

Fair Housing in Pinellas County



Pinellas County Board of County Commissioners

Pinellas County Affirmative Action Committee

Pinellas County Office of Human Rights

and the

City of St. Petersburg

City of St. Petersburg Community Affairs Department

With Jurisdiction in the Municipalities of:

**Belleair, Belleair Beach, Belleair Bluffs, Belleair Shores,
Clearwater, Dunedin, Gulfport, Indian Rocks Beach, Indian
Shores, Kenneth City, Largo, Madeira Beach, North Redington,
Oldsmar, Pinellas Park, Redington Beach, Redington Shores,
Safety Harbor, St. Pete Beach, Seminole, South Pasadena,
Tarpon Springs, Treasure Island, and the Unincorporated Areas
of Pinellas County**

Fair Housing In Pinellas

Citizens of Pinellas County have their fair housing rights protected by the following Federal, State, local laws:

- The Federal Fair Housing Act (Title VIII of the Civil Rights Act of 1968, as amended)
- Florida Statutes, Chapter 760
- Pinellas County Code, Chapter 70
- St. Petersburg City Code, Chapter 15

The law is highlighted below:

The Fair Housing Act

The Fair Housing Act prohibits discrimination in housing because of:

- Race or Color
- National Origin
- Religion
- Sex
- Familial Status (including children under the age of 18 living with parents or legal custodians; pregnant women and people securing custody of children under 18)
- Handicap/Disability

What Housing Is Covered?

The Fair Housing Act covers most housing. In some circumstances, the Act exempts owner-occupied buildings with no more than four units, single-family housing sold or rented without the use of a broker and housing operated by organizations and private clubs that limit occupancy to members. Additionally, some housing for older persons is exempted from coverage under the Act.

What Is Prohibited?

In the Sale or Rental of Housing: No one may take any of the following actions based on race, color, national origin, religion, sex, familial status or handicap/disability:

- Refuse to rent or sell housing
- Refuse to negotiate for housing
- Publish discriminatory statements
- Make housing unavailable
- Deny a dwelling

- Set different terms, conditions or privileges for sale or rental of a dwelling
- Provide different housing services or facilities
- Falsely deny that housing is available for inspection, sale or rental
- For profit, persuade others to sell or rent, or not to sell or rent, for discriminatory purposes (blockbusting)
- Deny anyone access to or membership in a facility or service (such as multiple listing service) related to the sale or rental of housing.

Additional Protection If You Have A Disability

If you or someone associated with you:

- Have a physical or mental disability (including hearing, mobility and visual impairments, chronic alcoholism, chronic mental illness, AIDS, AIDS Related Complex and mental retardation) that substantially limits one or more major life activities; or
- Have a record of such disability; or
- Are regarded as having such a disability.

A landlord may not:

- Refuse to let you make reasonable modifications to your dwelling or common use areas, at your expense, if necessary for the disabled person to use and enjoy the housing. (Where reasonable, the landlord may permit changes only if you agree to restore the property to its original condition when you move.)
- Refuse to make reasonable accommodations in rules, policies, practices or services if necessary for the disabled person to use and enjoy the housing.

Example: A building with a "no pets" policy must allow a visually impaired tenant to keep a guide dog.

Example: An apartment complex that offers tenants ample, unassigned parking must honor a request from a mobility-impaired tenant for a reserved space near her apartment if necessary to assure that she can have access to her apartment.

However, housing need not be made available to a person who is a direct threat to the health or safety of others or who currently uses illegal drugs.

Accessibility Requirements for New Buildings: Covered multifamily dwellings built for first occupancy after March 13, 1991 must meet the design requirements of the Fair Housing Act. Covered multifamily dwellings are:

- All dwelling units in buildings containing four or more dwelling units if such buildings have one or more elevators; and
- All ground floor dwelling units in other buildings containing four or more units.

The following standards apply to all covered multifamily dwellings built for first occupancy after March 13, 1991:

- An accessible building entrance on an accessible route;
- Public and common areas must be accessible to persons with disabilities;
- Doors and hallways must be wide enough for wheelchairs.
- An accessible route into and through the unit;
- Accessible light switches, electrical outlets, thermostats and other environmental controls;
- Reinforced bathroom walls to allow later installation of grab bars; and
- Kitchens and bathrooms that can be used by people in wheelchairs.

These requirements for new buildings do not replace any more stringent standards in State or local law.

Housing Opportunities For Families

Unless a building or community qualifies as housing for older persons, it may not discriminate based on familial status. That is, it may not discriminate against families in which one or more children under 18 live with:

- A parent;
- A person who has legal custody of the child or children; or
- The designee of the parent or legal custodian, with the parent or custodian's written permission.

Familial status protection also applies to pregnant women and anyone securing legal custody of a child under 18.

Exemption: Housing for older persons is exempt from the prohibition against familial status discrimination if:

- The HUD Secretary has determined that it is specifically designed for and occupied by elderly persons under a Federal, State or local government program; and it is occupied solely by persons who are 62 or older; or
- It houses at least one person who is 55 or older in at least 80 percent of the occupied units; and
- Adheres to a published policy statement that demonstrates an intent to house persons who are 55 or older, and complies with the rules issued by HUD for verification of occupancy.

A transition period permits residents on or before September 13, 1988 to continue living in the housing, regardless of their age, without interfering with the exemption.

If You Think Your Rights Have Been Violated

Your local fair housing agency or HUD is ready to help with any problem of housing discrimination. If you think your rights have been violated write a letter or telephone your local agency or HUD, or call the HUD Hotline. You have one year after an alleged violation to file a complaint, but you should file it as soon as possible.

What to Tell the Agency:

- Your name and address
- The name and address of the person your complaint is against (the respondent)
- The address or other identification of the housing involved
- A short description of the alleged violation (the event that caused you to believe your rights were violated)
- The date(s) of the event.

Who to Contact:

Contact your local fair housing agency or the HUD regional office nearest you:

If you live, or if the violation occurred, north of Ulmerton Road contact :

Pinellas County Office of Human Rights
315 Court Street
Clearwater, FL 33756
(727) 464-4880 (Voice)
(727) 464- 4157 (Fax)
(727) 464-4062 (TDD)
web site address: www.co.pinellas.fl.us/bcc/

If you live, or if the violation occurred, south of Ulmerton Road contact:

City of St. Petersburg
Community Affairs Department
City Hall
175 Fifth St. North
P.O. Box 2842
St. Petersburg, FL 33731
(727) 893-7345 (Voice)
(727) 892 5064 (Fax)
(727) 892-5259 (TDD)
web site address: www.stpete.org/commaff.htm

To Write or Call HUD:

Office of Fair Housing and Equal Opportunity
U.S. Department of Housing and Urban Development Room 5204
Washington, D.C. 20410-2000
<http://www.hud.gov/offices/fheo/index.cfm>

U.S. Department of Housing and Urban Development
Office of Fair Housing and Equal Opportunity
400 Marietta Street
Atlanta, GA 30303

U.S. Department of Housing and Urban Development
Office of Fair Housing and Equal Opportunity
909 S. E. First Avenue, Room 500
Miami, FL 33131-3028

Where to Call:

If you wish, you may use the toll-free Hotline number: 1-800-669-9777, or call 1-800-440-8091 in Atlanta, or 1-305-535-4479 in Miami.

If You Are Disabled: HUD also provides:

- A toll-free TDD phone for the hearing impaired: 1-800-543-8294
- Interpreters
- Tapes and braille materials
- Assistance in reading and completing forms

What Happens When You File A Complaint?

The agency will notify you when it receives your complaint. Normally, the agency also will:

- Notify the alleged violator (respondent) of your complaint and permit the respondent to submit an answer
- Investigate your complaint and determine whether there is reasonable cause to believe the Fair Housing Act has been violated
- Notify you if it cannot complete an investigation within 100 days of receiving your complaint

Conciliation: The agency will try to facilitate a conciliation between you and the respondent. A conciliation agreement must protect both you and the public interest. If an agreement is signed, the agency

will take no further action on your complaint. However, if the agency has reasonable cause to believe that a conciliation agreement is breached, it will recommend that the Attorney General file suit.

Complaint Referrals: If HUD has determined that your State or local agency has the same fair housing powers as HUD, HUD will refer your complaint to that agency for investigation and notify you of the referral. The local agency must begin work on your complaint within 30 days or HUD may take it back. Likewise, a local agency may refer your complaint to the agency with proper jurisdiction. For example, the Pinellas County Office of Human Rights handles all complaints north of Ulmerton Road, and the City of St. Petersburg's Community Affairs Department handles all complaints south of Ulmerton Road.

What If You Need Help Quickly?

If you need immediate help to stop a serious problem that is being caused by a Fair Housing Act violation; your local fair housing agency may be able to assist you as soon as you file a complaint. The agency may seek temporary or preliminary relief, pending the outcome of your complaint, if:

- Irreparable harm is likely to occur without the agency's intervention; and
- There is substantial evidence that a violation of the Fair Housing Act occurred

Example: A builder agrees to sell a house but, after learning the buyer is black, fails to keep the agreement. The buyer files a complaint with his or her local fair housing agency. The agency may go to court to prevent a sale to any other buyer until it investigates the complaint.

What Happens After A Complaint Investigation

If after investigating your complaint, the agency finds reasonable cause to believe that discrimination occurred, it will inform you. Efforts to conciliate the issues will continue; however, if conciliation fails your case will set for an administrative hearing within 120 days, unless you or the respondent wants the case to be heard in Federal District Court. Either way there is no cost to you.

The Administrative Hearing: If your case goes to an administrative hearing the agency will provide an attorney to litigate the case on your behalf. You may intervene in the case and be represented by your own attorney if you wish. An administrative Law Judge (ALJ) will consider evidence from you and the respondent. If the ALJ decides that discrimination occurred, the respondent can be ordered:

- To compensate you for actual damages, including humiliation, pain and suffering.
- To provide injunctive or other equitable relief, for example, to make the housing available to you.
- To pay the Federal Government a civil penalty to vindicate the public interest.
- To pay reasonable attorney's fees and costs.

Federal District Court or State Court: If you or the respondent choose to have your case decided in Federal District Court or State Court, the agency will provide an attorney to litigate it on your behalf. Like

the ALJ, the District Court can order relief, and award actual damages, attorney's fees and costs. In addition, the court can award punitive damages.

In Addition

You May File Suit: You may file suit, at your expense, in Federal District Court or State Court within two years of an alleged violation. If you cannot afford an attorney, the court may appoint one for you. You may bring suit even after filing a complaint, if you have not signed a conciliation agreement and an Administrative Law Judge has not started a hearing. A court may award actual and punitive damages and attorney's fees and costs.

Other Tools to Combat Housing Discrimination

If there is noncompliance with the order of an Administrative Law Judge, your local fair housing agency or HUD may seek temporary relief, enforcement of the order or a restraining order in a United States Court of Appeals.

The Attorney General or local agency attorney may file a suit in Federal District Court if there is reasonable cause to believe a pattern or practice of housing discrimination is occurring.

For Further Information:

The purpose of this brochure is to summarize your right to fair housing. The Fair Housing Act and HUD's regulations as well as the local ordinances contain more detail and technical information. If you need a copy of the law or regulations, contact your local fair housing agency or the HUD regional office nearest you.