

LAKE WALES

OFFICIAL CODE OF ORDINANCES

CHAPTER 13. HOUSING

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LAKE WALES

CHAPTER 13. HOUSING

Article I. In General

Article II. Housing Code

§ 13-26. Housing code—Adopted.

Effective: Tuesday, July 18, 2017

There is hereby adopted by reference that certain code known and referred to as the Standard Housing Code, latest edition, as published by the Southern Building Code Congress International, Inc., save and except such portions as are hereinafter deleted, modified or amended. The same is hereby declared to be the official housing code of the City of Lake Wales, Polk County, Florida.

(Code 1962, § 8-11; Ord. No. 2017-13, § 2, 7-18-2017)

§ 13-27. Same—Amendments.

Sections 106.1 and 106.2, "Appointment" and "Term of Office," are hereby amended to read as follows:

The zoning board of adjustments and appeals shall be the board of adjustments and appeals under this code.

(Code 1962, § 8-12)

Article III. Fair Housing

§ 13-46. Declaration of policy.

It is hereby declared to be the policy of the city to foster the public health, public safety and general welfare, by providing for, within constitutional and statutory limitations, equal opportunity for all persons, regardless of race, color, ancestry, national origin, religion, sex, marital status, familial status, handicap or age in obtaining adequate housing, and to that end to eliminate discrimination in housing. It is the express intention of the City to protect those classes of individuals who are protected by the state's Fair Housing Act, F.S. §§ 760.20 through 760.37, as amended from time to time. In any conflict between this chapter and the state's Fair Housing Act, that Act shall prevail.

(Code 1962, § 9½-11; Ord. No. 2002-31, § 1, 11-19-02)

§ 13-47. Objectives.

The objective of this article is to provide a positive means to implement the policy stated above by promoting equal housing opportunity and to discourage and eliminate discriminatory practices by timely processing of complaints, by conciliation and mediation, and by public hearings.

(Code 1962, § 9½-12)

§ 13-48. Definitions.

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

Family means a group living together as a unit and including an individual.

Housing means any building, facility or structure, or portion thereof, which is used or occupied or is intended, arranged or designed to be used or occupied as the home, residence or sleeping place of one (1) or more individuals, groups or families and any vacant land offered for sale or lease for the construction or location thereon of such building, facility or structure.

Lending institution means any bank, insurance company, savings and loan association or any other person or organization regularly engaged in the business of lending money or guaranteeing loans.

Persons includes one (1) or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers and fiduciaries.

Real estate broker means any person duly licensed as a real estate broker in accordance with the laws of the State of Florida.

Real estate salesman means any person duly licensed as a real estate salesman in accordance with the laws of the State of Florida.

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

(Code 1962, § 9½-13)

§ 13-49. Rights of the seller, lessor, property owner or his authorized agent.

Nothing contained in this article shall preclude the seller, lessor, property owner or his authorized agent from setting forth reasonable rules, regulations, terms and conditions pertaining to the sale or lease or disposal of his or her property provided such rules, regulations, terms and conditions are not based on race, color, religion, sex, national origin or ancestry.

(Code 1962, § 9½-14)

§ 13-50. Discriminatory housing practices.

Except as provided in section 13-53 hereof, it shall be an unlawful discriminatory housing practice to:

- (1) 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, sex, religion, national origin or ancestry.
- (2) 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, national origin, or ancestry.

(3) 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, national origin or ancestry or an intention to make any such preference, limitation, or discrimination.

(4) Represent to any person because of race, color, religion, national origin or ancestry that any dwelling is not available for inspection, sale or rental when such dwelling is in fact so available to persons who are financially qualified.

(5) Induce or attempt to induce any person to transfer an interest in any housing by representations regarding the existing or potential proximity of real property owned, used or occupied by any person of any particular race, color, religion, national origin or ancestry by direct or indirect methods.

(6) Promote, induce, influence or attempt to promote, induce or influence by the use of postal cards, letters, circulars, telephone, visitation or any other means, directly or indirectly, a property owner, occupant, or tenant to list for sale, sell, remove from, lease, assign, transfer or otherwise dispose of any housing by referring as a part of a process or pattern of inciting neighborhood unrest, community tension or fear of racial, color, religious, nationality or ethnic change in any street, block, neighborhood, or any other area to the race, color, religion, national origin or ancestry of actual or anticipated neighbors, tenants or other prospective buyers of any housing.

(7) Cause to be made any untrue or intentionally misleading statement, advertise or in any other manner attempt as part of a process or pattern of inciting neighborhood unrest, community tension or fear of racial, color, religious, nationality or ethnic change in any street, block, neighborhood, or any other area, to obtain a listing of any housing for sale, rental, assignment, transfer or other disposition, where such statement, advertising or other representation is false or materially misleading, or where there is insufficient basis to judge its truth or falsity to warrant making the statement, or to make any other material misrepresentations in order to obtain such listing, sale, removal from, lease, assignment, transfer or other disposition of said housing.

(8) Make, as part of a process or pattern of discouraging the purchase, rental, occupancy or other use of any housing in a particular block or neighborhood area, any representation to a person known to be a prospective purchaser that such block or neighborhood or area may undergo, is undergoing, or has undergone a change with respect to racial, color, religious, nationality or ethnic composition of such block or neighborhood or area.

(9) Cause or coerce, or attempt to cause or coerce, any person to retaliate against any other person because such person has lawfully opposed any act or failure to act that is a violation of this article or has, in good faith, filed a complaint, testified, participated or assisted in any way in any proceeding under this article, or prevent any person from complying with this article.

(Code 1962, § 9½-15)

CROSS REFERENCE

Licenses and business regulations, Ch. 14.

§ 13-51. Discrimination in the financing of housing.

It shall be an unlawful discriminatory housing practice for any bank, building and loan association, insurance company or other corporation, association, firm or enterprise whose business consists in whole or in part in the making of real estate loans, to deny a loan or other financial assistance to any financially qualified person applying therefor for the purpose of purchasing, construction, improving, repairing, or maintaining a dwelling or to discriminate against him in the fixing of the amount, interest rate, duration, or other terms or conditions of such loan or other financial assistance, because of the race, color, religion, national origin or ancestry of such person or any person associated with him in connection with such loan or other financial assistance, or the purposes of such loan or other financial assistance, or 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; provided, that nothing contained in this section shall impair the scope or effectiveness of the exceptions in section 13-53 hereof.

(Code 1962, § 9½-16)

CROSS REFERENCE

Licenses and business regulations, Ch. 14.

§ 13-52. Discrimination in the provision of brokerage services.

It shall be an unlawful discriminatory housing practice to deny any person who is otherwise professionally qualified by state law, access to or membership or participation in any multiple listing service, real estate brokers' organization, or facility relating to the business of selling or renting dwellings, or to discriminate against him in the terms or conditions of such access, membership, or participation, on account of race, color, religion, national origin or ancestry.

(Code 1962, § 9½-17)

CROSS REFERENCE

Licenses and business regulations, Ch. 14.

§ 13-53. Exceptions.

Nothing in sections 13-50 through 13-52 shall apply to:

- (1) A religious organization, association or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color, national origin or ancestry.
 - (2) 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 residence.
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(3) Any single-family house or duplex sold or rented by an owner, who does not own more than three (3) such single-family houses or duplexes at any one (1) time, if such house is sold and rented without the use in any manner of the sales or rental services of any real estate broker or real estate salesman or person in the business of selling or renting dwellings and without the publication, posting or mailing of any advertisement or written document in contravention of section 13-50, but, this shall not prohibit the use of attorney, escrow agents, abstractors, title companies and such other professional assistance as is necessary to perfect or transfer title to a dwelling. For the purpose of subsections (2) and (3), a person shall be deemed to be in the business of selling or renting dwellings if:

- a. He has, within the preceding twelve (12) months, participated as principal in three (3) or more transactions involving the sale or rental of any dwelling or any interest therein; or
- b. He has, within the preceding twelve (12) months, participated as agent, other than in the sale of his 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 any interest therein; or
- c. He is the owner of any dwelling designed or intended for occupancy by, or occupied by, five (5) or more families.

(Code 1962, § 9½-18)