

ORDINANCE NO. _____

**AN ORDINANCE AMENDING CITY CODE CHAPTER 5-1 RELATING TO
SOURCE OF INCOME AND HOUSING DISCRIMINATION.**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. City Code Sections 5-1-1 (*Declaration of Policy*) and 5-1-2 (*Scope*) are amended to read as follows:

§ 5-1-1 DECLARATION OF POLICY.

- (A) It is the policy of the City to bring about through fair, orderly and lawful procedures, the opportunity of each person to obtain housing without regard to race, color, creed, religion, sex, national origin, disability, student status, marital status, familial status, sexual orientation, gender identity, [ø] age, or source of income.
- (B) This policy is established upon a recognition of the inalienable rights of each individual to obtain housing without regard to race, color, creed, religion, sex, national origin, disability, student status, marital status, familial status, sexual orientation, gender identity, [ø] age, or source of income; and further that the denial of such rights through considerations based on race, color, creed, religion, sex, national origin, disability, student status, marital status, familial status, sexual orientation, gender identity, [ø] age, or source of income, is detrimental to the health, safety and welfare of the inhabitants of the City and constitutes an unjust denial or deprivation of such inalienable rights which is within the power and the proper responsibility of the government to prevent.

§ 5-1-2 SCOPE.

To provide a procedure for investigating and settling complaints of discriminatory housing practices which are violations of state and federal law, to provide rights and remedies substantially equivalent to those granted under federal law and to permit the director to accept referrals of complaints from the Secretary of Housing and Urban Development and from the Civil Rights Division of the Texas Workforce Commission. Article 2 (*Discrimination in Housing – Fair Housing Act Compliance*) prohibits discrimination in housing on the basis of race, color, sex, religion, disability, familial

status or national origin and establishes procedures to enforce the provisions of federal and state law.

- (A) Even though federal law protects individuals against discrimination in housing based on race, color, sex, religion, disability, familial status or national origin, it is the policy of the City that no person should be denied opportunity to obtain housing on the basis of creed, student status, marital status, sexual orientation, gender identity, [ø] age, or source of income.

PART 2. City Code Section 5-1-13 (*Definitions*) is amended to add a new definition of "Source of Income" to read as follows and to renumber the remaining definitions accordingly.

- (24) **SOURCE OF INCOME** means lawful, regular, and verifiable income including, but not limited to, housing vouchers and other subsidies provided by government or non-governmental entities, child support, or spousal maintenance, but does not include future gifts.

PART 3. City Code Chapter 5-1 Article 2 (*Discrimination in Housing-Fair Housing Act Compliance*) is amended to add a new Section 5-1-19 to read as follows:

§ 5-1-19 APPLICABILITY; SOURCE OF INCOME.

- (A) Subject to Subsections (B) and (C), the provisions of this article, as they relate to unlawful discriminatory practices on the basis of source of income, shall not apply to a person who owns less than five rental dwellings, except that the prohibition against discriminatory advertising in Section 5-1-52 (*Publication Indicating Discrimination*) shall apply to a person described in this subsection.
- (B) The exemption described in Subsection (A) does not apply to a person with a legal, equitable, direct or indirect ownership interest in one or more legal entities and the person and legal entities own more than four rental dwellings.
- (C) The exemption described in Subsection (A) does not apply to a person that uses another person to manage its rental dwellings.

~~The provisions of this article, as they relate to unlawful discriminatory practices on the basis of source of income, shall not apply to the rental of a single family dwelling, duplex, triplex, or fourplex dwelling, except that the prohibition against discriminatory advertising City Code Section 5-1-52 (*Publication Indicating Discrimination*) shall apply to dwellings described in this paragraph.~~

PART 4. City Code Sections 5-1-51 (*Discrimination in Sale or Rental of Housing*), 5-1-52 (*Publication Indicating Discrimination*), 5-1-53 (*Availability for Inspection, Sale, or Rental*), 5-1-54 (*Entry Into Neighborhood*), 5-1-56 (*Residential Real Estate Related Transactions*), and 5-1-57 (*Brokerage Services*) are amended to read as follows:

§ 5-1-51 DISCRIMINATION IN SALE OR RENTAL OF HOUSING.

- (A) A person may not refuse to sell or rent a dwelling to a person who has made a bona fide offer; refuse to negotiate for the sale or rental of a dwelling; or otherwise make unavailable or deny to a dwelling to any person based on race, color, religion, sex, sexual orientation, gender identity, age, familial status, disability, marital status, student status, creed, [øf] national origin, or source of income.
- (B) A person may not discriminate against a person in the terms, conditions, or privileges of sale or rental of a dwelling or in providing services or facilities in connection with the sale or rental, based on race, color, religion, sex, sexual orientation, gender identity, age, familial status, disability, marital status, student status, creed, [øf] national origin, or source of income.
- (C) This section does not prohibit discrimination against a person because the person has been convicted under federal law or the law of any state of the illegal manufacture or distribution of a controlled substance, but does not permit discrimination based on a disability.

§ 5-1-52 PUBLICATION INDICATING DISCRIMINATION.

A person may not 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, sexual orientation, gender identity, disability, age, familial status, marital status, student status, creed, [øf] national origin, or source of income, or an intention to make such a preference, limitation, or discrimination.

§ 5-1-53 AVAILABILITY FOR INSPECTION, SALE, OR RENTAL.

A person may not represent to a person based on race, color, religion, sex, sexual orientation, gender identity, disability, age, familial status, marital status, student status, creed, [øf] national origin, or source of income that a dwelling is not available for inspection, sale or rental when the dwelling is available for inspection.

§ 5-1-54 ENTRY INTO NEIGHBORHOOD.

A person may not, for profit, induce or attempt to induce a person to sell or rent a dwelling by representations regarding the entry or prospective entry into a neighborhood

of a person of a particular race, color, religion, sex, sexual orientation, gender identity, disability, age, familial status, marital status, student status, creed, [øf] national origin, or source of income.

§ 5-1-56 RESIDENTIAL REAL ESTATE RELATED TRANSACTIONS.

- (A) A person whose business includes engaging in residential real estate related transactions may not discriminate against a person in making a real estate related transaction available or in the terms or conditions of a real estate related transaction because of race, color, religion, sex, sexual orientation, gender identity, disability, age, familial status, marital status, student status, creed, [øf] national origin, or source of income.
- (B) In this section “residential real estate related transaction” means:
 - (1) Making or purchasing loans or providing other financial assistance:
 - (a) To purchase, construct, improve, repair, or maintain a dwelling; or
 - (b) Secured by residential real estate; or
 - (2) Selling, brokering, or appraising residential real property.

§ 5-1-57 BROKERAGE SERVICES.

A person may not deny any person access to, or membership or participation in, a multiple-listing service, real estate brokers’ organization or other service, organization, or facility relating to the business of selling or renting dwellings, or discriminate against a person in the terms or conditions of access, membership, or participation in such an organization, service, or facility because race, color, religion, sex, sexual orientation, gender identity, disability, age, familial status, marital status, student status, creed, [øf] national origin, or source of income.

PART 3. This ordinance takes effect on December 1, 2014.

PASSED AND APPROVED

_____, 2014

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Lee Leffingwell
Mayor

APPROVED: _____
Karen M. Kennard
City Attorney

ATTEST: _____
Jannette S. Goodall
City Clerk