

**THIS IS A DRAFT COPY ONLY AND IS NOT AN OFFICIAL COPY OF THE FINAL,
ADOPTED ORDINANCE**

ORDINANCE G-

**AN ORDINANCE AMENDING CHAPTER 18 OF THE PHOENIX CITY
CODE RELATING TO FAIR HOUSING**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PHOENIX as follows:

SECTION 1. That the Phoenix City Code, Section 18-11 is amended as follows:

Sec. 18-11. Declaration of policy.

It is the intent of the City of Phoenix to undertake vigorous steps to provide equal opportunity AND PROTECT PEOPLE FROM DISCRIMINATION in housing WHICH INCLUDES, BUT IS NOT LIMITED TO, SINGLE-FAMILY HOMES, SEMI-DETACHED HOMES, MULTIFAMILY HOMES, TOWNHOMES, CONDOMINIUMS, AND MANUFACTURED HOMES; resolve housing discrimination disputes at the local level in a timely, cost efficient and effective manner; extend housing discrimination protection based upon disability, sexual orientation, gender identity or expression, SOURCE OF INCOME, and to families with children; exempt housing for the elderly from the provisions prohibiting discrimination against families with children; provided, that owners, managers and communities meet stated requirements; obtain substantial equivalency with the federal government's housing and discrimination enforcement efforts and enter into intergovernmental agreements with the State of Arizona Attorney General.

IT IS THE INTENT OF THE CITY OF PHOENIX TO PROTECT PEOPLE FROM DISCRIMINATORY HOUSING PRACTICES. ANY CLAUSE, PROVISION, REQUIREMENT, OR SPECIFICATION IN A CONTRACT, AGREEMENT, COVENANT, OR OBLIGATION THAT IS CONTRARY TO THIS POLICY OR IS IN VIOLATION OF THIS ARTICLE IS DEEMED UNENFORCEABLE.

SECTION 2. That the Phoenix City Code, Section 18-11.01 is amended as follows:

Sec. 18-11.01. Definitions

In addition to the definitions set forth in Section 18-3, in this article, unless the context otherwise requires:

AGENT INCLUDES A PERSON WITH AUTHORITY TO ACT ON BEHALF OF ANOTHER PERSON, INCLUDING REAL ESTATE AGENTS, BROKERS, OR PROPERTY MANAGEMENT COMPANIES.

Aggrieved person includes any Person who either:

- a. Claims to have been injured by a discriminatory housing practice.
- b. Believes that ~~he~~THEY will be injured by a discriminatory housing practice that is about to occur.

Attorney General means the State of Arizona Attorney General.

Complainant means a person, including the City of Phoenix who files a complaint under Section 18-11.24 OF THE PHOENIX CITY CODE.

Conciliation means the attempted resolution of issues raised by a complaint or by the investigation of the complaint through informal negotiations involving the aggrieved person, the respondent and the City of Phoenix.

Conciliation agreement means a written agreement setting forth the resolution of the issues in conciliation.

Director means the Director of the City of Phoenix Equal Opportunity Department.

Discriminatory housing practice means an act prohibited by Sections 18-11.16 through 18-11.23 OF THE PHOENIX CITY CODE.

Dwelling means either:

- a. Any building, structure or part of a building or structure that is occupied as, or designed or intended for occupancy as, a residency by one or more families.
- b. Any vacant land that is offered for sale or lease for the construction or location of a building, structure or part of a building or structure described by subsection (a) of this definition.

Family includes a single individual.

Respondent means either:

- a. The person accused of a violation of this article in a complaint of a discriminatory housing practice.
- b. Any person identified as an additional or substitute respondent under Section 18-11.27, or an agent of THE RESPONDENT, OR an AGENT OF THE additional or substitute respondent.

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

SOURCE OF INCOME MEANS ANY LAWFUL SOURCE OF INCOME OR SUPPORT THAT PROVIDES FUNDS TO OR ON BEHALF OF A RENTER OR BUYER OF HOUSING AND IS VERIFIABLE AS TO AMOUNT, REGULARITY, RECEIPT, AND LENGTH OF TIME RECEIVED OR TO BE RECEIVED, INCLUDING, BUT NOT LIMITED TO WAGES, SALARIES, GRANT, GIFT, LOAN, INHERITANCE, PENSION, ANNUITY, CHILD SUPPORT, SPOUSAL SUPPORT, FOSTER CARE SUBSIDIES, RENTAL ASSISTANCE, SECURITY DEPOSIT OR DOWN PAYMENT ASSISTANCE, INCOME DERIVED FROM SOCIAL SECURITY OR DISABILITY INSURANCE, VETERANS' BENEFITS, SECTION 8 HOUSING CHOICE VOUCHERS, OR ANY OTHER FORM OF GOVERNMENTAL ASSISTANCE, BENEFIT, OR SUBSIDY. SOURCE OF INCOME INCLUDES ANY

REQUIREMENT OF ANY SUCH PROGRAM, ASSISTANCE, BENEFIT, OR SUBSIDY.

SECTION 3. That the Phoenix City Code, Section 18-11.03 is amended as follows:

Sec. 18-11.03. Exempt sales and rentals

A. Except as provided in subsection B of this section, Sections 18-11.16 through 18-11.23 do not apply to:

1. The sale or rental of a single-family house sold or rented by an owner if:

a. The owner does not:

(1) Own more than three single-family houses at any one time.

(2) Own any interest in, nor is there owned or reserved on ~~his~~THEIR behalf, under any express or voluntary agreement, title to or any right to any part of the proceeds from the sale or rental of more than three single-family houses at any one time.

b. The house was sold or rented without either:

(1) The use of the sales or rental facilities or services of a real estate broker, agent or ~~salesman~~SALESPERSON licensed pursuant to ARIZONA REVISED STATUTES Section 32-2101 et seq., ~~Arizona Revised Statutes~~, or the use of an employee or agent of a licensed broker, agent or ~~salesman~~SALESPERSON or the facilities or services of the owner of a dwelling designed or intended for occupancy by five or more families.

(2) The publication, posting or mailing of a notice, statement or advertisement prohibited by Section 18-11.17.

2. The sale or rental of rooms or units in a dwelling containing living quarters occupied or intended to be occupied by no more than four families living independently of each other if the owner maintains and occupies one of the living quarters as the owner's residence.

B. The exemption in subsection A.1 of this section applies to only one sale or rental in a 24-month period if the owner was not the most recent resident of the house at the time of the sale or rental.

C. THE EXEMPTIONS IN THIS SECTION 18-11.03, DO NOT APPLY TO SALES AND RENTALS IF THE ALLEGED DISCRIMINATION ARISES EXCLUSIVELY FROM SOURCE OF INCOME.

SECTION 4. That the Phoenix City Code, Section 18-11.06 is amended as follows:

Sec. 18-11.06 Appraisal exemptions.

This article does not prohibit a person engaged in the business of furnishing appraisals of real property from ~~CONSIDERING taking into consideration~~ factors other than race, color, religion, sex, disability, familial status, national origin, sexual orientation, SOURCE OF INCOME, ~~or~~ gender identity or expression IN THEIR APPRAISALS.

SECTION 5. That the Phoenix City Code, Section 18-11.16 is amended as follows:

Sec. 18-11.16. Discrimination in sale or rental.

A. A person may not refuse to sell or rent after a bona fide offer has been made or refuse to negotiate for the sale of or otherwise make unavailable or deny a dwelling to any person because of race, color, religion, sex, disability, familial status, national origin, sexual orientation, ~~or~~ gender identity or expression, OR SOURCE OF INCOME.

B. A person may not discriminate against any 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, because of race, color, religion, sex, disability, familial status, national origin, sexual orientation, ~~or~~ gender identity or expression, 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.

SECTION 6. That the Phoenix City Code, Section 18-11.17 is amended as follows:

Sec. 18-11.17. Publication of sales or rentals.

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 expression, SOURCE OF INCOME, or an intention to make such a preference, limitation or discrimination.

SECTION 7. That the Phoenix City Code, Section 18-11.18 is amended as follows:

Sec. 18-11.18 Inspection of dwelling.

A person may not represent to any person because of race, color, religion, sex, disability, familial status, national origin, sexual orientation, ~~or~~ gender identity or expression, OR SOURCE OF INCOME that a dwelling is not available for inspection, for sale, or rental if the dwelling is available for inspection, SALE, OR RENT.

SECTION 8. That the Phoenix City Code, Section 18-11.19 is amended as follows:

Sec. 18-11.19. Entry into neighborhood.

A person, for profit, may not 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 or expression, OR SOURCE OF INCOME.

SECTION 9. That the Phoenix City Code, Section 18-11.22 is amended as follows:

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 or expression, OR SOURCE OF INCOME.

B. In this section, *residential real estate related transaction* means:

1. Making or purchasing loans or providing other financial assistance either:
 - a. To purchase, construct, improve, repair or maintain a dwelling.
 - b. To secure residential real estate.
2. Selling, brokering or appraising residential real property

SECTION 10. That the Phoenix City Code, Section 18-11.23 is amended as follows:

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 may not 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 or expression, OR SOURCE OF INCOME.

SECTION 11. Chapter 18, Phoenix City Code, is amended by adding new Section 18-11.37.01 to read:

Sec. 18-11.37.01. VIOLATION OF A CIVIL INFRACTION;
PENALTIES.

A. THE REMEDIES HEREIN ARE CUMULATIVE AND THE CITY MAY PROCEED UNDER ONE OR MORE SUCH REMEDIES.

B. THE FOLLOWING PENALTIES SHALL BE IMPOSED BY THE MUNICIPAL COURT OF THE CITY OF PHOENIX FOR CIVIL INFRACTIONS UNDER THIS ARTICLE:

1. A PERSON WHO CAUSES, PERMITS, FACILITATES, OR AIDS OR ABETS ANY VIOLATION OF THIS ARTICLE OR WHO FAILS TO PERFORM ANY ACT OR DUTY REQUIRED BY THIS ARTICLE IS SUBJECT TO CIVIL SANCTION AS FOLLOWS:

(A) FOR THE FIRST VIOLATION, A CIVIL PENALTY OF NOT LESS THAN THREE HUNDRED DOLLARS (\$300.00) AND NO MORE THAN TWENTY-FIVE HUNDRED DOLLARS (\$2,500.00).

(B) FOR THE SECOND VIOLATION, A CIVIL PENALTY OF NOT LESS THAN SIX HUNDRED DOLLARS (\$600.00) AND NO MORE THAN TWENTY-FIVE HUNDRED DOLLARS (\$2,500.00).

(C) FOR A THIRD VIOLATION, A CIVIL PENALTY OF NOT LESS THAN NINE HUNDRED DOLLARS (\$900.00) AND NO MORE THAN TWENTY-FIVE HUNDRED DOLLARS (\$2,500.00).

(D) THE IMPOSITION OF A PENALTY PURSUANT TO THIS SECTION SHALL NOT BE SUSPENDED.

2. FAILURE OF A PERSON TO COMPLY WITH ANY ORDER FOR A VIOLATION UNDER THIS SECTION SHALL RESULT IN AN ADDITIONAL CIVIL PENALTIES AS FOLLOWS:

(A) NOT LESS THAN THREE HUNDRED DOLLARS (\$300.00) AND NO MORE THAN TWENTY-FIVE HUNDRED DOLLARS (\$2,500.00) FOR EACH DAY THE PERSON FAILS TO COMPLY.

(B) A PERSON'S SECOND FAILURE TO COMPLY WITH ANY ORDER SHALL RESULT IN AN ADDITIONAL FINE OF NOT LESS THAN SIX HUNDRED DOLLARS (\$600.00) AND NO MORE THAN TWENTY-FIVE HUNDRED DOLLARS (\$2,500.00) FOR EACH DAY AFTER THE FIRST DETERMINATION OF THE PERSON'S FAILURE TO COMPLY.

(C) A PERSON'S THIRD FAILURE TO COMPLY WITH ANY ORDER SHALL RESULT IN AN ADDITIONAL FINE OF NOT LESS THAN NINE HUNDRED DOLLARS (\$900.00) AND NO MORE THAN TWENTY-FIVE HUNDRED DOLLARS (\$2,500.00) FOR EACH DAY AFTER THE THIRD DETERMINATION OF THE PERSON'S FAILURE TO COMPLY.

SECTION 12. Chapter 18, Phoenix City Code, is amended by adding new Section 18-11.37.02 to read:

SEC. 18-11.37.02. PATTERN OR PRACTICE CASES.

A. THE CITY ATTORNEY SHALL FILE A CIVIL ACTION IN SUPERIOR COURT FOR APPROPRIATE RELIEF IF THE CITY ATTORNEY HAS REASONABLE CAUSE TO BELIEVE THAT EITHER:

1. A PERSON IS ENGAGED IN A PATTERN OR PRACTICE OF RESISTANCE TO THE FULL ENJOYMENT OF ANY RIGHT GRANTED BY THIS ARTICLE.
2. A PERSON HAS BEEN DENIED ANY RIGHT GRANTED BY THIS ARTICLE AND THAT DENIAL RAISES AN ISSUE OF GENERAL PUBLIC IMPORTANCE.

B. IN AN ACTION UNDER THIS SECTION THE COURT MAY:

1. AWARD PREVENTIVE RELIEF, INCLUDING A PERMANENT OR TEMPORARY INJUNCTION, RESTRAINING ORDER, OR OTHER ORDER AGAINST THE PERSON RESPONSIBLE FOR A VIOLATION OF THIS ARTICLE AS NECESSARY TO ASSURE THE FULL ENJOYMENT OF THE RIGHTS GRANTED BY THIS ARTICLE.

2. AWARD OTHER APPROPRIATE RELIEF, INCLUDING MONETARY DAMAGES, REASONABLE ATTORNEY FEES, AND COURT COSTS.

3. TO VINDICATE THE PUBLIC INTEREST, ASSESS A CIVIL PENALTY AGAINST THE RESPONDENT IN AN AMOUNT THAT DOES NOT EXCEED:

A. FIFTY THOUSAND DOLLARS FOR A FIRST VIOLATION.

B. ONE HUNDRED THOUSAND DOLLARS FOR A SECOND OR SUBSEQUENT VIOLATION.

SECTION 13. SEVERABILITY

It is hereby declared to be the intention of the city council that the sections, paragraphs, sentences, clauses, and words of this code are severable and if any word, clause, sentence, paragraph, or section of this code shall be declared unconstitutional or invalid for any reason by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining words, clauses, sentences, paragraphs and sections of this code, since the same would have been enacted by the city council without the incorporation in this code of any such unconstitutional or invalid word, clause, sentence, paragraph, or section.