

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 17, “HUMAN RELATIONS,” ARTICLE III: DISCRIMINATION OF THE CODE OF THE CITY OF FORT WORTH, TEXAS (2015), AS AMENDED, BY ADDING A NEW DIVISION 6 “SOURCE OF INCOME” PROHIBITING DISCRIMINATION AGAINST A VETERAN BECAUSE OF THE VETERAN’S LAWFUL SOURCE OF INCOME TO PAY RENT AND, FOR HOUSING ACCOMMODATIONS THAT BENEFIT FROM A CITY INCENTIVE, PROHIBITING DISCRIMINATION AGAINST ANY PERSON BECAUSE OF THE PERSON’S LAWFUL SOURCE OF INCOME TO PAY RENT; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL PRIOR ORDINANCES AND REPEAL CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER OF THE CITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS Chapter 17 of the Code of the City of Fort Worth, entitled “Human Relations,” sets forth the public policy of the City of Fort Worth (“City”) that all of its residents and persons subject to its jurisdiction should enjoy equal freedom to pursue their aspirations and that discrimination against any individual or group because of race, creed, color, sex, religion, disability, age, national origin, familial status, sexual orientation, transgender, gender identity or gender expression is detrimental to the peace, progress and welfare of the City; and

WHEREAS the City has sought to further fulfill this public policy by the establishment of a new department, the Department of Diversity and Inclusion, to promote the values of diversity, equity, inclusion, and access as they apply to the City's employee and labor relations, its provision of municipal services and capital investments, and the quality of life that all Fort Worth residents experience; and

WHEREAS the Department of Diversity and Inclusion, in cooperation with the Fort Worth Human Relations Commission, is responsible for enforcing fair housing and other civil rights laws within the City; and

WHEREAS the City Council of the City of Fort Worth (“City Council”) adopted the Housing Affordability Strategy which recognizes the key role federal housing vouchers play in the creation of affordable housing; and

WHEREAS Texas Local Government Code Section 250.007, “Regulation of Rental or Leasing of Housing Accommodations,” as amended, allows a municipality to adopt and enforce an ordinance prohibiting the refusal to lease or rent a housing accommodation to a military veteran because of the veteran's lawful source of income to pay rent; and

WHEREAS Texas Local Government Code Section 250.007, “Regulation of Rental or Leasing of Housing Accommodations,” as amended, also allows a municipality to create or

implement an incentive, contract commitment, density bonus, or other voluntary program designed to encourage the acceptance of a housing voucher directly or indirectly funded by the federal government, including a federal housing choice voucher; and

WHEREAS the City Council desires to amend Chapter 17 “Human Relations,” Article III: Discrimination, by adding a new Division 6, “Source of Income,” prohibiting discrimination against a veteran because of the veteran's lawful source of income to pay rent and, for housing accommodations that benefit from a city incentive, prohibiting discrimination against any person because of the person’s lawful source of income to pay rent; and

WHEREAS the City Council finds this Ordinance to be reasonable and necessary.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT WORTH, TEXAS, THAT:

SECTION 1

Chapter 17, “Human Relations,” of the Code of the City of Fort Worth (2015), as amended, is hereby revised to add a new division to read as follows:

ARTICLE III: DISCRIMINATION

DIVISION 6: SOURCE OF INCOME.

§ 17-120 DEFINITIONS.

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

CITY INCENTIVE. Any loan, grant, tax abatement, monies, or other direct or indirect financial benefit provided by the city, a component unit of the city, or the Fort Worth Housing Finance Corporation.

HOUSING ACCOMMODATION. Any building, structure, or part of a building or structure that is occupied, or designed or intended for, occupancy as a residence for one or more families.

SOURCE OF INCOME. Lawful, regular, and verifiable income from whatever source derived (including housing vouchers and other subsidies provided by government or non-governmental entities, child support, or spousal maintenance), except as prohibited by Texas Local Government Code Section 250.007, as amended.

RENTING. Includes leasing, subleasing, letting, or otherwise granting for consideration the right to occupy a housing accommodation not owned by the occupant.

VETERAN. A person who served in the active military, naval, air, or space service, and who was discharged or released therefrom under conditions other than dishonorable.

§ 17-121 THE RENTAL OF HOUSING ACCOMMODATIONS TO MILITARY VETERANS.

(a) In renting a housing accommodation, a person may not discriminate against a veteran because of the veteran's source of income to pay rent.

(b) A person who violates a provision of this section commits a misdemeanor criminal offense. A person is guilty of a separate offense for each day or part of a day during which a violation is committed, continued, or permitted.

(c) A criminal offense under this section is punishable in municipal court as provided by § 1-6 of this code.

§ 17-122 THE RENTAL OF HOUSING ACCOMMODATIONS WITH CITY INCENTIVES.

(a) In accordance with Texas Local Government Code Section 250.007, as amended, the city hereby establishes and implements the following voluntary program to encourage the acceptance of housing vouchers, including vouchers directly or indirectly funded by the federal government.

(b) In renting a housing accommodation that benefits from a city incentive approved on or after the effective date of this ordinance, the owner or manager of the housing accommodation may not discriminate against a person because of the person's source of income to pay rent.

SECTION 2

That these ordinances shall be cumulative of all other ordinances of the City of Fort Worth, Texas, and shall not repeal any of the provisions of such ordinances, except in those instances where provisions of such ordinances are in direct conflict with the provisions of this ordinance.

SECTION 3

That all rights or remedies of the City of Fort Worth, Texas, are expressly saved as to any and all violations of the City Code, or any amendments thereto that have accrued at the time of the effective date of this ordinance; and as to such accrued violations, and all pending litigation, both civil and criminal, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

SECTION 4

That it is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of these ordinances are severable, and if any phrase,

clause, sentence, paragraph or section of these ordinances shall be declared void, ineffective or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such voidness, ineffectiveness or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of these ordinances, since the same would have been enacted by the City Council without the incorporation herein of any such void, ineffective or unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 5

That any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of these ordinances shall be fined not more than Five Hundred Dollars (\$500.00) for each offense. Each day that a violation exists shall constitute a separate offense.

SECTION 6

That the City Secretary of the City of Fort Worth, Texas, is hereby directed to publish these ordinances for two (2) days in the official newspaper of the City of Fort Worth, Texas, as authorized by the Local Government Code Subsection 52.013.

SECTION 7

These ordinances shall take effect after adoption and publication as required by law.

APPROVED AS TO FORM AND LEGALITY:

ATTEST:

Matthew A. Murray
Assistant City Attorney

Jannette S. Goodall, City Secretary

Date: _____

ADOPTED: _____

EFFECTIVE: _____