

1 Introduced by Council Member Bowman and Co-Sponsored by Council
2 Members Cumber, Carlucci, Hazouri, Diamond, Morgan, Priestly
3 Jackson and Pittman:

4
5 **ORDINANCE 2020-244**

6 AN ORDINANCE CONCERNING EQUAL OPPORTUNITY AND
7 EXPANDING THE CITY'S EQUAL RIGHTS LAWS TO
8 PROHIBIT DISCRIMINATION BASED UPON SEXUAL
9 ORIENTATION OR GENDER IDENTITY, AMENDING
10 SECTION 60.105 (FUNCTIONS, POWERS AND DUTIES),
11 *ORDINANCE CODE*; AMENDING SECTION 400.101
12 (STATEMENT OF POLICY), *ORDINANCE CODE*;
13 AMENDING CHAPTER 402 (EQUAL EMPLOYMENT
14 OPPORTUNITY), *ORDINANCE CODE*; AMENDING CHAPTER
15 406 (*PUBLIC ACCOMMODATIONS*), *ORDINANCE CODE*;
16 AMENDING CHAPTER 408 (FAIR HOUSING), *ORDINANCE*
17 *CODE*; PROVIDING LEGISLATIVE INTENT; PROVIDING
18 FOR EXEMPTION FOR RELIGIOUS INSTITUTIONS;
19 PROVIDING FOR EXEMPTION FOR SMALL EMPLOYERS;
20 PROVIDING FOR SINGLE-SEX FACILITIES AND DRESS
21 CODES; AMENDING SECTIONS 402.401, 402.402,
22 406.403 AND 408.801(G), *ORDINANCE CODE*, TO
23 ELIMINATE IMPRISONMENT AS A PENALTY; PROVIDING
24 FOR INTERPRETATION; AUTHORIZING THE OFFICE OF
25 GENERAL COUNSEL TO MAKE CODIFICATION CHANGES;
26 PROVIDING AN EFFECTIVE DATE.

27
28 **BE IT ORDAINED** by the Council of the City of Jacksonville:

29 **Section 1. Amending Section 60.105 (Functions, powers and**
30 **duties), *Ordinance Code*.** Section 60.105 (Functions, powers and
31 duties), *Ordinance Code*, is hereby amended to read as follows:

1 **CHAPTER 60. HUMAN RIGHTS COMMISSION.**

2 **PART 1. IN GENERAL.**

3 * * *

4 **Sec. 60.105. Functions, powers and duties.**

5 The Commission shall promote and encourage fair treatment and
6 equal opportunity for all persons regardless of race, color,
7 religion, sex, sexual orientation, gender identity, national
8 origin, age, disability, marital or familial status; and shall
9 promote mutual understanding and respect among all economic,
10 social, racial, religious and ethnic groups and shall endeavor to
11 eliminate discrimination against, and antagonism between,
12 religious, racial and ethnic groups and their members. In
13 performing its functions, the Commission shall have the following
14 powers and duties:

15 * * *

16 **Section 2. Amending Chapter 400 (Equal Opportunity/Equal**
17 **Access), Ordinance Code.** Chapter 400 (Equal Opportunity/Equal
18 Access), *Ordinance Code*, is hereby amended to read as follows:

19 **CHAPTER 400. EQUAL OPPORTUNITY/EQUAL ACCESS.**

20 **PART 1. STATEMENT OF POLICY AND GENERAL PROVISIONS.**

21 **Sec. 400.101. Statement of policy.**

22 (a) *Employment.* The Council hereby declares it to be the
23 policy of the City that personnel shall be employed, compensated,
24 promoted, transferred, or disciplined without regard to race,
25 color, religion, political affiliation, gender, sexual orientation,
26 gender identity, national origin, disability, age, marital status,
27 or any circumstances other than merit and qualification.

28 * * *

29 **PART 3. RESOLVING COMPLAINTS OF DISCRIMINATION.**

30 **Sec. 400.301. Nature of Complaints.**

31 A complaint may be filed by an employee/candidate/applicant

1 alleging discrimination based on race, color, religion, political
2 affiliation, gender, sexual orientation, gender identity, national
3 origin, disability, age, or marital status. Discrimination is
4 defined as the loss of job, status, benefits or opportunities, or
5 the creation or existence of a hostile work environment for reasons
6 that are made unlawful by local, state, or federal law.
7 Complainants and their representatives, witnesses, and all other
8 individuals involved in the processing of internal Equal
9 Opportunity/Equal Access complaints shall be free from restraint,
10 interference, coercion, discrimination, or retaliation with respect
11 to their participation.

12 **Section 3. Amending Chapter 402 (Equal Employment**
13 **Opportunity), Ordinance Code.** Chapter 402 (Equal Employment
14 Opportunity), *Ordinance Code*, is hereby amended to read as follows:

15 **CHAPTER 402. EQUAL EMPLOYMENT OPPORTUNITY.**

16 **PART 1. GENERAL PROVISIONS.**

17 **Sec. 402.102. Legislative findings.**

18 The City finds and declares that:

19 (a) The right of equal opportunity of access to employment
20 and the right of fair treatment by employers without discrimination
21 on the basis of race, color, religion, national origin, sex, sexual
22 orientation, gender identity, marital status, age and disability
23 are civil rights guaranteed by the United States Constitution and
24 implemented and enforced by federal law and by the laws of the
25 state.

26 * * *

27 **Sec. 402.107. Definitions.**

28 In this Chapter, unless the context otherwise requires:

29 * * *

30 (g) *Discriminate, discrimination and discriminatory* include:

1 (1) A difference in treatment because of race, religion,
2 national origin, sex, sexual orientation, gender identity, or
3 marital status where the difference is not justified by
4 business necessity or is not a bona fide occupational
5 qualification.

6 (2) Any of the unlawful employment practices hereinafter
7 enumerated.

8 (3) An unlawful separation, segregation or distinction
9 directly or indirectly against a person because of race,
10 color, religion, national origin, sex, sexual orientation,
11 gender identity, or disability.

12 * * *

13 (n) Gender identity shall mean the gender-related identity,
14 appearance, or expression of a person. Gender identity may be
15 demonstrated by a person's consistent and uniform assertion of a
16 particular gender identity, appearance or expression, or by any
17 other evidence that a person's gender identity is sincerely held,
18 provided, however, that gender identity shall not be asserted for
19 any improper, illegal or criminal purpose.

20 (o) ~~(n)~~ Labor organization includes:

21 * * *

22 (p) ~~(o)~~ Reasonable accommodation may include:

23 * * *

24 (q) ~~(p)~~ Qualified individual with a disability:

25 * * *

26 (r) Sexual orientation shall mean an individual's actual or
27 perceived orientation as heterosexual, homosexual, or bisexual.

28 (s) ~~(q)~~ Substantially limits: The term *substantially limits*
29 means:

30 * * *

1 ~~(t)-(R)~~ Training program means any plan containing terms and
2 conditions for qualification, recruitment, selection, employment,
3 training of employees to:

4 * * *

5 ~~(u)-(s)~~ Undue hardship:

6 * * *

7 **PART 2. DISCRIMINATION IN EMPLOYMENT.**

8 **Sec. 402.201. Employees.**

9 Except as provided in Section 402.208, it is an unlawful
10 employment practice for an employer:

11 (a) To fail or refuse to hire, to discharge or otherwise to
12 discriminate against an individual with respect to compensation or
13 the terms, conditions or privileges of employment because of race,
14 color, religion, sex, sexual orientation, gender identity, marital
15 status, national origin, age or disability.

16 (b) To limit, segregate or classify employees or applicants
17 in a way which would deprive or tend to deprive an individual of
18 employment opportunities or otherwise adversely affect the status
19 of an employee or applicant because of race, color, religion, sex,
20 sexual orientation, gender identity, marital status, national
21 origin, age or disability.

22 **Sec. 402.202. Employment agencies.**

23 Except as provided in Section 402.208, it is an unlawful
24 employment practice for an employment agency:

25 (a) To fail or refuse to refer for employment or otherwise to
26 discriminate against an individual because of race, color,
27 religion, sex, sexual orientation, gender identity, marital status,
28 national origin, age or disability.

29 (b) To classify or refer for employment an individual on the
30 basis of race, color, religion, sex, sexual orientation, gender
31 identity, marital status, national origin, age or disability

1 **Sec. 402.203. Labor organizations.**

2 Except as provided in Section 402.208, it is an unlawful
3 employment practice for a labor organization:

4 (a) To exclude or to expel from membership or otherwise to
5 discriminate against a member or applicant for membership because
6 of race, color, religion, sex, sexual orientation, gender identity,
7 marital status, national origin, age or disability.

8 (b) To limit, segregate or classify its membership or
9 applicants for membership or to classify or fail or refuse to refer
10 for employment an individual otherwise qualified for membership in
11 a way which would:

12 (1) Deprive an individual of employment opportunities;

13 or

14 (2) Limit the employment opportunities or otherwise
15 adversely affect the status of an employee or of an applicant
16 for employment;

17 Because of race, color, religion, national origin, sex, sexual
18 orientation, gender identity, marital status, age or disability.

19 **Sec. 402.204. Training programs.**

20 Except as provided in Section 402.208, it is an unlawful
21 employment practice for an employer, labor organization or joint
22 labor-management committee controlling apprenticeship or other
23 training or retraining, including on-the-job training, programs to
24 discriminate against an individual because of race, color,
25 religion, sex, sexual orientation, gender identity, marital status,
26 national origin, age or disability in admission to or employment in
27 a program established to provide apprenticeship or other training.

28 * * *

29 **Sec. 402.206. Other discriminatory practices.**

30 It is an unlawful employment practice for an employer, labor
31 organization, employment agency or joint labor-management committee

1 controlling apprenticeship or other training or retraining,
2 including on-the-job training, programs to print or publish or
3 cause to be printed or published a notice or advertisement:

4 * * *

5 (c) Relating to admission to or employment in a program
6 established to provide apprenticeship or other training by the
7 joint labor-management committee;

8 Indicating in any of these areas a preference, limitation,
9 specification or discrimination based on race, color, religion,
10 sex, sexual orientation, gender identity, national origin, age, or
11 disability; provided, that a notice or advertisement may indicate a
12 preference, limitation, specification or discrimination based on
13 religion, sex, sexual orientation, gender identity, marital status
14 or national origin when the factor or qualification is a *bona fide*
15 occupational qualification for employment.

16 * * *

17 **Sec. 402.210. Exceptions.**

18 It is not an unlawful employment practice:

19 (a) For an employer to hire and employ an employee, for an
20 employment agency to classify or refer for employment an
21 individual, for a labor organization to classify its membership or
22 to classify or to refer for employment an individual or for an
23 employer, labor organization or joint labor-management committee
24 controlling apprenticeship or other training or retraining programs
25 to admit or employ an individual in the program on the basis of
26 religion, sex, sexual orientation, gender identity, marital status,
27 national origin, age or disability where religion, sex, sexual
28 orientation, gender identity, marital status, national origin, age
29 or disability is a *bona fide* occupational qualification reasonably
30 necessary to the normal operation of that particular business
31 enterprise.

1 * * *

2 **Sec. 402.211. Seniority or merit systems.**

3 Notwithstanding any other provisions of this Part, it is not
4 an unlawful employment practice for an employer:

5 (a) To apply different standards of compensation or different
6 terms, conditions or privileges of employment pursuant to a *bona*
7 *fide* seniority or merit system or a system which measures earning
8 by quantity or quality or production or to employees who work in
9 different locations, if the differences are not the result of an
10 intention to discriminate because of race, color, religion, sex,
11 sexual orientation, gender identity, marital status, national
12 origin, age or disability.

13 (b) To give and act upon the results of a professionally
14 developed ability test if the test, its administration or action
15 upon the results is not designed, intended or used to discriminate
16 because of race, color, religion, sex, sexual orientation, gender
17 identity, marital status, national origin, age or disability.

18 * * *

19 **Section 4. Amending Chapter 406 (Public Accommodations),**
20 **Ordinance Code.** Chapter 406 (*Public Accommodations*), *Ordinance*
21 *Code*, is hereby amended to read as follows:

22 **CHAPTER 406. PUBLIC ACCOMMODATIONS.**

23 **PART 1. GENERAL PROVISIONS.**

24 **Sec. 406.102. Declaration of policy.**

25 The City declares it to be the policy of the City to provide,
26 within the limits of the Constitution of the United States, access
27 to public accommodations for all people within the City. The
28 availability of access to public accommodations without
29 discrimination on the basis of race, color, religion, ancestry, to
30 national origin, age, sex, sexual orientation, gender identity,
31 pregnancy, disability, marital status, or familial status is a

1 matter of concern to the people of Jacksonville and more
2 particularly of concern to the City in providing for the health,
3 welfare, safety and morals of the people of Jacksonville.

4 * * *

5 **Sec. 406.104. Definitions.**

6 In this Chapter, unless the context otherwise requires:

7 * * *

8 (g) *Discriminate, discrimination, and discriminatory* include:

9 (1) A difference in treatment because of race, color,
10 religion, ancestry, national origin, age, sex, sexual
11 orientation, gender identity, pregnancy, disability, marital
12 status, or familial status, where the difference is not
13 justified by business necessity or is not a bona fide
14 qualification.

15 (2) Any of the discriminatory practices hereinafter
16 enumerated.

17 (3) An unlawful separation, segregation or distinction
18 directly or indirectly against a person because of race,
19 color, religion, ancestry, national origin, age, sex, sexual
20 orientation, gender identity, pregnancy, disability, marital
21 status, or familial status.

22 (h) Gender identity shall mean the gender-related identity,
23 appearance, or expression of a person. Gender identity may be
24 demonstrated by a person's consistent and uniform assertion of a
25 particular gender identity, appearance or expression, or by any
26 other evidence that a person's gender identity is sincerely held,
27 provided, however, that gender identity shall not be asserted for
28 any improper, illegal or criminal purpose.

29 (i) ~~(h)~~ Mediation means the attempted resolution of issues
30 raised by a complaint or by the investigation of the complaint

1 through informal negotiations involving the complainant,
2 respondent, and the Commission.

3 (j)~~(i)~~ *Probable Cause Panel* is defined as a three- to five-
4 person panel composed of the members from the Public Accommodations
5 Subcommittee of the Commission appointed to make findings related
6 to probable cause upon the completion of the investigation of a
7 duly filed complaint.

8 (k)~~(j)~~ *Respondent* means any entity whom has been charged with
9 a violation of this chapter and who meets the requirements under
10 this chapter as one who provides public accommodation.

11 (l)~~(k)~~ *Settlement agreement* means a written agreement setting
12 forth the resolution of the issues in mediation.

13 (m) *Sexual orientation* shall mean an individual's actual or
14 perceived orientation as heterosexual, homosexual, or bisexual.

15 * * *

16 **PART 2. UNLAWFUL PUBLIC ACCOMMODATIONS PRACTICES.**

17 **Sec. 406.201. Unlawful practice.**

18 It shall be unlawful to engage in any of the following acts
19 because of an individual's race, color, religion, ancestry,
20 national origin, age, sex, sexual orientation, gender identity,
21 pregnancy, disability, marital status, or familial status.

22 **Section 5. Amending Chapter 408 (Fair Housing), Ordinance**
23 **Code.** Chapter 408 (Fair Housing), *Ordinance Code*, is hereby amended
24 to read as follows:

25 **CHAPTER 408. FAIR HOUSING.**

26 **PART 1. GENERAL PROVISIONS.**

27 * * *

28 **Sec. 408.102. Declaration of policy.**

29 The City declares it to be the policy of the City to provide,
30 within the limits of the Constitution of the United States, fair
31 housing for all people within the City. The availability of

1 adequate housing without discrimination on the basis of race,
2 color, religion, national origin, sex, sexual orientation, gender
3 identity, handicap, familial status or marital status is a matter
4 of concern to the people of Jacksonville and more particularly of
5 concern to the City in providing for the health, welfare, safety
6 and morals of the people of Jacksonville

7 * * *

8 **Sec. 408.105. Definitions.**

9 In this Chapter, unless the context otherwise requires:

10 * * *

11 (1) Gender identity shall mean the gender-related identity,
12 appearance, or expression of a person. Gender identity may be
13 demonstrated by a person's consistent and uniform assertion of a
14 particular gender identity, appearance or expression, or by any
15 other evidence that a person's gender identity is sincerely held,
16 provided, however, that gender identity shall not be asserted for
17 any improper, illegal or criminal purpose.

18 (m)-(l) *General counsel* means the General Counsel of the City
19 of Jacksonville.

20 (n)-(m) *Handicap* means a mental or physical impairment that
21 substantially limits at least one major life activity, a record of
22 such impairment, or being regarded as having such an impairment.
23 The term does not include current, illegal use of or addiction to a
24 controlled substance (as defined in Section 102 of the Controlled
25 Substances Act (21 U.S.C. 802)). In this Part, a reference to "an
26 individual with a handicap" or to "handicap" does not apply to an
27 individual because that individual is a transvestite.

28 (o)-(n) *Housing facility* means and includes any building,
29 structure or portion thereof which is occupied as, or designed or
30 intended for occupancy as the home, living quarters or residence of
31 one or more families, and any vacant land which is offered for sale

1 or lease for the construction or location thereof of any such
2 building, structure or portion thereof.

3 (p)~~(e)~~ *Person* includes one or more individuals, corporations,
4 partnerships, associations, labor organizations, legal
5 representatives, mutual companies, joint-stock companies, trusts,
6 unincorporated organizations, trustees, trustees in cases under 11
7 U.S.C. 101 et seq. (Bankruptcy Code), receivers and fiduciaries.

8 (q)~~(e)~~ *Real estate broker* includes any person duly licensed as
9 a real estate broker under the laws of the state.

10 (r)~~(e)~~ *Real estate salesperson* includes:

11 (s)~~(r)~~ *To rent* includes to lease, to sublease, to let and
12 otherwise to grant for a consideration the right to occupy premises
13 not owned by the occupant.

14 (t)~~(s)~~ *Respondent* means:

15 * * *

16 (u) *Sexual orientation* shall mean an individual's actual or
17 perceived orientation as heterosexual, homosexual, or bisexual.

18 * * *

19 **PART 2. FAIR HOUSING**

20 * * *

21 **Sec. 408.204. Appraisal exemption.**

22 This Part does not prohibit a person engaged in the business
23 of furnishing appraisals of real property from taking into
24 consideration factors other than race, color, religion, sex, sexual
25 orientation, gender identity, handicap, familial status, or
26 national origin

27 * * *

28 **PART 4. DISCRIMINATION PROHIBITED.**

29 **Sec. 408.401. Sale or rental.**

30 (a) A person may not refuse to sell or to rent after the
31 making of a bona fide offer, refuse to negotiate for the sale or

1 rental of, or otherwise make unavailable or deny a dwelling to any
2 person because of race, color, handicap, religion, sex, sexual
3 orientation, gender identity, familial status, or national origin.

4 (b) A person may not discriminate against any person in the
5 terms, conditions, or privileges of sale or rental of a dwelling,
6 or in providing services or facilities in connection with the sale
7 or rental, because of race, color, handicap, religion, sex, sexual
8 orientation, gender identity, familial status, or national origin.

9 **Sec. 408.402. Publication.**

10 A person may not make, print, or publish or cause to be made,
11 printed, or published any notice, statement, or advertisement with
12 respect to the sale or rental of a dwelling that indicates any
13 preference, limitation, or discrimination based on race, color,
14 religion, sex, sexual orientation, gender identity, handicap,
15 familial status, national origin, or an intention to make such a
16 preference, limitation, or discrimination.

17 **Sec. 408.403. Falsely representing availability.**

18 A person may not represent to any person because of race,
19 color, religion, sex, sexual orientation, gender identity,
20 handicap, familial status, or national origin that a dwelling is
21 not available for inspection, sale or rental when the dwelling is
22 available for inspection, sale or rent.

23 **Sec. 408.404. Entry into neighborhood.**

24 A person may not, for profit, induce or attempt to induce a
25 person to sell or rent a dwelling by representations regarding the
26 entry or prospective entry into a neighborhood of a person of a
27 particular race, color, religion, sex, sexual orientation, gender
28 identity, handicap, familial status, or national origin.

29 * * *

30 **Sec. 408.406. Residential real estate related transaction.**

31 (a) A person whose business includes engaging in residential

1 real estate related transactions may not discriminate against a
2 person in making a real estate related transaction available or in
3 the terms or conditions of a real estate related transaction
4 because of race, color, religion, sex, sexual orientation, gender
5 identity, handicap, familial status, or national origin.

6 * * *

7 **Sec. 408.407. Brokerage services.**

8 A person may not deny any person access to, or membership or
9 participation in, a multiple-listing service, real estate brokers'
10 organization or other service, organization, or facility relating
11 to the business of selling or renting dwellings, or discriminate
12 against a person in the terms or conditions of access, membership,
13 or participation, on the basis of race, color, religion, national
14 origin, sex, sexual orientation, gender identity, familial status,
15 or handicap.

16 **Section 6. Exemption for Religious Institutions.**

17 Religious organizations, including but not limited to
18 churches, synagogues, mosques, and schools of religious instruction
19 and non-profit institutions or organizations affiliated therewith,
20 are exempt from the provisions contained herein. For the purposes
21 of Ordinance 2020-___-E, the phrase "religious organization" shall
22 include "religious corporation, association or society." The term
23 "religious corporation, association or society" shall be
24 interpreted consistent with Section 2000e-(1)(a), United States
25 Code.

26 **Section 7. Exemption for Small Employers.**

27 Since 1964, civil and human rights statutes at all levels of
28 government have exempted employers with fewer than 15 employees.
29 The same standard applies in the City of Jacksonville with respect
30 to employment discrimination claims under this provision.

31 **Section 8. Single-Sex Facilities and Dress Codes.**

1 (a) Nothing herein shall prohibit a business or a place of
2 public accommodation from providing single-sex restrooms, locker
3 rooms, shower facilities, bath houses, health spas, dormitory
4 lodging facilities and similar facilities that are by their nature
5 distinctly private.

6 (b) Nothing herein shall prohibit a business from establishing
7 and enforcing a dress code for its employees, provided that such
8 dress code shall not be based upon sex stereotypes.

9 **Section 9. Amending Chapter 402 (Equal Employment**
10 **Opportunity), Part 4 (Penalties), Ordinance Code.** Chapter 402
11 (Equal Employment Opportunity), Part 4 (Penalties), *Ordinance Code*,
12 is hereby amended to read as follows:

13 **CHAPTER 402. EQUAL EMPLOYMENT OPPORTUNITY**

14 * * *

15 **PART 4. PENALTIES**

16 * * *

17 **Sec. 402.401. Violations; penalty.**

18 A person who, knowingly and willfully:

19 * * *

20 Shall, upon conviction thereof, be punished by fine not to
21 exceed \$500 ~~or by imprisonment for not exceeding 90 days, or~~
22 ~~by both a fine and imprisonment.~~

23 **Sec. 402.402. Malicious complaints.**

24 A person who files or procures the filing of a complaint with
25 the Commission alleging one or more unlawful employment practices
26 when, at the time of filing the complaint, the person knew or
27 reasonably should have known that the complaint was false and the
28 person filed or procured the filing of the complaint maliciously or
29 with intent to disrupt the business operations of the person
30 against whom the complaint was filed shall, upon conviction
31 thereof, be punished by a fine not to exceed \$500 ~~or by~~

1 ~~imprisonment not to exceed 90 days, or by both a fine and~~
2 ~~imprisonment.~~

3 * * *

4 **Section 10. Amending Chapter 406 (Public Accommodations),**
5 **Part 4 (Procedures for public accommodations complaint), Ordinance**
6 **Code.** Chapter 406 (Public Accommodations), Part 4 (Procedures for
7 public accommodations complaint), *Ordinance Code*, is hereby amended
8 to read as follows:

9 **CHAPTER 406. PUBLIC ACCOMMODATIONS**

10 * * *

11 **PART 4. PROCEDURES FOR PUBLIC ACCOMMODATIONS COMPLAINT**

12 * * *

13 **Sec. 406.403. Subpoenas.**

14 In support of the above, the following procedures shall apply:

15 * * *

- 16 (e) Any person who, with intent thereby to mislead the Commission
17 or the Director, makes or causes to be made any false entry or
18 statement of fact in any report, account, record or other
19 document submitted to the Commission pursuant to its subpoena
20 or other order, or shall willfully neglect or fail to make or
21 cause to be made full, true and correct entries in such
22 reports, accounts, records or other documents, or shall
23 willfully mutilate, alter, or by any other means falsify any
24 documentary evidence, may be fined by the County Court of
25 Duval County, not more than \$500 ~~or imprisoned not more than~~
26 ~~60 days or both.~~

27 * * *

28 **Section 9. Amending Chapter 408 (Fair Housing), Part 8**
29 **(Penalties), Ordinance Code.** Chapter 408 (Fair Housing), Part 8
30 (Penalties), *Ordinance Code*, is hereby amended to read as follows:

31 **CHAPTER 408. FAIR HOUSING**

1 * * *

2 **PART 8. PENALTIES**

3 * * *

4 **Sec. 408.801. Violations; penalty.**

5 A person who, knowingly and willfully:

6 * * *

7 (g) ~~Shall, upon conviction thereof, be punished by a fine not to~~
8 ~~exceed \$500 or by imprisonment for not exceeding 90 days, or~~
9 ~~by both a fine and imprisonment. A conviction based upon a~~
10 ~~violation order under this Section shall be a bar to further~~
11 ~~prosecutions for alleged violations arising out of~~
12 ~~substantially the same circumstances.~~

13 * * *

14 **Section 11. Interpretation.**

15 Any ordinance or Charter provision or part of any Ordinance or
16 Charter provision in conflict with the provisions hereof is
17 repealed to the extent of the conflict. Should any part of this
18 Ordinance 2020-244-E be held invalid by a court of competent
19 jurisdiction, the remainder of this Ordinance 2020-244-E shall
20 continue in full force and effect and it shall be presumed that
21 this Ordinance 2020-244-E was enacted without the invalid
22 provision.

23 **Section 12. Authorizing the Office of General Counsel to**
24 **make Codification changes allowed by this Ordinance.** The Office of

25 General Counsel is authorized to take all necessary action in
26 connection with this legislation, to execute the finalization and
27 codification of the legislation to effectuate the purposes of this
28 Ordinance as recommended by the Council Committees and enacted by
29 Council, without further Council action, provided such changes
30 implement the ordinance as approved by 2020-244-E. All such
31 finalization and codification shall be subject to appropriate legal

1 review and approval by the General Counsel, or designee, and all
2 other appropriate official action required by law.

3 **Section 13. Effective Date.** This ordinance shall become
4 effective upon signature by the Mayor or upon becoming effective
5 without the Mayor's signature.

6
7 Form Approved:

8
9 /s/ Paige Hobbs Johnston

10 Office of General Counsel

11 Legislation Prepared by: Margaret M. Sidman

12 GC-#1364104-v1-Bowman_HRO_2020.docx

13
14
15
16