues or community groups. The organization can supply pamphlets for distribution. Brochures are available in English, Spanish and Vietnamese. For more information, brochures or to schedule an appointment with a fair housing professional call: (352) 629-0105 x2909.

***Fair Housing Continuum*** is a HUD funded nonprofit agency, located in Brevard County and which carries out fair housing education and testing in Central Florida (Brevard, Indian River, Orange, Seminole, Osceola and Volusia Counties). The Continuum focuses on a variety of fair housing issues, including those concerning persons with disabilities and immigrant populations. The Continuum provides fair housing enforcement and conducts education and outreach.

The organization also recruits and trains testers, as well as completes systemic and/or complaint-based tests. As significant force in fair housing awareness, it conducts annual Fair Housing Month activities and carries out media campaigns. One of its significant activities is to test new construction for regulatory compliance and accessibility. The agency is located at 840 N. Cocoa Blvd., Suite F, Cocoa, Florida, 32922. The phone number is (321)-633-4551.

Due to the current housing crisis, there is an atmosphere of vulnerability that could lead to fair housing abuses and discrimination practices. Government fair housing programs are marginally funded to address all of the housing issues that could be impediments to fair housing choice. Unfortunately, the private sector is not responsible for protecting vulnerable populations such as the elderly or disabled, from falling into unfair and discriminatory housing practices. More collaboration among agencies that provide various levels of housing services is needed to ensure fair housing choices in our community.

### ***The City of Orlando Office of Community Affairs Human Relations***

Almost two years ago, the City of Orlando realigned the Human Relations Office, positioning the Office of Community Affairs and changing its name to the Office of Community Affairs- Human Relations. On November 22, 2010, a Housing Discrimination Investigator was hired to conduct education and outreach as well as enforce federal, state and local fair housing laws. The City of Orlando operates a full service substantially equivalent Fair Housing Assistance Program (FHAP) in partnership with the U.S. Department of HUD. The Office of Community Affairs- Human Relations is a contractual agent of both the US Equal Employment Opportunity Commission (EEOC) and the US Department of HUD. In this dual role, it is responsible for the investigation and resolution of

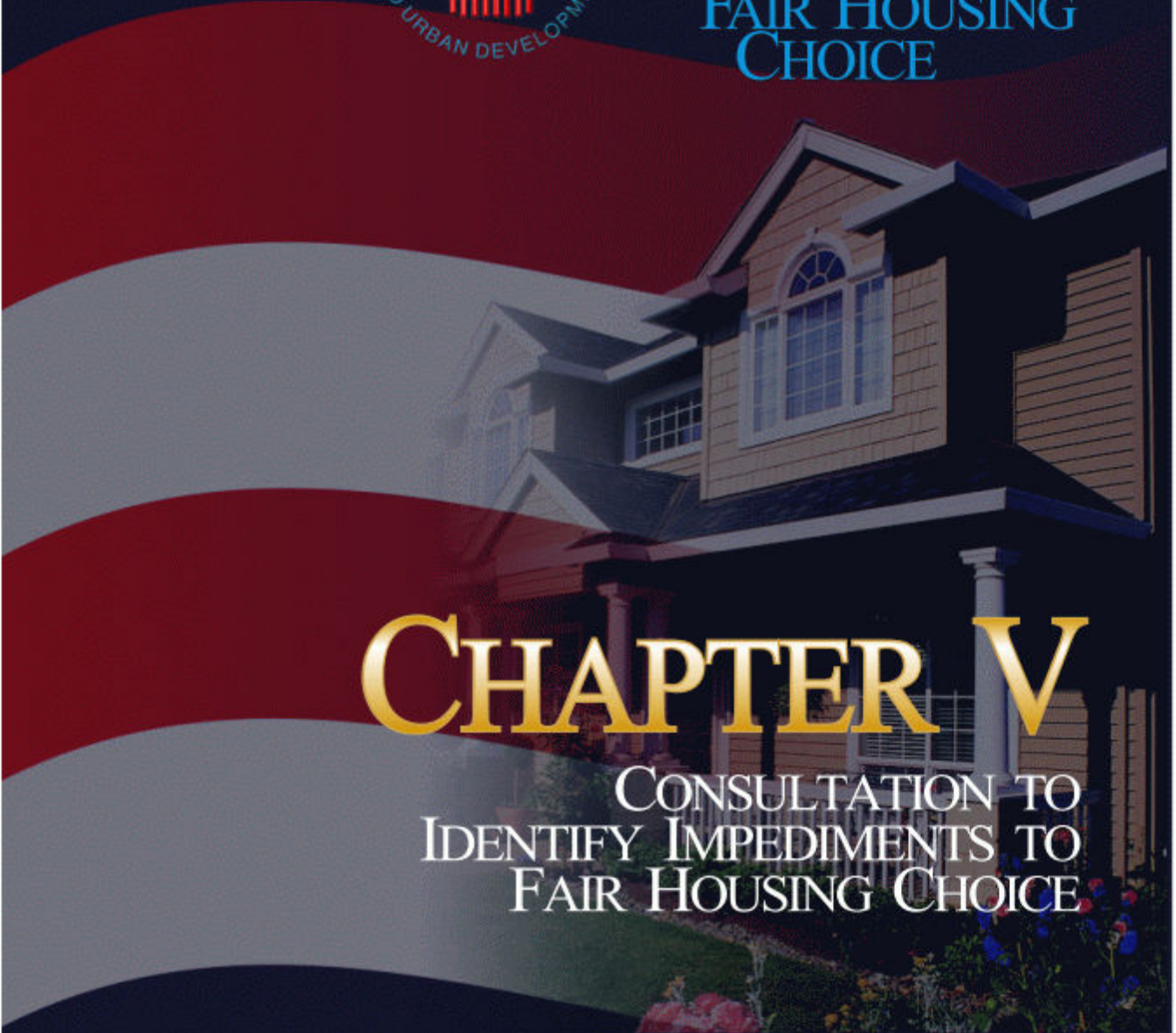
discrimination charges in public accommodations, employment and housing. More specifically, as an agent of HUD, the office is responsible for carrying out the federal Fair Housing mandates as well as the requirements under Article V of the City of Orlando's Municipal Code. The Office of Community Affairs Human Relations is located at City Hall, 400 S. Orange Avenue, Orlando, FL (32801). The phone number is (407) 246-2122.

Overall, the focus group felt that education of fair housing protections was needed in all legally protected communities and to all housing providers. Ongoing outreach efforts to inform and educate are necessary.

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# CHAPTER V

CONSULTATION TO  
IDENTIFY IMPEDIMENTS TO  
FAIR HOUSING CHOICE





## **V. Consultation to Identify Impediments to Fair Housing Choice**

The City of Orlando and Orange County held a Fair Housing Focus Group to gather information for the 2011-2016 Consolidated Plan and the Analysis of Impediments to Fair Housing. The meeting was held on Thursday, April 28, 2011 at the Carver Park Neighborhood Network Center, 1190 Conley Street, Orlando, FL (across from the Jackson Center) from 10 am to 11:30am.

The representative from the City of Orlando Housing Authority and the Community Development Department welcomed the group and requested attendees to introduce themselves and state the name of the agency they were representing. An overview the meeting agenda was provided. The representative from the Orange County Housing and Community Development Division explained the timeline, methodology and the process to identify barriers to be included in the Analysis of Impediments to Fair Housing.

Three of the area's fair housing advocacy groups, whose task is to enforce Fair Housing regulations, were asked to give the group an overview of their agency and of the actions their agency has, is and will be implementing.

The first presenter was Community Legal Services of Mid-Florida, Inc. Community Legal Services of Mid-Florida Inc. (CLSMF) implements a HUD Fair Housing Project that promotes equal opportunity in housing for all persons through education, investigation, and enforcement. CLSMF assists persons who feel that their rights have been violated while renting, financing or purchasing homeowners insurance. Services are available free to any person who experiences discrimination in Citrus, Flagler, Hernando, Lake, Marion, Orange, Putnam or Sumter Counties, regardless of income. CLSMF also provides educational presentations to employees, churches, temples, synagogues or other community groups. CLSMF provides written material on Fair Housing such as pamphlets for distribution among clients, patients, employees, students, members of business or organizations. The brochures are available in English, Spanish and Vietnamese. CLSMF has a working collaboration with Orange County to provide fair housing information and process fair housing inquiries.

CLSMF reported that there were fifteen cases investigated. Of those, five alleged racial discrimination and ten were alleged discrimination based on disability status. All complaints were from rent subsidized apartment complexes. CLSMF provides a “testing” training program where persons are trained to pose as buyers or renters. They are also working on a new grant to look at lending practices, mortgage rescue scams and fair lending. CLSMF stated that banks are making false impressions of having a presence in particular neighborhoods to take advantage of residents. The most recent issues presented were discrimination due to mental health issues, such as parents with autistic children, etc.

The second presenter was The Fair Housing Continuum, Inc., a private non-profit fair housing agency dedicated entirely to the elimination of housing discrimination in Florida, serving Brevard, Indian River, Seminole, Osceola, Orange and Volusia Counties. The agency mission is: Ensure Equal Housing Opportunity and eliminate discrimination in Florida. The agency also provides the following services:

1. Training to comply with the requirements of federal programs to “Affirmatively Further Fair Housing.”
2. Assess business practices to ensure compliance with federal, state, and local fair housing laws.
3. Analyze and develop strategies to overcome fair housing impediments.
4. Process and assist in fair housing complaint resolution.
5. Enforce fair housing laws.

The Fair Housing Continuum was contracted by the City of Orlando to conduct a testing in 2009 and 2010. The results are included as “Exhibit D” in this document.



The Continuum reports that there is a large rise in discrimination reports against those with disabilities. Requests for reasonable accommodations such as wheelchair ramps, fire alarms for the hearing impaired and bus pick up within certain areas are being denied.

The third presenter was the City of Orlando's Office of Community Affairs-Human Relations. The mission of Office of Community Affairs-Human Relations is to promote equality of opportunity for the citizens of Orlando by advocating policies of nondiscrimination and administering City and Federal laws that prohibit discrimination in employment, housing and public accommodation.

The City of Orlando Office of Community Affairs-Human Relations is an agent of both the Equal Employment Opportunity Commission (EEOC) and the U.S. Department of Housing and Urban Development (HUD), and is responsible for investigating and resolving complaints of discrimination. As per agreements with EEOC and HUD, the Office of Community Affairs-Human Relations is also responsible for conducting education and outreach activities for the public, designed to increase citizen awareness of their rights and the remedies available to them under existing discrimination laws. Additionally, the Office of Community Affairs-Human Relations conducts training workshops/seminars for employers, housing providers, and individuals involved in the business of providing/allowing access to places of public accommodation.

The City of Orlando Office of Community Affairs-Human Relations shared the activities the City had provided during April, Fair Housing Month. The City held a Fair Housing seminar on foreclosures and predatory lending and a Fair Housing seminar specifically on persons with disabilities.

The 2011 Fair Housing Focus Group is the result of an effort made by the City of Orlando, Orange County and the City of Orlando Housing Authority to offer a set of practical recommendations to address fair housing impediments in the Orlando region. After the presentations, the representative from Orange County opened the floor for a group discussion.

## **Group Discussion**

The group was asked to discuss barriers, policies, current and projected research and strategies that agencies had planned regarding implementation of fair housing programs and initiatives.

The first topic of discussion was a definition of affordable housing. What is affordable housing?

Housing is commonly defined as affordable if a low- or moderate-income family can afford to buy or rent a standard dwelling unit without spending more than thirty percent (30%) percent of its income on rent or mortgage. Affordable housing can be divided into two categories: moderate income, or workforce housing, and housing for extremely low-income individuals who typically include the elderly and individuals with disabilities.

Agencies representing the disabled stated that most disabled persons receive Supplemental Security Income (SSI) which is currently just under \$700 per month and has not been raised to reflect cost of living increases in 2 years. The agencies agreed that a monthly rent of \$450 or \$500 w/ utilities would be affordable to their clients. Those persons would have a housing cost burden of more than 50% of their annual income.

SSI is a Federal income supplement program funded by general tax revenues (not Social Security taxes) and is designed to help aged, blind, and disabled people, who have little or no income and are otherwise ineligible for Social Security Disability Benefits; and provides cash to meet basic needs for food, clothing, and shelter.

## **Barriers and Impediments to Fair Housing Choice Identified by the Focus Group**

At the April 28, 2011 meeting, the Focus Group identified the following barriers and impediments to fair housing choice in the Orlando MSA:

1. Lack of affordable housing
2. Lack of affordable housing close to jobs

3. Lack of affordable housing to the disabled and seniors on a fixed income
4. Affordable Housing is concentrated in certain neighborhoods.
5. Demolition and vacant properties that had once been affordable housing are being turned into unaffordable housing.
6. Bank restrictions vary depending on the neighborhood they are servicing.
7. Apartment complex management companies do not inform the applicant what would prevent them from being accepted before the application and application fee. Applicants must be informed of the criminal and credit background limits and levels (how long, what types of crimes) the management company will accept before the application. Households who lost their homes to foreclosure should not have that credit issue held against them in trying to rent new housing.
8. Households who lost their homes to foreclosure have credit that prevents them from renting new housing.
9. State regulation regarding drug testing of all those who receive public assistance don't take into account those with mental health and pain management issues.
10. State regulation regarding drug testing of all those who receive public assistance must pay for the test and if the report is negative, they will be refunded. This will make it very difficult for those who are already on a low, fixed income.
11. Predatory lending is still a major problem in certain neighborhoods.
12. It has been reported that certain landlords charge a higher rate for their housing voucher program (Section 8) apartments than for their regular apartments.
13. The number of persons in the household (not married or related by blood) exceeds the zoning limits.
14. High utility rates and legislation repeatedly allowing 30 to 40% increases, makes housing unaffordable to low income persons, especially those on low fixed incomes.
15. Households that utilize a septic system must have a limit on the number of persons in the home otherwise health hazards become an issue.

16. Conversion fees to hook up to sewer system are expensive and thus, out of reach for those in lower income neighborhoods.
17. Lack of education regarding who are the protected classes against housing discrimination.
18. Lack of education regarding how to go about filing a discrimination claim.
19. Most undocumented persons will not report housing discrimination out of fear of deportation.
20. There is no housing discrimination protection for seniors.
21. Pending federal legislation in lending practices will cause undue burden on new homebuyers. A proposed minimum of 20% for down payment and no 60 day late payments within the past two years, medical bills included.
22. Not enough is being done to address the lack of education about Fair Housing laws that adversely affect fair housing and encourage discrimination.
23. No education is provided in other local languages such as Creole or Vietnamese.
24. Most of the LGBT community is not aware of protections under local fair housing laws and ordinances.
25. Safe housing is unavailable to victims of same-gender domestic or sexual violence.

### **Corrective Actions and Recommendations**

Focus Group participants were encouraged to provide a list of possible actions or recommendations to overcome barriers to fair housing choice. It should be noted however, that while these recommendations or actions will be considered, local governments do not have all the resources or jurisdictional authority to implement all of the recommended actions. The Focus Group provided the following Corrective Actions or Recommendations:

1. Preserve affordable housing by monitoring zoning and land use regulations.

2. Increase density of residential development to have working families close to jobs (This was a recommendation from the Orange County's Affordable Housing Task Force Report, as well as the City's Task Force).
3. Efforts must be taken to ensure that housing units that were previously affordable remain affordable.
4. ADA accessible affordable housing must be made available to low income disabled persons by expanding availability of Shelter+Care and Housing Choice/Section 8 vouchers and creating a set aside of public housing units specifically for this .
5. Ensure that affordable housing is available throughout the jurisdiction not concentrated in low income areas. Foster mixed use projects throughout the jurisdictions.
6. Banking practices of enforcing stricter regulations in different areas should be monitored for inconsistencies.
7. To address the lack of affordable housing, ensure NSP and other HUD funds maintain property for low income households.
8. Address the issue of application fees. Management companies must tell the applicant what would prevent them from being accepted before the application and application fee is paid. Applicants should be informed of the criminal and credit background limits and levels (how long, what types of crimes) the management company will accept before the application is submitted. Households who lost their homes to foreclosure should not have that credit issues held against them in trying to rent new housing.
9. Similar to how Workforce provides bonds to companies that hire ex-offenders, initiate a regulation on affordable housing where the City or the County provides bonds to apartment property managers that provide affordable housing to those with minimum risk.
10. A new State regulation requires all those receiving public assistance be drug tested. The applicant must pay for the drug test and are to be reimbursed if it the test is negative. Concern was raised regarding seniors and the disabled on certain medications that could be registered as opiates, etc. and the applicant would be disqualified from benefits. Prescribed medication must be taken into consideration to ensure fair housing options are available. The cost burden is also the applicant's and reimbursement has not been clarified.

11. Educate consumers and enforce regulations against predatory lending through neighborhood outreach and public media campaigns.
12. Investigate why some landlords charge a higher rate for section 8 tenants. (The admissions director for the Orlando Housing Authority will provide insight during the public comment period).
13. Clarify occupancy requirements. What is the maximum number of persons allowed to live in one unit, one bedroom, etc? Current limits cause issue for large extended families where everyone may not be related by blood or marriage. Current statute refers to "related" persons. Must clearly define what that means and how it affects larger households.
14. The Orange County Health department recommended investigation of the domicile's septic system before allowing large families to live in the housing. Larger families on a septic system create a health hazard. The County Health department can investigate and make recommendations before allowing a family to put themselves at risk.
15. Establish regulations to addresses expensive conversion fees to hook up housing to the sewer system. CDBG and SHIP funds can assist low and moderate income households but there is a limited amount of resources.
16. Fair housing outreach has mostly been enforced regarding race, disability and familial status. Since 2006, both Orange County and the City of Orlando have Fair Housing laws which include discrimination based on a person's sexual orientation. Outreach must be provided to all those communities that are unaware of the laws that protect them.
17. Pending state legislation similar to the Arizona immigration law could affect the undocumented and housing. Undocumented are more likely to not report discrimination for fear of deportation.
18. Neither the local nor federal ordinances address discrimination against senior citizens.
19. Pending federal legislation in lending practices will cause undo burden on new homebuyers. A required minimum of 20% for down payment, no 60 day late payments within the past two years, medical bills included.
20. Address the lack of education regarding laws such as the above that will adversely affect fair housing and encourage discrimination. City and County must utilize public access TV in addition to flyers, newspaper public announcements and online newspaper public announcements in English, Spanish, Haitian and Vietnamese to educate those communities.

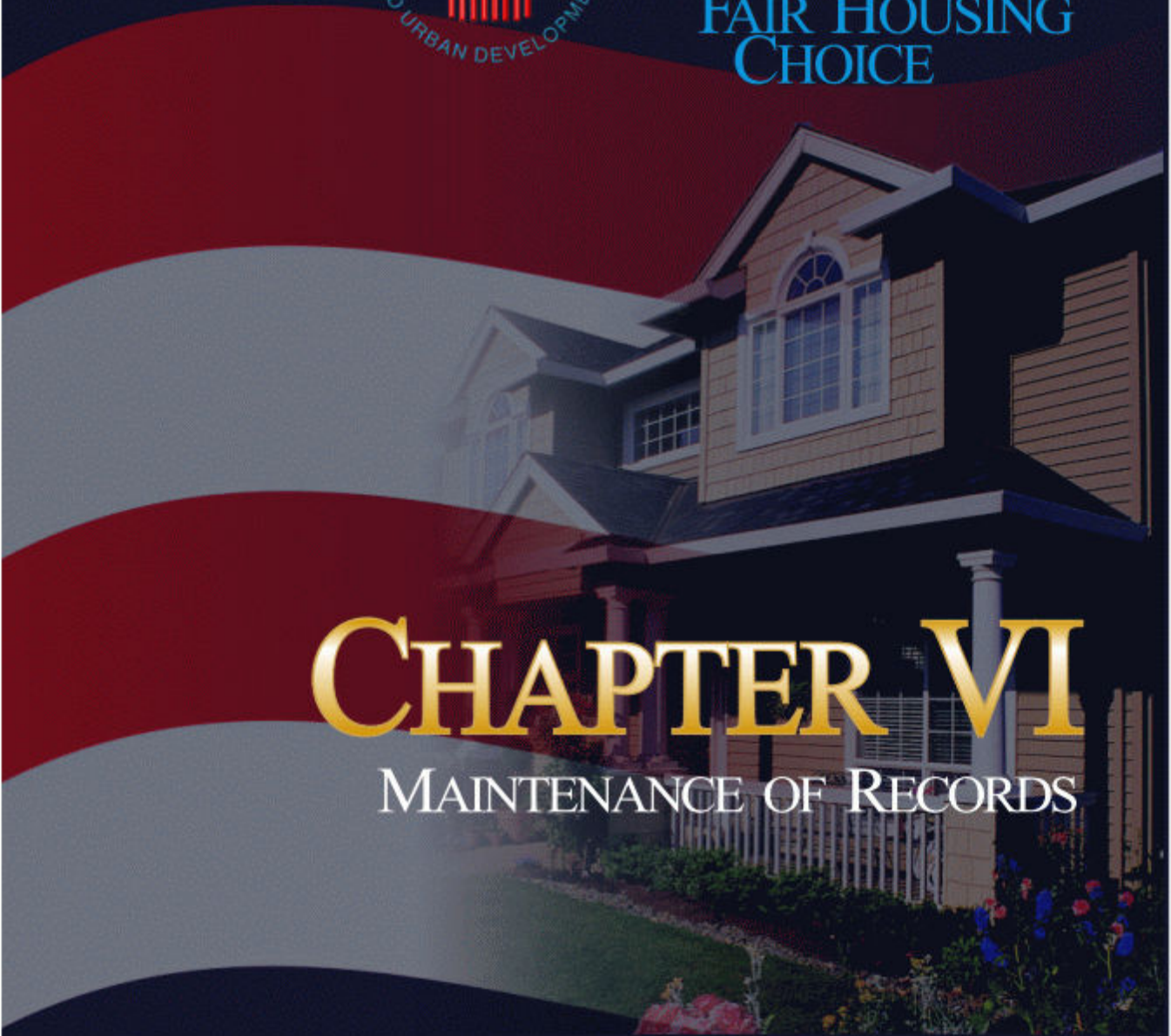
21. Encourage local governments to include age as a protected class from discrimination.
22. High utility rates and legislation repeatedly allowing 30 to 40% increases have made maintaining housing utilities unaffordable to low income persons on low fixed incomes. Local governments should advocate to limit these increases.
23. Hold an Annual Fair Housing meeting to update progress on addressing impediments to be hosted by City of Orlando and Orange County.

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# CHAPTER VI

## MAINTENANCE OF RECORDS





## **VI. Maintenance of Records**

In accordance with 24 CFR 570.490 and 570.506(g), as applicable, all Community Development Block Grant (CDBG) grantees should establish a record-keeping system for their Fair Housing activities. This includes copies of the local fair housing ordinance; the full history and development of the Analysis of Impediments to Fair Housing; options available for overcoming impediments; local businesses, agencies and community groups involved in the process; planned actions and those taken, issues that arose when the actions were planned and conducted; and any other information about the community's fair housing process.

In the City of Orlando, the Office of Community Affairs-Human Relations (OCA-HR) is a U.S. Department of Housing and Urban Development (HUD) Fair Housing Assistance Program (FHAP) agency. This requires that all fair housing discrimination cases are dual filed with HUD. The OCA-HR maintains all fair housing discrimination records in the OCA-HR office, until such time they no longer need to be retained. The retention period is mandated by HUD, and, the State of Florida, as found in GS1-SL FOR STATE AND LOCAL GOVERNMENT AGENCIES.

HUD's requirement for case file retention is a minimum of six years, more than the five years minimum required by state statute. Therefore, since federal statutes trump state statutes, all fair housing records, whether or not they are general in nature, received from Complainant or Respondent, are all retained for a minimum of six years after the case closure date. These records may include questionnaires, affidavits, notarized witness statements, position statements, respondent personnel records, employee handbooks, etc.

State statute requires that case files relative to fair housing cases that are litigated by the City Attorney's office are retained for the same period, i.e., a minimum of five years from the date the case is closed or the appeal process has expired, provided applicable audits have been released. To comply with HUD's requirement, this information is retained for a minimum of six years.

Orange County works with various organizations receiving fair housing grants for the investigation of complaints or enforcement of fair housing laws. There are various agencies that receive funding directly from HUD as Fair Housing Assistance Agencies (FHAP) or Fair Housing Initiative Program (FHIP) agencies. FHAP grants are given to public entities on non-competitive bases. FHIPs may be government, private or nonprofit organizations receiving fair housing funds on a competitive basis. Orange County is not a FHAP or FHIP agency. Other types of fair housing grants include the Private Enforcement Initiative Grant (PEI) and the Education and Outreach Initiative Grant (EOI).

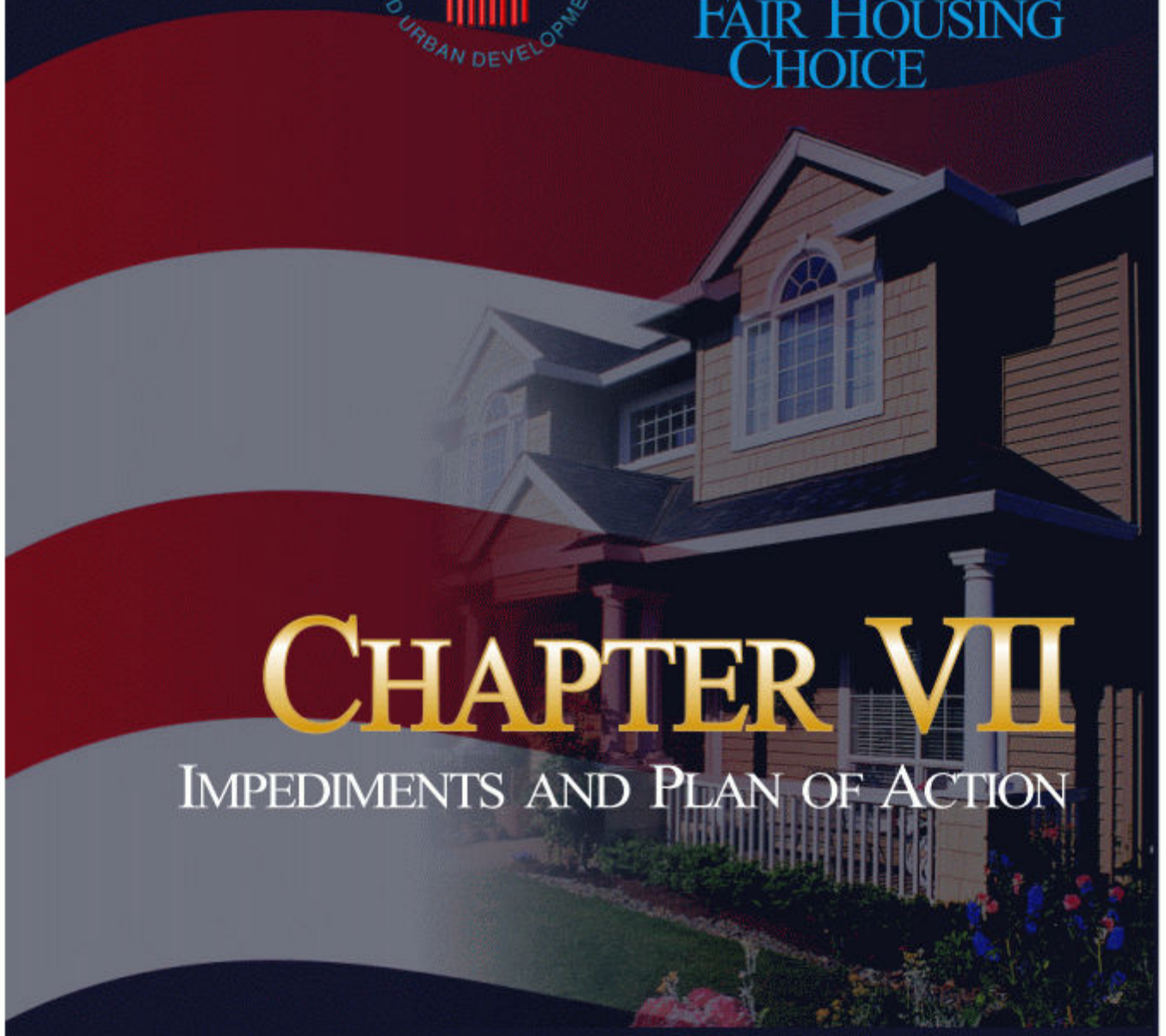
Depending on the type of complaint, Orange County refers alleged victims of housing discrimination to one of the eligible fair housing entities in the Orlando MSA:

- City of Orlando Office of Community Affairs-Human Relations (FHAP agency)
- Community Legal Services of Mid-Florida (EOI agency)
- Fair Housing Continuum, Inc. (PEI agency)

Orange County maintains records of all the developments of its Analysis of Impediments to Fair Housing Choice including but not limited to meetings, public notices, research and consultations. A Housing Specialist handles all fair housing inquiries and referrals, and requests annual reports from collaborating agencies.



2011-2016  
ANALYSIS OF  
IMPEDIMENTS TO  
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# CHAPTER VII

## IMPEDIMENTS AND PLAN OF ACTION





## **VII. Impediments and Plan of Action**

The sole measure of success for a Fair Housing Plan is the achievement of results. The proposed Plan of Action has a set of goals. These goals are designed to achieve the specific actions to address fair housing problems in a time cycle that is consistent with the jurisdictions Consolidated Planning cycle for federal housing and community development entitlement grants.

At present, the City of Orlando Office of Community Affairs-Human Relations is the only FHAP agency in the Orlando MSA. The Office of Community Affairs-Human Relations is pursuing two (2) major impediments to fair housing: Improving the agency's reporting timeliness and addressing the lack of public awareness and education concerning fair housing rights. To address these two major impediments, in addition to impediments identified by the jurisdictions, four (4) goals were developed in the Plan of Action.

- Goal 1: Promote collaborations with local governments, fair housing agencies, advocacy groups and the housing industry to eliminate barriers to fair housing choice
- Goal 2: Monitor court cases, complaints and current trends pertaining to fair housing laws
- Goal 3: Increase public awareness and education concerning fair housing rights
- Goal 4: Provide training and technical assistance to advocacy groups, housing providers and others in the housing industry

Furthermore, as part of the Analysis of Impediments to Fair Housing Choice, jurisdictions are required to review fair housing impediments and actions to overcome impediments, as well as report actions to affirmatively further fair housing, on an annual basis. This annual review is part of the Consolidated Annual Performance Evaluation Report (CAPER), which is submitted to the Department of HUD on December 31 each year.

Table 7 summarizes actions that are directly related to the recommendations contained in the Analysis of Impediments to Fair Housing Choice, based on the information gathered through research, current housing market data, housing news articles, input from fair housing agencies, contributions provided by the Focus Group participants, and actions developed by the City of Orlando and Orange County staff.

**Table 7: Impediments, Recommended Actions and Time Period for Completion**

<b>Goal 1: Promote collaborations with local governments, fair housing agencies, advocacy groups and the housing industry to eliminate barriers to fair housing choice.</b>			
<b>Recommended Action</b>	<b>Type of Impediment</b>	<b>Responsible Party</b>	<b>Time Period for Completion</b>
Comply with HUD's requirement to close cases within 100 days thereby eliminating case reactivation and maximizing revenue to the City of Orlando.	Improving reporting timeliness	City of Orlando FHIP agency	Year 1-5
Initiate working collaboration with the City of Orlando's FHIP agency, Orange County and local fair housing agencies that informally create roles for the provision of testing, public education, professional training, and investigation of complaints, resolutions and data exchange.	Lack of centralized system for intake of fair housing complaints	Local governments, Local fair housing and FHIP agencies	Year 1-2
Continue efforts among local fair housing agencies to conduct paired fair housing testing in the local housing industry for both rental and sales transactions.	Lack of testing for discriminatory actions	Local fair housing agencies	Year 1- 5
Streamline fair housing intake process and formalize the reporting, information sharing and record keeping elements among local governments, fair housing and FHIP agencies.	Lack of centralized system for intake of fair housing complaints	Local fair housing and FHIP agencies	Year 1-2



**Continuation Table 7: Impediments, Recommended Actions and Time Period for Completion**

<b>Goal 2: Monitor court cases, complaints and current trends pertaining to fair housing laws.</b>			
<b>Recommended Action</b>	<b>Type of Impediment</b>	<b>Responsible Party</b>	<b>Time Period for Completion</b>
Increase coordination and collaboration among the legal community, real estate groups, and community groups to raise awareness of fair housing laws and housing discrimination.	Limited collaboration among Fair Housing groups	Local fair housing agencies, Local governments, Advocacy Groups, Housing Industry Partners	Year 1-5
Conduct an annual fair housing roundtable	Limited collaboration among Fair Housing groups	Local fair housing agencies, Local governments, Advocacy Groups, Housing Industry Partners	Year 1-5
Improve communication and collaboration among local government divisions and departments to address barriers to fair housing choice.	Lack of communication within government to address fair housing choice issues	Local governments	Year 2-5

**Continuation Table 7: Impediments, Recommended Actions and Time Period for Completion**

<b>Goal 3: Increase public awareness and education concerning fair housing rights</b>			
<b>Recommended Action</b>	<b>Type of Impediment</b>	<b>Responsible Party</b>	<b>Time Period for Completion</b>
Create a supportive and collaborative atmosphere to deal with the foreclosure and financing crisis to help bring back a solid housing market.	Housing Market crisis, High foreclosure market, Tight credit market, Uncoordinated efforts to address foreclosure crisis	Nonprofit organizations, Advocacy groups	Year 2-5
Design fair housing trainings for advocacy groups, housing industry partners and other community groups.	Lack of understanding about housing discrimination	Local fair housing agencies	Year 1- 5
Reach out to populations that are hard to reach due to cultural, language and social barriers (i.e. non English speakers, minority groups, groups protected under sexual orientation) with outreach strategies that include HUD approved forms (i.e. multiple languages) and marketing materials.	Lack of understanding about housing discrimination	Local fair housing agencies	Year 1- 5
Design fair housing protection awareness efforts specifically targeting hard to reach populations (i.e. groups protected under sexual orientation, non-English speaking, minorities, elderly, persons with disabilities)	Lack of understanding about housing discrimination LGBT community unaware of fair housing protections	Local fair housing agencies	Year 1- 5
Partner with local advocacy entities to disseminate fair housing information.	Lack of understanding about housing discrimination; Persons with disabilities, minorities, LGBT, unaware of fair housing protections	Local governments and advocacy groups Local fair housing agencies	Year 1 - 5

**Continuation Table 7: Impediments, Recommended Actions and Time Period for Completion**

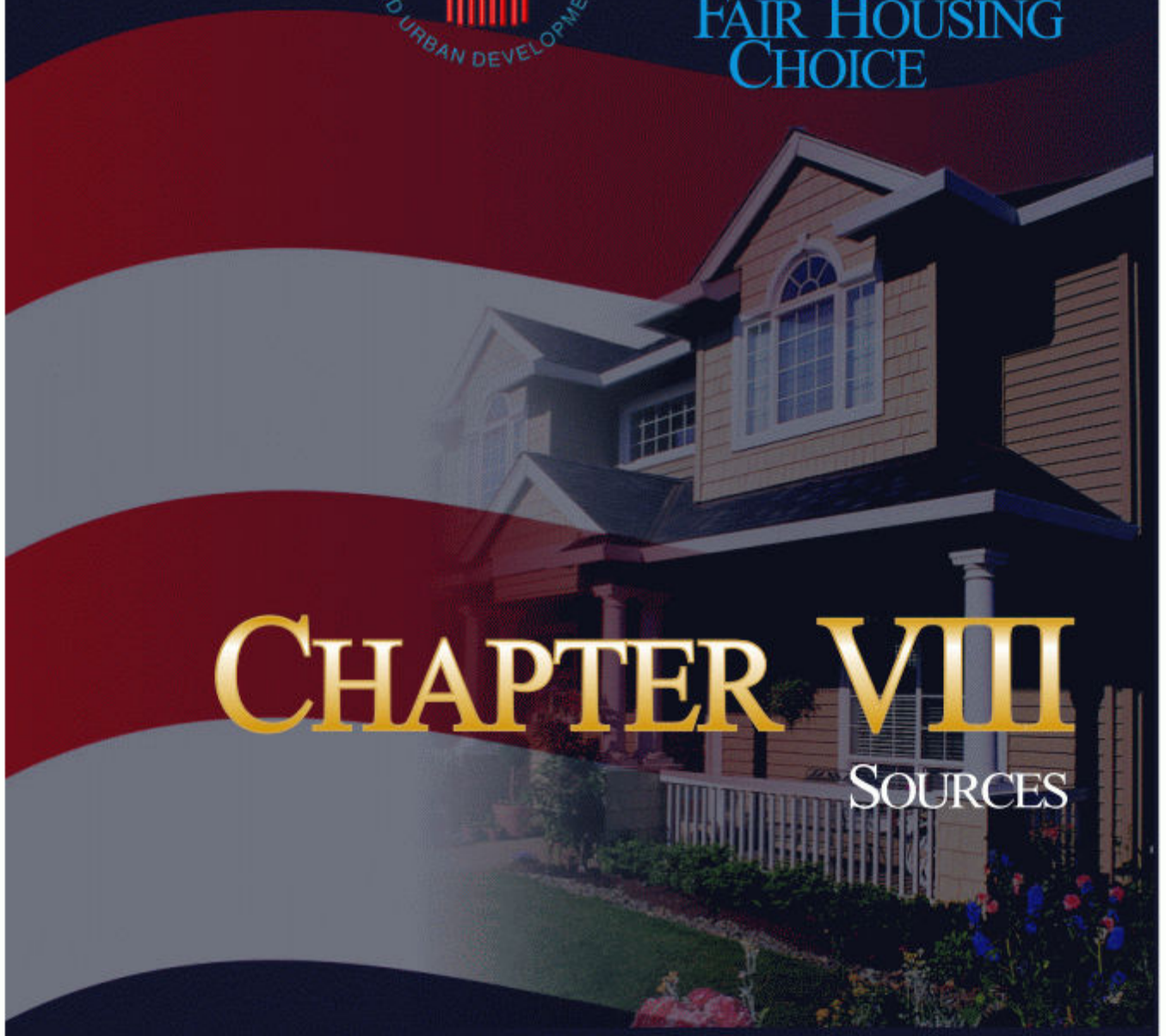
<p>Enhance educational opportunities to make the community aware of domestic violence issues and how they affect fair housing choice</p>	<p>LGBT community unaware of domestic violence fair housing protections Lack of public awareness and education</p>	<p>Local governments and advocacy groups Local fair housing agencies</p>	<p>Year 1- 5</p>
<p>Promote fair housing month in April to raise awareness about housing discrimination</p>	<p>Lack of public awareness and education</p>	<p>Local fair housing agencies, Local governments, Advocacy Groups, Housing Industry Partners</p>	<p>Year 1-5</p>

**Continuation Table 7: Impediments, Recommended Actions and Time Period for Completion**

<b>Goal 4: Provide training and technical assistance to advocacy groups, housing providers and others in the housing industry.</b>			
<b>Recommended Action</b>	<b>Type of Impediment</b>	<b>Responsible Party</b>	<b>Time Period for Completion</b>
Continue to support and seek funding for affordable housing programs especially those serving persons with disabilities and persons at risk of homelessness.	Budget cuts, Lack of affordable housing, shortage of accessible housing, Insufficient funding	Local governments	Year 1- 5
Support housing and financial counseling programs to assist households secure decent affordable housing.	Credit issues of potential home-buyers, Tight credit market, Economic crisis, Lack of funding for counseling programs	Local governments, nonprofits and advocacy groups	Year 1-5
Create a supportive and collaborative atmosphere to deal with the foreclosure and financing crisis to help bring back a solid housing market.	Housing Market crisis, High foreclosure market, Tight credit market, Uncoordinated efforts to address foreclosure crisis	Local governments and advocacy groups	Year 2-5
Support housing and financial counseling programs to assist households secure decent affordable housing.	Credit issues of potential home-buyers, Tight credit market, Economic crisis	Local governments, nonprofits and advocacy groups	Year 1-5
Create targeted educational fair housing campaigns to further fair housing education and outreach.	Lack of understanding about housing discrimination	Local governments, nonprofits and advocacy groups	Year 1-5
Provide training on fair housing protections to local domestic violence providers	Lack of understanding about housing discrimination	Local fair housing agencies	Year 1- 5



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CHAPTER VIII  
SOURCES





## VIII. Sources

### City of Orlando

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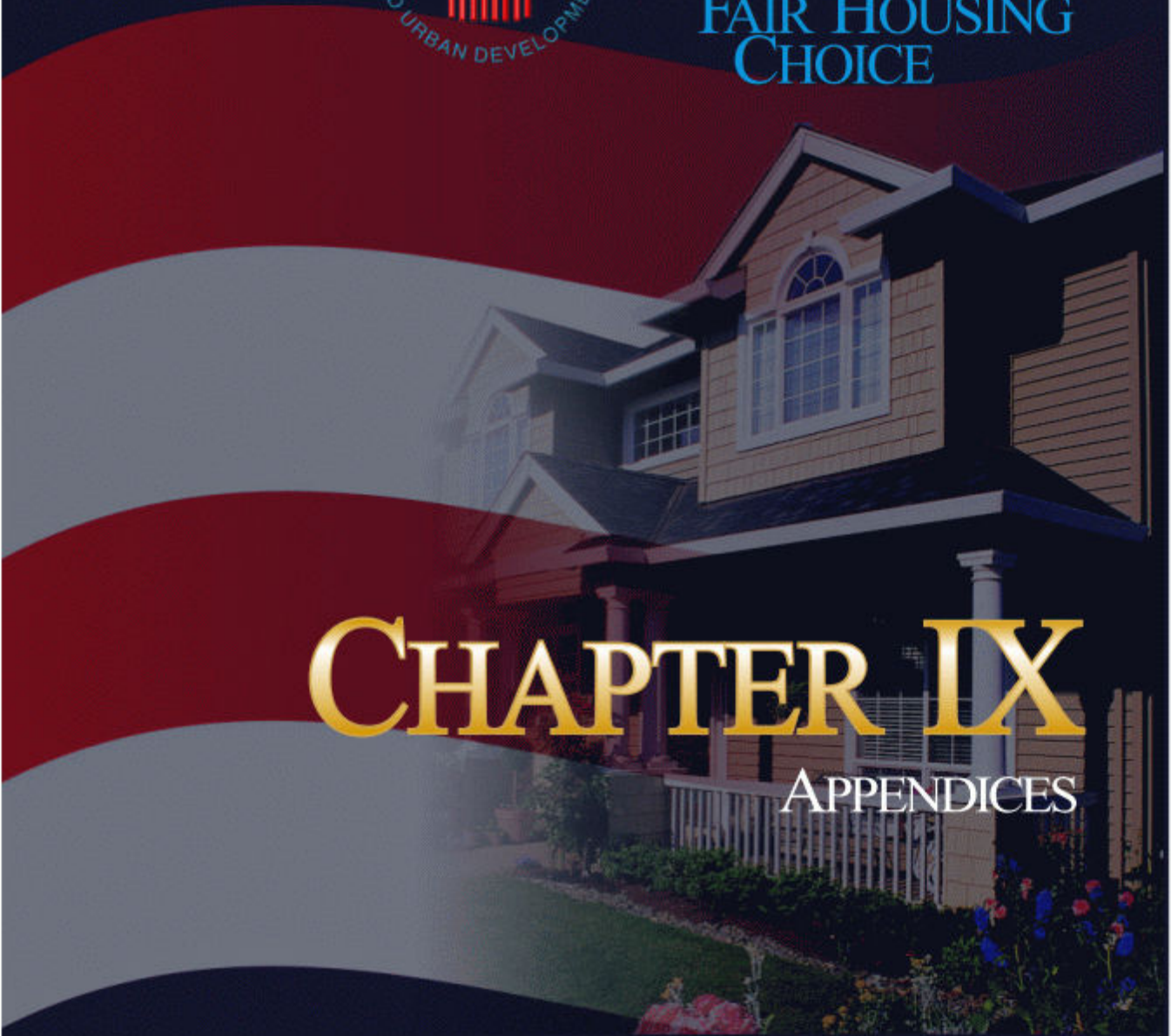
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2011-2016  
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# CHAPTER IX

APPENDICES







# 2011-2016 ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING CHOICE

## *Appendices*

- APPENDIX A SUMMARY OF DISCRIMINATION LAWS
- APPENDIX B PUBLIC NOTICES
- APPENDIX C ORANGE COUNTY FAIR HOUSING ORDINANCE
- APPENDIX D FAIR HOUSING CONTINUUM TESTING REPORT
- APPENDIX E 2010 CENSUS SUMMARY: HOUSING INFORMATION
- APPENDIX F 2010 CENSUS SUMMARY: POPULATION AND DEMOGRAPHICS
- APPENDIX G 2009 DISPOSITION OF LOAN APPLICATIONS BY LOCATION AND TYPE (HMDA DATA)
- APPENDIX H FINANCIAL INSTITUTIONS IN THE ORLANDO MSA
- APPENDIX I MAPS
  - MINORITY CONCENTRATIONS
  - LOW INCOME CONCENTRATIONS
  - FORECLOSURE ACTIVITY





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ANALYSIS OF  
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*Appendix*  
SUMMARY OF  
DISCRIMINATION LAWS

A



## **IX. Appendixes**

### **APPENDIX A: LAWS THAT PROHIBIT DISCRIMINATION**

#### **I. Title VII of the Civil Rights Act (Title VII)**

Title VII makes it an illegal practice to discriminate against a person in all aspects of the employment process because of their ***race, color, religion, gender (sex) or national origin***. This applies to employment agencies and labor organizations as well as employers and includes hiring and firing, compensation, assignment or classification, transfers, promotions, layoff and recall, testing, use of company facilities, training and apprenticeship programs, fringe benefits, leave time, and other terms and conditions and privileges of employment. The major exception is a bona fide occupational qualification reasonably necessary to the normal operation of the particular business or enterprise.

#### **II. Title I of the American with Disabilities Act (ADA)**

This law makes it illegal to discriminate against a person because of a ***disability, or perceived disability***, in all parts of the employment process. Specifically included as part of the employment process are job application procedures, the hiring, advancement or discharge of employees, employee compensation, job training, and other terms, conditions and privileges of employment.

#### **III. Age Discrimination in Employment Act (ADEA)**

The ADEA makes it illegal to discriminate against a person because of their ***age, [40 years old or older; Florida Civil Rights Act (FCRA) covers workers of any age]***.

#### **IV. Equal Pay Act (EPA)**

The EPA makes it illegal to discriminate against employees on the basis of sex, i.e., male or female, by paying wages to employees at a rate less than the rate at which the opposite sex is paid for equal work on jobs, the performance of which requires equal skill, effort, and responsibility, and which are performed under similar working conditions.

#### **V. Chapter 57 of the Code of the City of Orlando (Chapter 57)**

Chapter 57 makes it illegal to discriminate against an individual because of ***race, color, religion, national origin, sex, age, marital status, disability, familial status or sexual orientation*** (the condition of being heterosexual, homosexual or bisexual) in employment, the sale or rental of residential housing, and, public accommodation. (You must note that not all protected classes are covered under each area, i.e., employment, housing, public accommodation).

## **VI. Title VIII of the Civil Rights Act (Title VIII)**

This law is most commonly called the Fair Housing Act, under which it is illegal to discriminate against an individual in the sale or rental of residential housing because of *race, color, religion, sex, disability, familial status and national origin*.

## **VII. Florida Civil Rights Act (FCRA) [Enforced by the Florida Commission on Human Relations (FCHR)]**

This law prohibits discrimination because of *race, color, religion, national origin, sex, age, marital status, familial status and disability* in employment, housing and public accommodations.

Additionally, individuals are protected from **retaliation** under Title VII, ADA, ADEA, EPA, Chapter 57 and the FCRA for (1) having filed a charge of discrimination, (2) having opposed any practice made an unlawful employment practice or (3) having testified, assisted or participated in any manner in an investigation, proceeding or hearing as per the law.

Further, individuals are protected from **retaliation** under Title VIII and Chapter 57, both of which makes it unlawful to coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of having aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by the law.





2011-2016  
ANALYSIS OF  
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*Appendix*

PUBLIC NOTICES

**B**



## **APPENDIX B: PUBLIC NOTICES**

### **NOTICE OF PUBLIC HEARING TO ALL INTERESTED ORGANIZATIONS, AGENCIES AND PERSONS CONSOLIDATED PLAN FISCAL YEARS 2011-2016 ACTION PLAN FISCAL YEAR 2011-2012 AND ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING CHOICE FISCAL YEARS 2011- 2016**

A public hearing is scheduled for June 15, 2011 at 6:00 p.m. at the Housing and Community Development Division, 525 E. South St, Orlando, Florida 32801. Orange County's Housing and Community Development Division will conduct a Public Hearing to receive citizen comments on the proposed activities to be included in the Consolidated Plan, the Action Plan, the Analysis of Impediments to Fair Housing Choice, and on the overall performance of the county in implementing activities under the Consolidated Plan. All citizen comments will be incorporated in the Action Plan to be submitted to the U.S. Department of Housing and Urban Development (HUD) on or about August 15, 2011.

The Consolidated Plan is the Strategic Plan for federal programs for housing and community development activities in Orange County. The Action Plan is the annual operating plan designed to meet specific objectives identified in the Consolidated Plan. The Action Plan lists the activities that Orange County intends to pursue through the Community Development Block Grant (CDBG), HOME Investment Partnership, and Emergency Shelter Grant (ESG) programs, and the strategies to address the objectives identified in the Consolidated Plan. The Consolidated Plan will cover the period October 1, 2011 through September 30, 2016 and the Action Plan will cover the period of October 1, 2011 through September 30, 2012.

A list of proposed activities and anticipated funding sources included in the Action Plan for Fiscal Year 2011-2012 is provided below.

#### **COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)**

##### ***Capital Improvements***

Coalition for the Homeless of Central Florida, Inc.	<u>\$2,712,000</u>
Subtotal- Capital Improvements	\$2,712,000

##### ***Public Services***

Boys and Girls Clubs of Central Florida, Inc.	\$ 39,858
Center for Independent Living in Central Florida, Inc.	\$ 36,642
Central Florida Urban League	\$ 52,000
Coalition for the Homeless of Central Florida	\$ 54,000
Community Coordinated Care for Children, Inc.	\$ 171,800
Covenant House of Florida, Inc.	\$ 36,000
Harbor House of Central Florida, Inc.	\$ 20,000
Health Care Center for the Homeless, Inc.	\$ 72,000
Homeless Services Network of Central Florida	\$ 28,762
Jewish Family Services of Greater Orlando, Inc.	\$ 45,800
Lighthouse of Central Florida, Inc.	\$ 37,500

Primrose Center, Inc.	\$ 34,750
Quest, Inc.	\$ 52,760
Seniors First, Inc. (Meals on Wheels)	\$ 116,989
The Center for Drug Free Living, Inc.	\$ <u>33,865</u>
Subtotal- Public Services	\$ 832,726

***Housing Activities***

Housing Rehabilitation Administration	\$ 332,810
Housing Rehabilitation Projects	\$ 450,000
Seniors First (H.E.A.R.T. Program)	\$ <u>117,396</u>
Subtotal- Housing Activities	\$ 900,206

Administration	\$1,111,351
<b>TOTAL CDBG BUDGET</b>	<b>\$5,556,283</b>

**CONTINGENCY PROJECTS**

Harbor House	\$ <u>177,440</u>
<b>TOTAL CONTINGENCY PROJECTS</b>	<b>\$ 177,440</b>

**EMERGENCY SHELTER GRANTS (ESG)**

***Shelter Operations***

Coalition for the Homeless of Central Florida, Inc.	\$ 62,000
Covenant House of Florida, Inc.	\$ 25,200
Harbor House of Central Florida, Inc.	\$ <u>18,000</u>
Subtotal Shelter Operations	\$105,200

***Essential Services***

Catholic Charities of Central Florida, Inc.	\$ 28,800
Family Promise of Greater Orlando, Inc.	\$ <u>27,850</u>
Subtotal Essential Services	\$ 56,650

***Homeless Prevention***

Heart of Florida United Way (includes essential services)	\$ 72,918
The Salvation Army	\$ <u>35,000</u>
Total Homeless Prevention	\$107,918

Administration	\$ <u>0</u>
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<b>TOTAL ESG BUDGET</b>	<b>\$269,768</b>
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**HOME INVESTMENT PARTNERSHIP PROGRAM**

Down Payment Assistance	\$1,000,000
Community Housing Development Organizations	\$ 375,000
Program Administration	\$ 247,814
Tenant Based Rental Assistance	\$ <u>856,385</u>

<b>TOTAL HOME BUDGET</b>	<b>\$2,479,199</b>
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## **ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING CHOICE 2011-2016**

The Analysis of Impediments to Fair Housing Choice is a five year plan addressing barriers to fair housing choice and actions to overcome those barriers.

The public will have the opportunity to review and comment on the proposed Consolidated Plan and One-Year Action Plan beginning June 15, 2011 to July 15, 2011. The plan will be available for review at the Internet web page [www.ocfl.net/housing](http://www.ocfl.net/housing) and at the following locations:

### **Orange County Housing and Community Development Division**

525 E. South Street, Orlando, FL 32801  
(407) 836-5150

Orange County Public Library  
Planning and Local Government Section, Second Floor  
101 E. Central Ave., Orlando, FL 32801

All comments regarding the Plan should be submitted to:  
Frantz Dutes, Assistant Manager  
Housing and Community Development Division  
525 E. South Street  
Orlando, FL 32801  
(407) 836-5170  
E-mail: [Frantz.Dutes@ocfl.net](mailto:Frantz.Dutes@ocfl.net)

For additional information about the public hearing or the Consolidated Plan, please call 407-836-5191.

Section 286.0105, Florida Statutes states that if a person decides to appeal any decision made by a board, agency, or commission with respect to any matter considered at a meeting or hearing, he will need a record of the proceedings, and that, for such purpose, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

In accordance with the Americans with Disabilities ACT (ADA), if any person with a disability as defined by the ADA needs special accommodation to participate in this proceeding, then not later than two (2) business days prior to the proceeding, he or she should contact the Housing and Community Development Division at (407) 836-5150.



**EQUAL HOUSING  
OPPORTUNITY**

**AVISO DE SESIÓN PÚBLICA  
A TODAS LAS ORGANIZACIONES, AGENCIAS Y PERSONAS  
INTERESADAS:  
PLAN CONSOLIDADO DEL CONDADO ORANGE 2011-2016**

**PLAN DE ACCIÓN PARA EL AÑO FISCAL 2011-2012  
Y  
ANÁLISIS DE IMPEDIMENTOS DE VIVIENDA EQUITATIVA 2011-  
2016**

Una sesión pública ha sido prevista para el 15 de junio de 2011 a las 6:00 p.m. en la División de Vivienda y Desarrollo Urbano (Housing and Community Development Division) del Condado Orange, 525 E. South St., Orlando, FL 32801. La División de Vivienda y Desarrollo Urbano del Condado de Orange llevará a cabo una sesión pública para recibir comentarios sobre las actividades propuestas que serán incluidas en el Plan Consolidado, el Plan de Acción, el Análisis de Impedimentos de Vivienda Equitativa del Condado Orange, y sobre el rendimiento al implementar estas actividades bajo el Plan Consolidado. Todos los comentarios de los ciudadanos serán incorporados en el Plan de Acción, el cual será presentado al Departamento de Vivienda y Desarrollo Urbano de EE.UU (U.S. Department of HUD), el 15 de agosto de 2011.

El Plan Consolidado es el plan estratégico de programas federales para el desarrollo comunitario y de vivienda en la comunidad del Condado Orange. El Plan de Acción es el plan anual de operación, diseñado para cumplir objetivos específicos identificados en el Plan Consolidado. El Plan de Acción enumera las actividades que el Condado de Orange intenta proseguir a través de los siguientes programas federales: Community Development Block Grant (CDBG por sus siglas en inglés; HOME Investment Partnership (HOME por sus siglas en inglés), y Emergency Solutions Grant (ESG por sus siglas en inglés), y las estrategias para alcanzar los objetivos identificados en el Plan Consolidado. El Plan de Acción cubrirá el periodo de Octubre 1, 2011 a Septiembre 30, 2012.

A continuación proporcionamos la lista de actividades incluidas en el Plan de Acción para el Año Fiscal de 2011-2012:

**COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)**

***Mejoras de Infraestructura***

Coalition for the Homeless of Central Florida, Inc.	<u>\$2,712,000</u>
Sub-Total Mejoras de Infraestructura	\$2,712,000

**Servicios Públicos**

Boys and Girls Clubs of Central Florida, Inc.	\$ 39,858
Center for Independent Living in Central Florida, Inc.	\$ 36,642
Central Florida Urban League	\$ 52,000
Coalition for the Homeless of Central Florida	\$ 54,000
Community Coordinated Care for Children, Inc.	\$ 171,800
Covenant House of Florida, Inc.	\$ 36,000
Harbor House of Central Florida, Inc.	\$ 20,000
Health Care Center for the Homeless, Inc.	\$ 72,000

Homeless Services Network of Central Florida	\$ 28,762
Jewish Family Services of Greater Orlando, Inc.	\$ 45,800
Lighthouse of Central Florida, Inc.	\$ 37,500
Primrose Center, Inc.	\$ 34,750
Quest, Inc.	\$ 52,760
Seniors First, Inc. (Meals on Wheels)	\$ 116,989
The Center for Drug Free Living, Inc.	\$ 33,865
Sub-Total Servicios Públicos	\$ 832,726

**Actividades de Vivienda**

Administración Programas de Rehabilitación de Vivienda	\$ 332,810
Proyectos de Rehabilitación de Vivienda	\$ 450,000
Seniors First (H.E.A.R.T. Program)	\$ 117,396
Total- Actividades de Vivienda	\$ 900,206

**Administración**

\$1,111,351

**Presupuesto Total de CDBG**

**\$5,556,283**

**PROYECTOS DE CONTINGENCIA**

Harbor House	\$ 177,440
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**Presupuesto Total de Proyectos de Contingencia**

**\$ 177,440**

**PROGRAMA DE EMERGENCIA PARA LOS REFUGIOS DE INDIGENTES**

**Costo de Operaciones**

Coalition for the Homeless of Central Florida, Inc.	\$ 62,000
Covenant House of Florida, Inc.	\$ 25,200
Harbor House of Central Florida, Inc.	\$ 18,000
Sub-Total Operaciones	\$105,200

**Servicios Esenciales**

Catholic Charities of Central Florida, Inc.	\$ 28,800
Family Promise of Greater Orlando, Inc.	\$ 27,850
Sub-Total Servicios Esenciales	\$ 56,650

**Servicios de Prevención**

Heart of Florida United Way	\$ 72,918
The Salvation Army	\$ 35,000
Sub-Total Servicios de Prevención	\$107,918

**Administración**

\$ 0

**Presupuesto Total para el Programa de Refugios Para Indigentes**

**\$269,768**

## **PROGRAMA HOME**

Asistencia del Pago Inicial para la Compra de Hogares	\$1,000,000
Organizaciones de Desarrollo Comunitario y Vivienda	\$ 375,000
Administración	\$ 247,814
Asistencia de Renta para Inquilinos	<u>\$ 856,385</u>

***Presupuesto Total del Programa HOME*** **\$2,479,199**

### **ANÁLISIS DE IMPEDIMENTOS DE VIVIENDA EQUITATIVA 2011-2016**

El Análisis de Impedimentos de Vivienda Equitativa es un plan de 5 años sobre las barreras que impiden obtener vivienda equitativa y las acciones para superar estas barreras.

El público tendrá la oportunidad de revisar y hacer comentarios sobre el Plan Consolidado, Plan de Acción y Análisis de Impedimentos de Vivienda Equitativa, entre el 15 de Junio de 2011 y el 15 de Julio de 2011. El Plan estará disponible para revisión del público en las siguientes localidades y en la página de la red de Internet <http://www.ocfl.net/housing> :

#### Orange County Housing and Community Development Division

525 E. South Street, Orlando, FL 32801  
(407) 836-5150

Orange County Public Library  
Planning and Local Government Section, Second Floor  
101 E. Central Ave., Orlando, FL 32801  
(407) 836-7323

Todos los comentarios relacionados con el Plan deberán ser presentados a:

Frantz Dutes, Assistant Manager  
Housing and Community Development Division  
525 E. South Street  
Orlando, FL 32801  
(407) 836-5170  
E-mail: [Frantz.Dutes@ocfl.net](mailto:Frantz.Dutes@ocfl.net)

Para más información referente a la vista pública ó el Plan Consolidado, favor de comunicarse a la División de Vivienda y Desarrollo Urbano al teléfono 407-836-5191.

Section 286.0105, Florida Statutes states that if a person decides to appeal any decision made by a board, agency, or commission with respect to any matter considered at a meeting or hearing, he will need a record of the proceedings, and that, for such purpose, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

In accordance with the Americans with Disabilities ACT (ADA), if any person with a disability as defined by the ADA needs special accommodation to participate in this proceeding, then not later than two (2) business days prior to the proceeding, he or she should contact the Housing and Community Development Division at (407) 836-5150.







2011-2016  
ANALYSIS OF  
IMPEDIMENTS TO  
FAIR HOUSING  
CHOICE

*Appendix*  
ORANGE COUNTY  
FAIR HOUSING ORDINANCE





## **APPENDIX C: ORANGE COUNTY FAIR HOUSING**

**Orange County, Florida, Code of Ordinances,**

**Part II- Orange County Code, Chapter 22- Human Rights.**

### **ARTICLE I. - IN GENERAL**

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#### **Sec. 22-1. - Declaration of findings and policy.**

The board hereby makes the following findings and declares it to be the policy of the board that:

(1) It is a matter of concern to the board to protect and safeguard the right and opportunity of all individuals to be free from all forms of discrimination, including discrimination based on age, race, color, religion, national origin, disability, marital status, familial status, sex, or sexual orientation; and that the board's purpose in enacting this chapter is to promote the public health and welfare of all individuals who live in, visit, and work in Orange County; and that it is important to ensure that all individuals within Orange County have equal access to employment, housing, and public accommodations; and

(2) It is the desire of the board to foster and encourage the growth and development of Orange County in a manner that will ensure all individuals an equal opportunity to live free of discrimination imposed by age, race, color, religion, national origin, disability, marital status, familial status, sex, or sexual orientation; and that discriminatory practices are contrary to the public policy of Orange County and are a menace to the public health and welfare of our citizens and, as such, the board shall direct its efforts toward eliminating discriminatory practices within Orange County in the areas of employment, housing, and public accommodations where they exist; and

(3) The general purpose of this chapter is to secure for all individuals within Orange County freedom from discrimination because of age, race, color, religion, national origin, disability, marital status, familial status, sex, or sexual orientation, and thereby to protect their interest in personal dignity, to make Orange County secure against strife and unrest, to preserve the public safety, health, and general welfare, and to promote the interests, rights, privileges of individuals within Orange County, and, in an effort to accomplish this purpose, to create a private cause of action to all individuals in Orange County against such discriminatory practices.

(Ord. No. 2010-15, § 2, 11-23-10)

## **Sec. 22-2. - Definitions.**

The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where context clearly indicates a different meaning or a different meaning is given under another article or chapter:

*Age* shall mean chronological age greater than or equal to eighteen (18) years.

*Aggrieved individual* shall mean any individual who claims to have been injured by a discriminatory practice.

*Board* shall mean Orange County Board of County Commissioners.

*Disability*, with respect to an individual, shall mean:

- (1) A physical or mental impairment that substantially limits one (1) or more of the major life activities of such individual;
- (2) A record of impairment that substantially limits one (1) or more of the life activities of such individual;
- (3) Being regarded as having an impairment that substantially limits one (1) or more of the major life activities of such individual;
- (4) Having a developmental disability as defined in F.S. (2010) § 393.063(9), or as such section may thereafter be amended.

*Discriminatory practice* shall mean any practice or act made unlawful or which is otherwise prohibited by this chapter.

*Familial status* shall mean an individual's status established when such individual who has not attained the age of eighteen (18) years is domiciled with (i) a parent or other individual having legal custody of such individual; or (ii) a designee of a parent or other individual having legal custody, with written permission of such parent or other individual. The protections afforded against discrimination on the basis of familial status shall apply to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of eighteen (18) years.

*Marital status* shall mean an individual's status of being married, separated, or unmarried, including being single, divorced or widowed.

*National origin* shall mean the national origin of an ancestor or the country of origin of an individual's forebears, naturally, by marriage, or by adoption.

*Person* shall mean and include an individual, association, corporation, joint apprenticeship committee, joint stock company, labor organization, legal representative, mutual company, partnership, receiver, trust, fiduciary, trustee in bankruptcy, unincorporated organization or any other legal or commercial entity; provided, however, a person shall not mean or include any federal, state, or local government entity, or any agency or unit of such entities to which the absolute protection of sovereign immunity extends.

*Religious organization* shall include a religious corporation, association, or society.

*Religion* shall include all aspects of religious observance and practice, as well as belief, unless an employer demonstrates that he is unable to reasonably accommodate to an employee's or prospective employee's religious observance or practice without undue hardship on the conduct of the employer's business.

*Sexual orientation* shall mean an individual's actual or perceived heterosexuality, homosexuality, bisexuality, or gender identity or expression.

(Ord. No. 2010-15, § 2, 11-23-10)

**Sec. 22-3. - General discriminatory practices.**

In addition to those discriminatory practices made unlawful by this chapter, the following discriminatory practices shall be unlawful:

(1) It shall be unlawful for a person to retaliate or discriminate in any manner against an individual because such individual opposed a practice prohibited by this chapter or prohibited by existing federal or state law prohibiting discrimination; or to retaliate or discriminate in any manner against an individual because such individual has filed a complaint, testified, assisted or participated in any manner in any investigation, proceedings, hearing or conference under this chapter or under any federal or state law prohibiting discrimination.

(2) It shall be unlawful to coerce, intimidate, threaten or interfere with any individual in the exercise or enjoyment of, or on account of his having exercised or enjoyed, or on account of his having aided or encouraged any other individual in the exercise or enjoyment of, any right granted or protected by this chapter.

(Ord. No. 2010-15, § 2, 11-23-10)

**Sec. 22-4. - Private cause of action; remedies.**

(a) An aggrieved individual may, under this chapter, commence a civil action in a court of competent jurisdiction against the person alleged to have committed a discriminatory practice; provided, however, that such civil action must be filed no later one (1) year after the discriminatory practice is alleged to have been committed.

(b) If, in a civil action commenced under this chapter, the court finds that a discriminatory practice has been committed or is about to be committed, the court may issue an order prohibiting the discriminatory practice and providing affirmative relief from the effects of the discriminatory practice including, but not limited to, a temporary or permanent injunction or other equitable relief, a temporary restraining order, an award of actual damages, including back pay, punitive damages, an award of reasonable attorney's fees, interest, and costs, or other such relief as the court deems appropriate.

(c) With regard to attorney's fees, sanctions for raising unsupported claims or defenses, service of motions, and damages for delay of litigation, F.S. (2010) § 57.105, or as such section may thereafter be amended, is hereby adopted as follows:

(1) In any civil action commenced under this chapter, upon the court's initiative or motion of any party, the court shall award a reasonable attorney's fee to be paid to the prevailing party in equal amounts by the losing party and the losing party's attorney on any claim or defense at any time during a civil proceeding or action in

which the court finds that the losing party or the losing party's attorney knew or should have known that a claim or defense when initially presented to the court or at any time before trial:

- a. Was not supported by the material facts necessary to establish the claim or defense; or
- b. Would not be supported by the application of then-existing law to those material facts.

However, the losing party's attorney is not personally responsible if he or she has acted in good faith, based on the representations of his or her client as to the existence of those material facts. If the court awards attorney's fees to a claimant pursuant to this subsection, the court shall also award prejudgment interest.

(2) Paragraph (1)b. does not apply if the court determines that the claim or defense was initially presented to the court as a good-faith argument for the extension, modification, or reversal of existing law or the establishment of new law, as it applied to the material facts, with a reasonable expectation of success.

(3) At any time in any civil proceeding or action in which the moving party proves by a preponderance of the evidence that any action taken by the opposing party, including, but not limited to, the filing of any pleading or part thereof, the assertion of or response to any discovery demand, the assertion of any claim or defense, or the response to any request by any other party, was taken primarily for the purpose of unreasonable delay, the court shall award damages to the moving party for its reasonable expenses incurred in obtaining the order, which may include attorney's fees, and other loss resulting from the improper delay.

(4) A motion by a party seeking sanctions under this section must be served but may not be filed with or presented to the court unless, within twenty-one (21) days after service of the motion, the challenged paper, claim, defense, contention, allegation, or denial is not withdrawn or appropriately corrected.

(5) In administrative proceedings under F.S. (2010) ch. 120, or as such chapter may thereafter be amended, an administrative law judge shall award a reasonable attorney's fee and damages to be paid to the prevailing party in equal amounts by the losing party and a losing party's attorney or qualified representative in the same manner and upon the same basis as provided in subsections (1) through (4). Such award shall be a final order subject to judicial review pursuant to F.S. (2010) § 120.68, or as such section may thereafter be amended. If the losing party is an agency as defined in F.S. (2010) § 120.52(1), or as such section may thereafter be amended, the award to the prevailing party shall be against and paid by the agency. A voluntary dismissal by a nonprevailing party does not divest the administrative law judge of jurisdiction to make the award described in this subsection.

(6) The provisions of this section are supplemental to other sanctions or remedies available under law or under court rules.

(Ord. No. 2010-15, § 2, 11-23-10)

**Sec. 22-5. - Sovereign immunity; no waiver of rights or remedies at law.**

(a) Pursuant to Article X, Section 13, Florida Constitution, nothing in this chapter shall be deemed to be a provision for bringing suit against the state or otherwise be deemed to be a waiver of sovereign immunity.

(b) Nothing in this chapter shall be construed to prohibit any sovereignly immune entity from adopting its own internal policies and rules to prohibit discriminatory practices and acts and to resolve allegations or complaints of such discriminatory practice and acts to the extent allowed by law.

(c) Nothing in this chapter shall be deemed to modify, impair, or otherwise affect any other right or remedy conferred by the constitution or laws of the United States or the State of Florida, and the provisions of this chapter shall be deemed to be in addition to those provided by such other laws.

(Ord. No. 2010-15, § 2, 11-23-10)

**Secs. 22-6—22-25. - Reserved.**

## ARTICLE IV. - FAIR HOUSING

DIVISION 1. - GENERALLY

DIVISION 2. - ADMINISTRATION AND ENFORCEMENT

### DIVISION 1. - GENERALLY

[Sec. 22-50. - Generally.](#)

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[Sec. 22-52. - Discrimination in the sale or rental of housing and prohibited practices.](#)

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#### **Sec. 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, sex, or sexual orientation, and, to that end, to prohibit discrimination in housing by any person.

(Ord. No. 2010-15, § 5, 11-23-10)

#### **Sec. 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:

*Conciliation* shall mean the attempted resolution of issues raised by an aggrieved individual or by the investigation of a discriminatory practice through informal negotiation involving the aggrieved individual, the respondent and manager and/or manager's designee.

*Conciliation agreement* shall mean an agreement entered into between an aggrieved individual and a respondent resolving the alleged discriminatory practice and which may require the respondent to take affirmative action and to refrain from committing a discriminatory practice.

*Covered multifamily dwelling* shall mean (i) a building which consists of four (4) or more units and has an elevator; or (ii) the ground floor of a building which consists of four (4) or more units and does not have an elevator.

*Dwelling* shall mean any building or structure, or portion thereof, which is occupied as, or designed or intended for occupancy as, a residence by one (1) or more families, and any vacant land which is offered for sale or lease for the construction or location on the land



of any such building or structure, or portion thereof.

*Family* shall include a single individual.

*FCHR* shall mean Florida Commission on Human Relations or any of its successor organizations.

*Lending institution* shall mean any bank, insurance company, savings and loan association or any other person or organization regularly engaged in the business of lending money, guaranteeing loans, or sources of credit information, including, but not limited to, credit bureaus.

*Manager* shall mean the manager of the housing and community development division of the county, and/or the manager's designee.

*To rent* shall include to lease, to sublease, to let, and otherwise to grant for a consideration the right to occupy premises not owned by the occupant.

(Ord. No. 2010-15, § 5, 11-23-10)

**Sec. 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, sex, or sexual orientation.

(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, sex, or sexual orientation. 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, sex, or sexual orientation.

(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, sex, or sexual orientation.

(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, sex, or sexual orientation.

(4) Limiting the use of privileges, services or facilities associated with a dwelling because of age, race, color, religion, national origin, disability, marital status, familial status, sex, or sexual orientation 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, sex, or sexual orientation, 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, sex, or sexual orientation.

(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, sex, or sexual orientation of such individuals.

(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, sex, or sexual orientation.

(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, sex, or sexual orientation.

(d) It shall be unlawful to represent to any individual because of age, race, color, religion, national origin, disability, marital status, familial status, sex, or sexual orientation 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, sex, or sexual orientation.

(f) It shall be unlawful, because of age, race, color, religion, national origin, marital status, familial status, disability, sex, or sexual orientation, 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, sex, or sexual orientation, or because of the age, race, color, religion, national origin, disability, marital status, familial status, sex, or sexual

orientation 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, sex, or sexual orientation, 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, sex, or sexual orientation.

(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, sex, or sexual orientation.

(g) It shall be unlawful, because of age, race, color, religion, national origin, disability, marital status, familial status, sex, or sexual orientation, 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, sex, or sexual orientation, 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, sex, or sexual orientation.

(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, sex, or sexual orientation.

(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, sex, or sexual orientation.

(h) The protections afforded under this article against discrimination on the basis of familial status apply to any individual who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of eighteen (18) years.

(i) It shall be unlawful to discriminate in the sale or rental of, or to otherwise make unavailable or deny, a dwelling to any buyer or renter because of a disability of:

(1) That buyer or renter;

(2) An individual residing in or intending to reside in that dwelling after it is sold, rented, or made available; or

(3) Any person associated with the buyer or renter.

(j) 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 with such dwelling, because of a disability of:

(1) That buyer or renter;

(2) An individual residing in or intending to reside in that dwelling after it is sold, rented, or made available; or

(3) Any individual associated with the buyer or renter.

(k) For purposes of subsections (i) and (j), discrimination includes:

(1) A refusal to permit, at the expense of the disabled individual, reasonable modifications of existing premises occupied or to be occupied by such individual if such modifications may be necessary to afford such individual full enjoyment of the premises; or

(2) A refusal to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford such individual equal opportunity to use and enjoy a dwelling.

(l) Covered multifamily dwellings as defined herein which are intended for first occupancy after March 13, 1991, shall be designed and constructed to have at least one (1) building entrance on an accessible route unless it is impractical to do so because of the terrain or unusual characteristics of the site as determined by FCHR rule. Such buildings shall also be designed and constructed in such a manner that:

(1) The public use and common use portions of such dwellings are readily accessible to and usable by disabled individuals.

(2) All doors designed to allow passage into and within all premises within such dwellings are sufficiently wide enough to allow passage by an individual in a wheelchair.

(3) All premises within such dwellings contain the following features of adaptive design:

a. An accessible route into and through the dwelling.

b. Light switches, electrical outlets, thermostats, and other environmental controls in accessible locations.

c. Reinforcements in bathroom walls to allow later installation of grab bars.

d. Usable kitchens and bathrooms such that a person in a wheelchair can maneuver about the space.

(4) For purposes of subsection (3), compliance with the appropriate requirements

of the American National Standards Institute for buildings and facilities providing accessibility and usability for physically handicapped people, commonly cited as ANSI A117.1-1986, or as such standards may thereafter be amended, suffices to satisfy the requirements therein.

(5) State agencies with building construction regulation responsibility or local governments, as appropriate, shall review plans and specifications for the construction of covered multifamily dwellings to determine consistency with the requirements of subsection (1).

(Ord. No. 2010-15, § 5, 11-23-10)

**Sec. 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, sex, or sexual orientation.

(Ord. No. 2010-15, § 5, 11-23-10)

**Sec. 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, sex, or sexual orientation 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, sex or sexual orientation 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, sex, or sexual orientation.

(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.

(Ord. No. 2010-15, § 5, 11-23-10)

**Sec. 22-55. - Exemptions.**

(a) Single-family and multifamily dwellings.

(1) Nothing in this article applies to:

a. Any single-family house sold or rented by its owner, provided such private individual owner does not own more than three (3) single-family houses at any one (1) time. In case of the sale of a single-family house by a private individual owner who does not reside in such house at the time of the sale or who was not the most recent resident of the house prior to sale, the exemption granted by this subsection applies only with respect to one (1) sale within any 24-month period. In addition, the bona fide private individual owner shall not own any interest in, nor shall there be owned or reserved on his or her behalf, under any express or voluntary agreement, title to, or any right to all or portion of the proceeds from the sale or rental of, more than three (3) single-family houses at any one (1) time. The sale or rental of any single-family house shall be excepted from the application of this article only if the house is sold or rented:

1. Without the use in any manner of sales or rental facilities or the sales or rental services of any real estate licensee or such facilities or services of any person in the business of selling or renting dwellings, or of any employee or agent of any such licensee or person; and

2. Without the publication, posting, or mailing, after notice, of any advertisement or written notice in violation of section 22-52(c). Nothing in this provision prohibits the use of attorneys, escrow agents, abstractors, title companies and other professional assistance as is necessary to perfect or transfer the title.

b. Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four (4) families living independently of each other, if the owner actually maintains and occupies one (1) of such living quarters as his or her residence.

(2) For the purposes of subsection (1), a person is deemed to be in the business of selling or renting dwellings if the person:

a. Has, within the preceding twelve (12) months, participated in three (3) or more transactions involving the sale or rental of any dwelling or interest therein;

b. Has, within the preceding twelve (12) months, participated as agent, other than in the sale of his or her own personal residence, in providing sales or rental facilities or sales or rental services in two (2) or more transactions

involving the sale or rental of any dwelling or interest therein; or

c. If the owner of any dwelling designed or intended for occupancy by, or occupied by, five (5) or more families.

(b) Nothing in this article prohibits a religious organization or any nonprofit institution or organization operated, supervised, or controlled by or in conjunction with a religious organization from limiting the sale, rental, or occupancy of any dwelling which it owns or operates for other than a commercial purpose to individuals of same religion or from giving preference to such individuals, unless membership in such religion is restricted on account of race, color, or national origin.

(c) Nothing in this article prohibits a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodgings which it owns or operates for other than a commercial activity, from limiting the rental or occupancy of such lodgings to its members or from giving preference to members,

(d) Nothing in this article requires any person renting or selling a dwelling constructed for first occupancy before March 13, 1991, to modify, alter, or adjust the dwelling in order to provide physical accessibility except as otherwise required by law.

(e) Housing for older persons.

(1) Any provision of this article regarding age or familial status does not apply with respect to housing for older persons.

(2) Nothing in this subsection is intended to limit the applicability of any reasonable local, state, or federal restrictions regarding the maximum number of occupants permitted to occupy a dwelling.

(3) As used in this subsection, the term "housing for older persons" means housing:

a. Provided under any state or federal program that is determined by state or federal rule to be specifically designed and operated to assist elderly persons, as defined in the state or federal program;

b. Intended for, and solely occupied by, persons sixty-two (62) years of age or older;

c. Intended and operated for occupancy by persons fifty-five (55) years of age or older.

(4) In order for housing to qualify as being intended and operated for occupancy by persons fifty-five (55) years of age or older in accordance with subsection (3)c., such housing must meet the following requirements:

a. The housing facility or community publishes and adheres to policies and procedures that demonstrate the intent required under this subsection. If the housing facility or community meets the requirements of subsections (5) and subsection b. and the recorded governing documents provide for an adult, senior, or retirement housing facility or community and the governing documents lack an amendatory procedure, prohibit amendments, or restrict

amendments until a specified future date, then that housing facility or community shall be deemed housing for older persons intended and operated for occupancy by persons fifty-five (55) years of age or older. If those documents further provide a prohibition against residents sixteen (16) years of age or younger, that provision be construed, for purposes of this article, to only apply to residents eighteen (18) years of age or younger, in order to conform with federal law requirements. Governing documents which can be amended at a future date must be amended and properly recorded within one (1) year after that date to reflect the requirements for consideration as housing for older persons, if that housing facility or community intends to continue as housing for older persons.

b. The housing facility or community complies with rules made by the Secretary of the United States Department of Housing and Urban Development pursuant to 24 C.F.R. Part 100, or as that part may be thereafter amended, for verification of occupancy, which rules provide for verification by reliable surveys and affidavits and include examples of the types of policies and procedures relevant to a determination of compliance with the requirements of subsection a. Such surveys and affidavits are admissible in administrative and judicial proceedings for the purposes of such verification.

(5) In order for housing to qualify as being intended and operated for occupancy by persons fifty-five (55) years of age or older in accordance with subsection (3)c., at least eighty (80) percent of the occupied units shall be occupied by at least one (1) person fifty-five (55) years of age or older.

a. For purposes of subsection (5), occupied unit means (i) a dwelling unit that is actually occupied by one (1) or more persons on the date that the exemption is claimed; or (ii) a temporarily vacant unit, if the primary occupant has resided in the unit during the past year and intends to return on a periodic basis.

b. For purposes of subsection (5), occupied by at least one (1) person fifty-five (55) years of age or older means that on the date the exemption for housing designed for persons who are fifty-five (55) years of age or older is claimed (i) at least one (1) occupant of the dwelling unit is fifty-five (55) years of age or older; or (ii) if the dwelling unit is temporarily vacant, at least one (1) of the occupants immediately prior to the date on which the unit was temporarily vacated was fifty-five (55) years of age or older.

c. Newly constructed housing for first occupancy after March 12, 1989, need not comply with the requirements of subsection (5) until at least twenty-five (25) percent of the units are occupied. For purposes of this subsection c., newly constructed housing includes a facility or community that has been wholly unoccupied for at least ninety (90) days prior to reoccupancy due to renovation or rehabilitation.

d. Housing satisfies the requirements of subsection (5) even though:

1. On September 13, 1988, under eighty (80) percent of the occupied units in the housing facility or community were occupied by at least one (1) person fifty-five (55) years of age or older, provided that at least



eighty (80) percent of the units occupied by new occupants after September 13, 1988, are occupied by at least one (1) person fifty-five (55) years of age or older.

2. There are unoccupied units, provided that at least eighty (80) percent of the occupied units are occupied by at least one (1) person fifty-five (55) years of age or older.

3. There are units occupied by employees of the housing facility or community (and family members residing in the same unit) who are under fifty-five (55) years of age, provided the employees perform substantial duties related to the management or maintenance of the facility or community.

4. There are units occupied by persons who are necessary to provide a reasonable accommodation to disabled residents and who are under the age of fifty-five (55).

5. For a period expiring one (1) year from the effective date of 24 C.F.R. Part 100, Subpart E, there are insufficient units occupied by at least one (1) person fifty-five (55) years of age or older, but the housing facility or community, at the time the exemption is asserted (i) has reserved all unoccupied units for occupancy by at least one (1) person fifty-five (55) years of age or older until at least eighty (80) percent of the units are occupied by at least one (1) person who is fifty-five (55) years of age or older; and (ii) meets the requirements of this subsection (5).

e. For purposes of the transition provision described in subsection (d)(5), a housing facility or community may not evict, refuse to renew leases, or otherwise penalize families with children who reside in the facility or community in order to achieve occupancy of at least eighty (80) percent of the occupied units by at least one (1) person fifty-five (55) years of age or older.

f. Where application of the eighty (80) percent rule results in a fraction of a unit, that unit shall be considered to be included in the units that must be occupied by at least one (1) person fifty-five (55) years of age or older.

g. Each housing facility or community may determine the age restriction, if any, for units that are not occupied by at least one (1) person fifty-five (55) years of age or older, so long as the housing facility or community complies with the provisions of subsection (6).

(6) In order for housing to qualify as being intended and operated for occupancy by persons fifty-five (55) years of age or older in accordance with subsection (3)c., it must publish and adhere to policies and procedures that demonstrate its intent to operate as housing for persons fifty-five (55) years of age or older.

a. For purposes of subsection (6), the following factors, among others, are considered relevant in determining whether the housing facility or community has complied with this requirement:

1. The manner in which the housing facility or community is described to prospective residents;

2. Any advertising designed to attract prospective residents;
3. Lease provisions;
4. Written rules, regulations, covenants, deed or other restrictions;
5. The maintenance and consistent application of relevant procedures;
6. Actual practices of the housing facility or community; and
7. Public posting in common areas of statements describing the facility or community as for persons fifty-five (55) years of age or older.

b. Phrases such as "adult living," "adult community," or similar statements in any written advertisement or prospectus are not consistent with the intent that the housing facility or community intends to operate as housing for persons fifty-five (55) years of age or older.

c. If there is language in deed or other community or facility documents which is inconsistent with the intent to provide housing to persons who are fifty-five (55) years of age or older, consideration shall be given to documented evidence of a good-faith attempt to remove such language in determining whether the housing facility or community complies with the requirements of this section in conjunction with other evidence of intent.

d. A housing facility or community may allow occupancy by families with children as long as it meets the requirements of subsection (5) and subsection a.

(7) In order for housing to qualify as being intended and operated for occupancy by persons fifty-five (55) years of age or older in accordance with subsection (3)c., it must be able to produce, in response to a complaint filed under this article, verification of compliance with subsection (5) through reliable surveys and affidavits.

a. For purposes of subsection (7), a facility or community shall, within one hundred-eighty (180) days of the effective date of this rule, develop procedures for routinely determining the occupancy of each unit, including the identification of whether at least one (1) occupant of each unit is fifty-five (55) years of age or older. Such procedures may be part of a normal leasing or purchasing arrangement.

b. The procedures described in subsection a. must provide for regular updates, through surveys or other means, of the initial information supplied by the occupants of the housing facility or community. Such updates must take place at least once every two (2) years. A survey may include information regarding whether any units are occupied by persons described in subsections (5)d.1., (5)d.3., and (5)d.4.

c. Any of the following documents are considered reliable documentation of the age of the occupants of the housing facility or community:

1. Driver's license;

2. Birth certificate;
3. Passport;
4. Immigration card;
5. Military identification;
6. Any other state, local, national, or international official documents containing a birth date of comparable reliability; or
7. A certification in a lease, application, affidavit, or other document signed by any member of the household age eighteen (18) or older asserting that at least one (1) person in the unit is fifty-five (55) years of age or older.

d. A facility or community shall consider any one (1) of the forms of verification identified above as adequate for verification of age, provided that it contains specific information about current age or date of birth.

e. The housing facility or community must establish and maintain appropriate policies to require that occupants comply with the age verification procedures required by this subsection (7).

f. If the occupants of a particular dwelling unit refuse to comply with the age verification procedures, the housing facility or community may, if it has sufficient evidence, consider the unit to be occupied by at least one (1) person fifty-five (55) years of age or older. Such evidence may include:

1. Government records or documents, such as a local household census;
2. Prior forms or applications; or
3. A statement from an individual who has personal knowledge of the age of the occupants. The individual's statement must set forth the basis for such knowledge and be signed under the penalty of perjury.

g. Surveys and verification procedures which comply with the requirements of this subsection (7) shall be admissible in administrative and judicial proceedings for the purpose of verifying occupancy.

h. A summary of occupancy surveys shall be available for inspection upon reasonable notice and request by any person.

(8) Housing shall not fail to be considered housing for older persons if:

a. An individual who resides in such housing on or after September 13, 1988, does not meet the age requirements of this subsection (e), provided that any new occupant meets such age requirements;

b. One (1) or more units are unoccupied, provided that any unoccupied units are reserved for occupancy by individuals who meet the age requirements of this subsection (e); or

c. There are units occupied by employees of the housing (and family members residing in the same unit) who do not meet the age requirements of this subsection (e), provided they perform substantial duties directly related to the management or maintenance of the housing.

(9) A person shall not be personally liable for monetary damages for a violation of this subsection (e) if such person reasonably relied in good faith on the application of the exemption under this subsection relating to housing for older persons.

a. For purposes of this subsection (9), a person claiming the good-faith belief defense must have actual knowledge that the housing facility or community has, through an authorized representative, asserted in writing that it qualifies for a housing for older persons exemption.

b. Before the date on which the discrimination is claimed to have occurred, a community or facility, through its authorized representatives, must certify, in writing and under oath or affirmation, to the person subsequently claiming the defense that it complies with the requirements for such an exemption as housing for persons fifty-five (55) years of age or older in order for such person to claim the defense.

c. For purposes of this subsection (9), an authorized representative of a housing facility or community means the individual, committee, management company, owner, or other entity having the responsibility for adherence to the requirements established by this subsection (e).

d. For purposes of this subsection (9), a person means a natural person.

e. A person shall not be entitled to the good faith defense if the person has actual knowledge that the housing facility or community does not, or will not, qualify as housing for persons fifty-five (55) years of age or older. Such a person will be ineligible for the good faith defense regardless of whether the person received the written assurance described in this subsection (9).

(10) A facility or community claiming an exemption under this subsection (e) shall register with the FCHR in accordance with F.S. (2010) § 760.29(4)(e), or as that section may thereafter be amended. The information provided to the FCHR will be available to the public in accordance with the provisions of F.S. (2010) § 760.29(4)(e), or as that section may thereafter be amended. The registration and documentation required by this subsection shall not substitute for proof of compliance with the requirements of this subsection. Failure to comply with the requirements of this subsection shall not disqualify a facility or community that otherwise qualifies for the exemption provided in this subsection.

(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, sex, or sexual orientation.

(2) Limits the applicability of any reasonable local restriction regarding the maximum number of occupants permitted to occupy a dwelling.

(3) Requires that a dwelling be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others.

(4) Prohibits conduct against an individual because such individual has been convicted by any court of competent jurisdiction of the illegal manufacture or distribution of a controlled substance as defined under F.S. (2010) ch. 893, or as that chapter may thereafter be amended.

(Ord. No. 2010-15, § 5, 11-23-10)

## **DIVISION 2. - ADMINISTRATION AND ENFORCEMENT**

[Sec. 22-56. - Manager of the housing and community development division.](#)

[Sec. 22-57. - Complaints—Filing.](#)

[Sec. 22-58. - Same—Processing.](#)

[Sec. 22-59. - Enforcement.](#)

[Sec. 22-60. - Education and public information.](#)

[Sec. 22-61. - Burden of proof.](#)

### **Sec. 22-56. - Manager of the housing and community development division.**

(a) *Authority; responsibility for administration.* The authority and responsibility for administering this article shall be vested in the manager or a duly authorized agency designated by the manager.

(b) *Powers and duties.* The manager, or a duly authorized agency, shall administer the provisions of this article as set forth above, and shall have the following powers and duties:

(1) To receive written complaints as provided in section 22-57 relative to alleged unlawful acts as prohibited under this article.

(2) Upon receiving a written complaint, make such investigations as the manager deems appropriate to ascertain facts and issues.

(3) Utilize methods of persuasion, conciliation and mediation for informal resolution of complaints.

(4) Establish, administer or review fair housing programs at the request of the board of county commissioners and make reports on such programs to the board.

(5) Cooperate with and render technical assistance to federal, state, local and other public and private agencies or organizations and institutions which are formulating or carrying on programs to prevent or eliminate the unlawful discriminatory practices covered by the provisions of this article.

(Ord. No. 2010-15, § 3, 11-23-10)

### **Sec. 22-57. - Complaints—Filing.**

(a) A person who claims that another person has committed a discriminatory housing

practice against him or her may report 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 or sexual orientation).
- (4) Name, address and signature of complainant.

(c) Within fifteen (15) working days after the filing of a complaint, the manager or a duly authorized agency shall transmit a copy of the same to each respondent named therein by certified mail, return receipt requested. Thereupon the respondent may file a written, verified answer to the complaint within twenty (20) working days of the date of receipt of the complaint from the manager.

(d) A complaint or answer may be amended at any time when it would be fair and reasonable to do so, and the manager, or a duly authorized agency shall furnish a copy of each amended complaint or answer to the respondent or complainant, respectively, as promptly as practicable.

(e) The manager or a duly authorized agency shall assist the complainant or respondent when necessary in the preparation and filing of complaints or answers or any amendments thereto, or response to such amendments.

(f) The manager or a duly authorized agency shall advise complainants of their rights and options provided in this section 22-57 of this article.

(Ord. No. 2010-15, § 3, 11-23-10)

**Sec. 22-58. - Same—Processing.**

(a) Within one hundred (100) days after the filing of a complaint, the manager shall make such investigation as deemed appropriate to ascertain facts and issues. If the manager deems that there are reasonable grounds to believe that a violation of this article has occurred and can be resolved by conciliation, the manager shall attempt to conciliate the matter by methods of initial conference and persuasion with all interested parties and such representatives as the parties may choose to assist them. If the manager deems it advisable and of benefit to the concerned parties, the services of a "disinterested source" may be obtained for the purpose of conciliation.

(b) If the parties desire to conciliate, the terms of the conciliation shall be reduced to writing in the form approved by the manager, and must be signed and verified by the complainant and respondent and approved by the manager. The conciliation agreement is for conciliation purposes only and does not constitute admission by any party that the law has been violated.

(c) If the manager or a duly authorized agency deems that there is not sufficient evidence to form a belief that a violation of this article has occurred, the manager shall take no further action with respect to the alleged offense and shall so notify the complainant and respondent by certified mail, return receipt requested.

(d) If the manager or a duly authorized agency, with respect to any matter which reasonably appears to be in violation of this article:

(1) Determines that there has been a failure to conciliate a complaint after the parties, in good faith, have attempted conciliation; or

(2) Determines that the violation alleged in the complaint cannot be resolved by conciliation;

then the manager or a duly authorized agency shall so notify both the complainant and the respondent within thirty (30) days of making of such determination.

(Ord. No. 2010-15, § 3, 11-23-10)

**Sec. 22-59. - Enforcement.**

Where pursuant to a failure of conciliation, any complaint presented by the complainant, and where in the manager's opinion such action is warranted, all evidence gathered relevant to any alleged violation of this article may be submitted to the proper state or federal authorities for further investigation or appropriate legal action.

(Ord. No. 2010-15, § 3, 11-23-10)

**Sec. 22-60. - Education and public information.**

The manager may conduct educational and public information activities that are designed to promote the policy of this article.

(Ord. No. 2010-15, § 3, 11-23-10)

**Sec. 22-61. - Burden of proof.**

In any proceeding brought pursuant to this article, the burden of proof shall be on the complainant.

(Ord. No. 2010-15, § 3, 11-23-10)

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2011-2016  
ANALYSIS OF  
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FAIR HOUSING  
CHOICE

*Appendix*  
FAIR HOUSING  
CONTINUUM TESTING  
REPORT





**APPENDIX D:**

**FAIR HOUSING CONTINUUM REPORT**

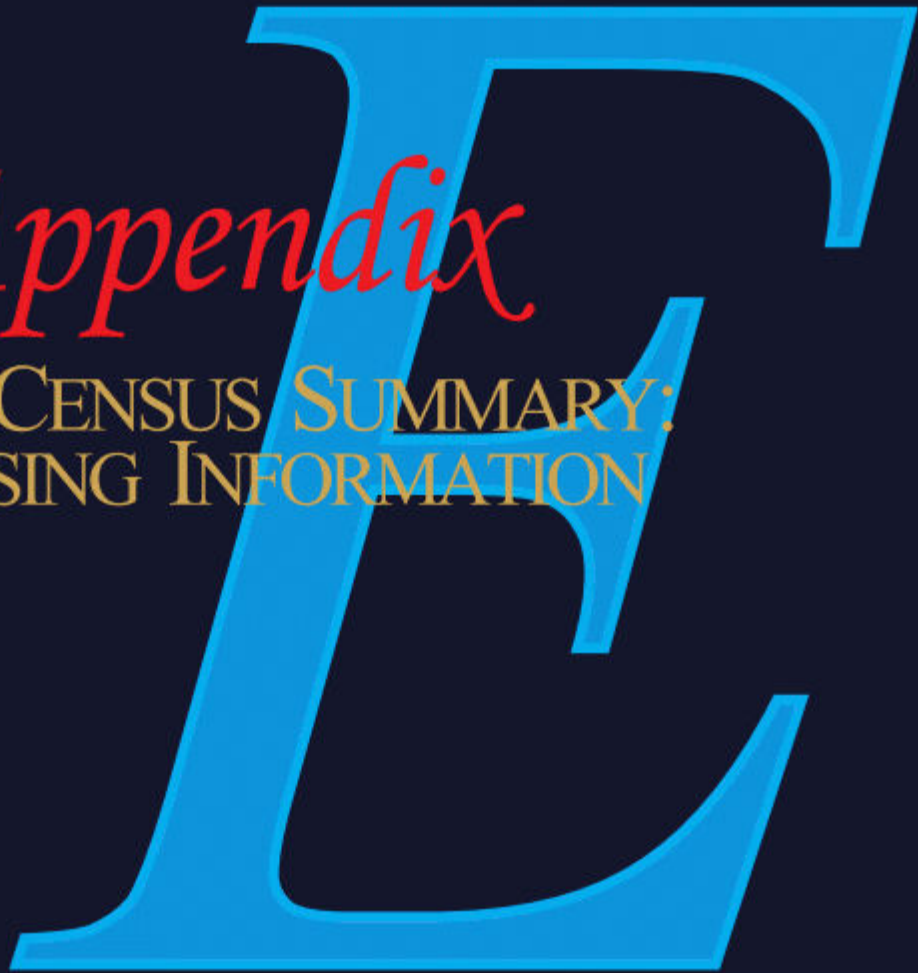
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CHOICE

*Appendix*

2010 CENSUS SUMMARY:  
HOUSING INFORMATION





**APPENDIX E:  
2010 CENSUS SUMMARY: HOUSING INFORMATION**

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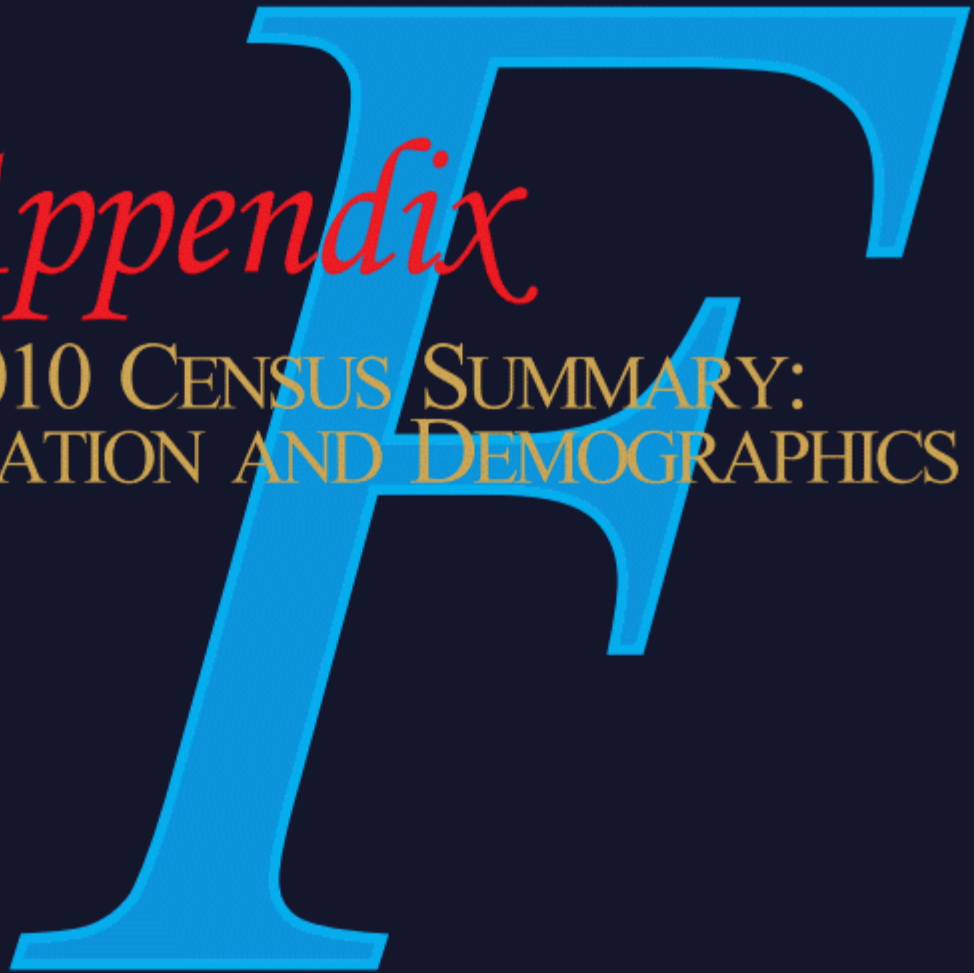




2011-2016  
ANALYSIS OF  
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CHOICE

*Appendix*

2010 CENSUS SUMMARY:  
POPULATION AND DEMOGRAPHICS





**APPENDIX F:  
2010 CENSUS SUMMARY POPULATION AND  
DEMOGRAPHICS**

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*Appendix*

2009 DISPOSITION OF  
LOAN APPLICATIONS  
BY LOCATION AND  
TYPE (HMMDA DATA)





**APPENDIX G:  
2009 DISPOSITION OF LOAN APPLICATIONS BY LOCATION  
AND TYPE (HMDA DATA)**

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*Appendix*

FINANCIAL INSTITUTIONS  
IN THE ORLANDO MSA





**APPENDIX H:  
FINANCIAL INSTITUTIONS IN THE ORLANDO MSA**

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CHOICE

# *Appendix*

## MAPS

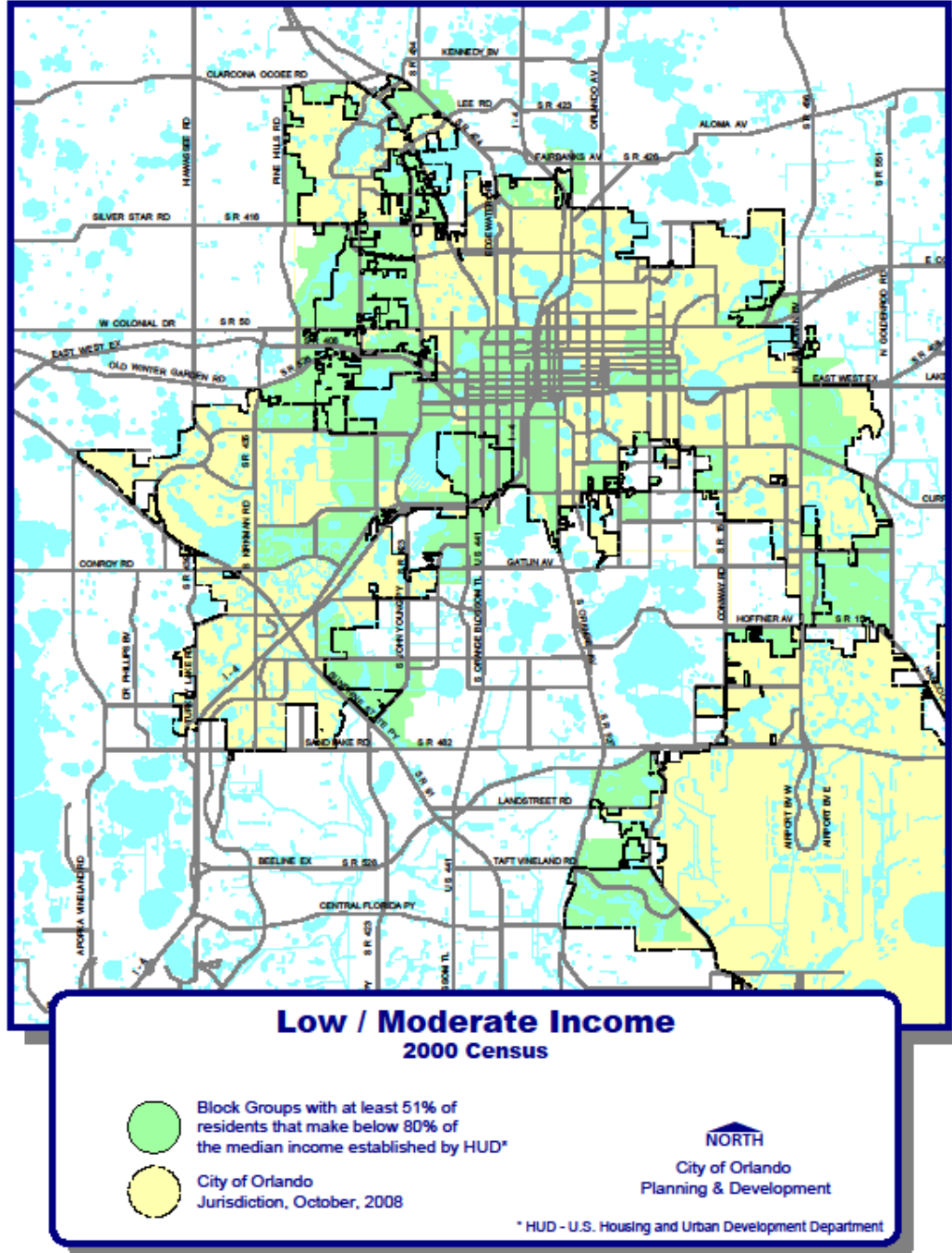
- MINORITY CONCENTRATIONS
- LOW INCOME CONCENTRATIONS
- FORECLOSURE ACTIVITY



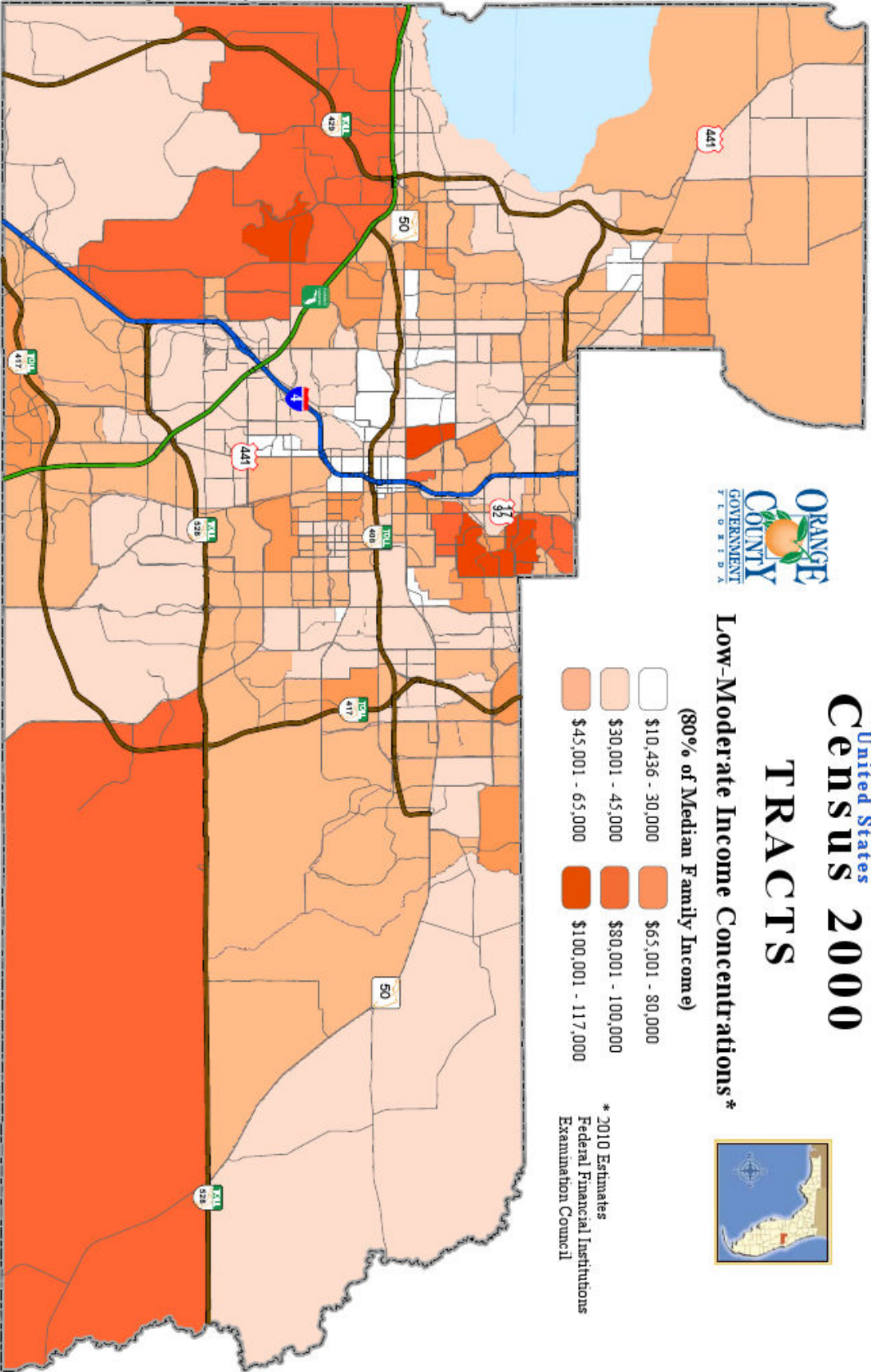


# APPENDIX I: MAPS

## Map 1: City of Orlando Income Distribution

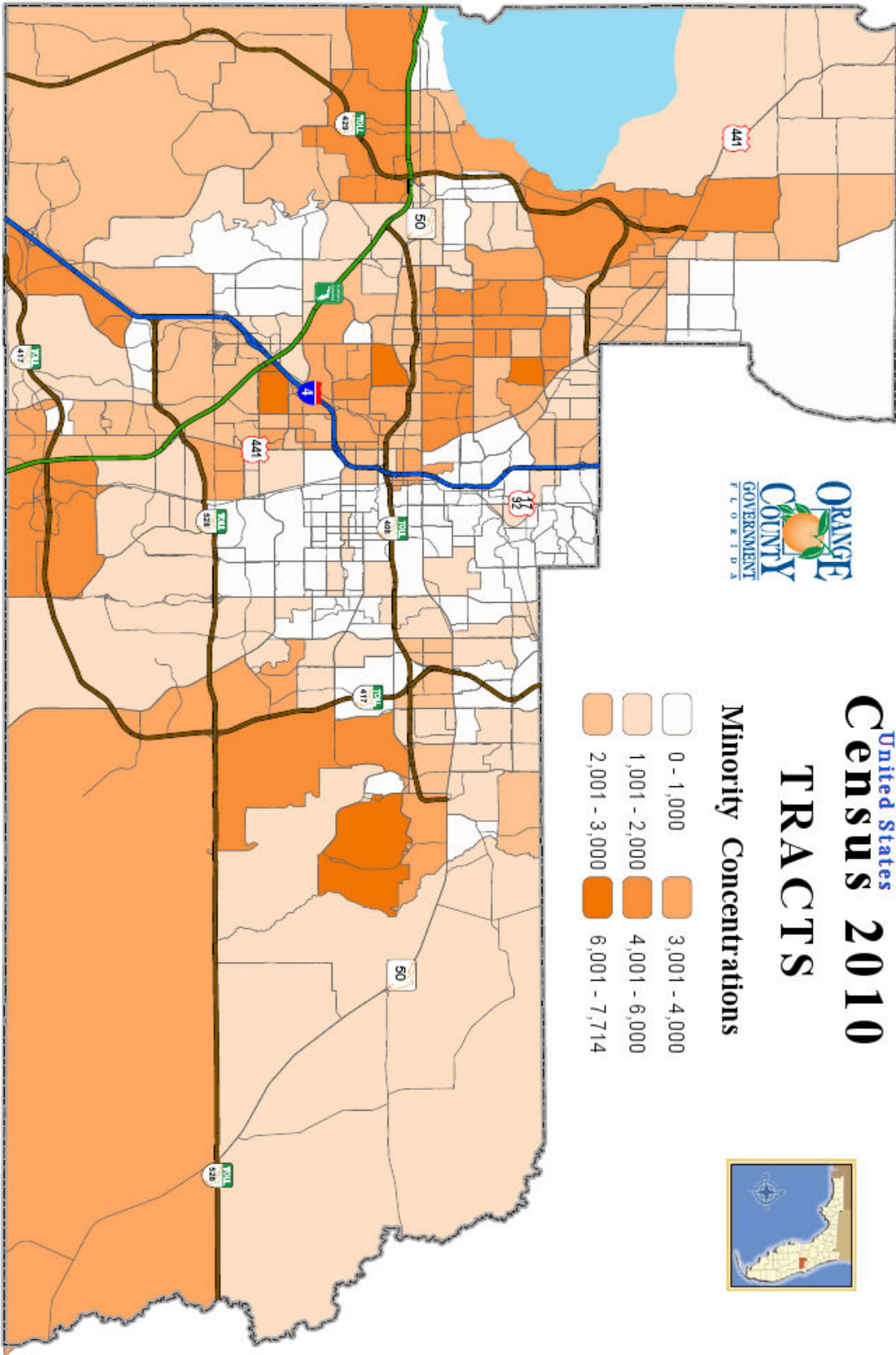


Map 2: Orange County Income Distribution

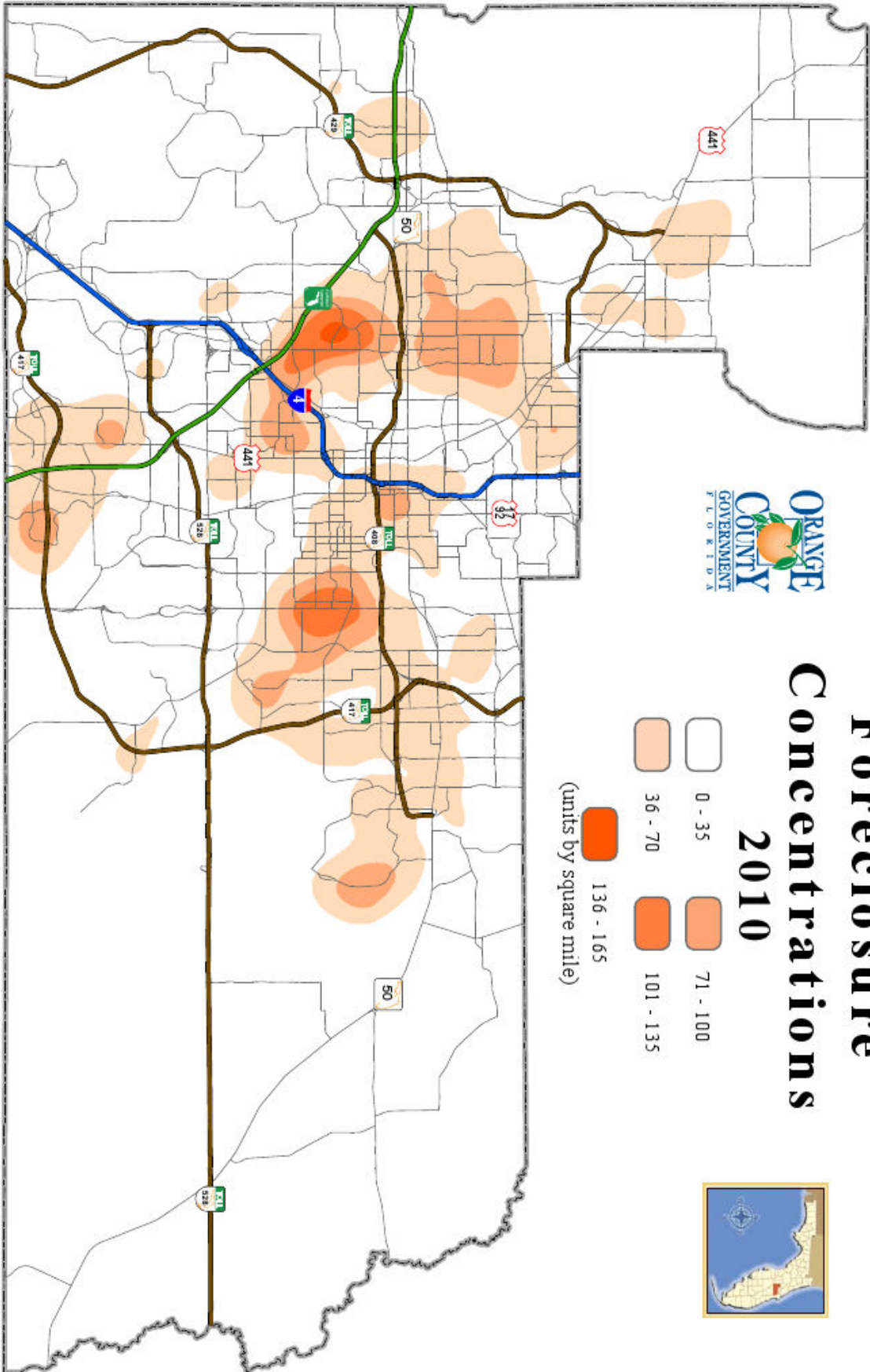




Map 3: Orange County Minority Distribution



Map 4: Foreclosure Distribution



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CHOICE



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