

Ordinance No. _____

An ordinance amending "The Fair Housing Code" Chapter of the Code of the City of Arlington, Texas, 1987, through the amendment of Article I, General Provisions, Section 1.01, Declaration of Policy; Section 1.03, Discrimination Prohibited, Subsections (A) and (C); Section 1.06, Religious Organization, Nonprofit Organization and Private Club Exemption, Subsection (A)(2); Section 1.07, Appraisal Exemption; and Section 1.10, Complaint, Subsection (A)(6); relative to adding "sexual orientation and gender identity" to the list of protected statuses; providing this ordinance be cumulative; providing for severability; providing for governmental immunity; providing for injunctions; providing for publication and becoming effective ten days after first publication

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON, TEXAS:

1.

That "**The Fair Housing Code**" Chapter of the Code of the City of Arlington, Texas, 1987, is hereby amended through the amendment of **Article I, General Provisions, Section 1.01, Declaration of Policy**, so that said Section shall be and read as follows:

Section 1.01 Declaration of Policy

It is hereby declared to be the policy of the City of Arlington to promote, through fair, orderly and lawful procedures, the opportunity for each person to obtain housing without regard to his/her race, color, religion, sex, national origin, disability, familial status, sexual orientation or gender identity. This policy is grounded upon a recognition of the right of every person to have access to adequate housing of his/her own choice without regard to race, color, religion, sex, national origin, disability, familial status, sexual orientation or gender identity. Further, this policy is based upon a recognition that the denial of such rights through considerations based upon race, color, religion, sex, national origin, disability, familial status, sexual orientation or gender identity is detrimental to the health, safety and welfare of the inhabitants of the City of Arlington and constitutes an unjust denial or deprivation of an inalienable right which is within the power and the proper responsibility of government to prevent.

Further, **Article I, Section 1.03, Discrimination Prohibited, Subsection (A)**, is hereby amended by the amendment of the first paragraph so that said paragraph shall be and read as follows:

- A. Sale or Rental of Housing. A person engages in a prohibited discriminatory act if because of race, color, religion, sex, disability, familial status, national origin, sexual orientation or gender identity, he/she:

Further, **Article I, Section 1.03, Subsection (C)**, is hereby amended so that said subsection shall be and read as follows:

C. Other Prohibited Discriminatory Acts.

1. Publication. 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, disability, familial status, national origin, sexual orientation or gender identity, or an intention to make such a preference, limitation or discrimination.
2. Inspection. A person may not, because of race, color, religion, sex, disability, familial status, national origin, sexual orientation or gender identity, represent to any person that a dwelling is not available for inspection, sale or rental when the dwelling is available for inspection, sale or rental.
3. 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, disability, familial status, national origin, sexual orientation or gender identity.
4. 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, disability, familial status, national origin, sexual orientation or gender identity.
 - b. In this section, "residential real estate related transaction" means any of the following:
 - (1) The making or purchasing of loans or providing other financial assistance;
 - (a) For purchasing, construction, improving, repairing or maintaining a dwelling; or
 - (b) Secured by residential real estate;

- (2) The selling, brokering or appraising of residential real property.
5. 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 of race, color, religion, sex, disability, familial status, national origin, sexual orientation or gender identity.

Further, **Article I, Section 1.06, Religious Organization, Nonprofit Organization and Private Club Exemption, Subsection (A)(2)**, is hereby amended so that said subsection shall be and read as follows:

2. Giving preference to persons of the same religion, unless membership in the religion is restricted because of race, color, sex, national origin, sexual orientation or gender identity.

Further, **Article I, Section 1.07, Appraisal Exemption**, is hereby amended so that said Section shall be and read as follows:

Section 1.07 Appraisal Exemption

This Chapter does not prohibit a person engaged in the business of furnishing appraisals of real property from taking into consideration factors other than race, color, religion, sex, disability, familial status, national origin, sexual orientation or gender identity.

Further, **Article I, Section 1.10, Complaint, Subsection (A)(6)**, is hereby amended so that said subsection shall be and read as follows:

6. Concise statement of the facts of the discriminatory housing practice, including the basis of the discrimination (race, color, religion, sex, disability, familial status, national origin, sexual orientation or gender identity).

2.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Arlington, and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be

inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

3.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

4.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Arlington in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

5.

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Arlington in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of Arlington.

6.

The caption of this ordinance shall be published in a newspaper of general circulation in the City of Arlington, in compliance with the provisions of Article VII, Section 15, of the City Charter. Further, this ordinance may be published in pamphlet form and shall be admissible in such form in any court, as provided by law.

7.

This ordinance shall become effective ten (10) days after first publication as described above.

PRESENTED AND GIVEN FIRST READING on the _____ day of _____, 2021, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the _____ day of _____, 2021, by a vote of _____ ayes and _____ nays at a special meeting of the City Council of the City of Arlington, Texas.

W. JEFF WILLIAMS, Mayor

ATTEST:

ALEX BUSKEN, City Secretary

APPROVED AS TO FORM:
TERIS SOLIS, City Attorney

BY Elisabeth Kaye