

ORDINANCE NO. 2019-4970

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, REPEALING CHAPTER 11 – FAIR HOUSING; PROVIDING A REPEALER; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, in a continuing effort to review and update the City's Code of Ordinances, Staff recommends Council repeal Chapter 11 – Fair Housing of the Code of Ordinances;

**Whereas**, Chapter 11 is the City's local adoption of similar regulations found in the Federal Fair Housing Act ("FHA") and the Texas Fair Housing Act ("THA") - the FHA and THA protect people from discrimination when they are renting or buying a home, securing a mortgage, seeking housing assistance, or engaging in other housing-related activities;

**Whereas**, the FHA and THA prohibit discrimination in housing on the basis of race, color, national origin, religion, sex, familial status, and disability - some prohibited acts under both statutes include refusing to rent or sell housing, refusing to negotiate for housing, otherwise making housing unavailable, setting different terms, conditions, or privileges for the sale or rental of a dwelling, providing a person with different services or facilities, or falsely denying that housing is available for inspection, sale, or rental;

**Whereas**, the FHA and THA also prohibit harassment and discriminatory practices in mortgage lending - an individual may file a complaint under the FHA with the Housing and Urban Development's Office of Fair Housing and Equal Opportunity and they may also file a complaint under the THA with the Texas Workforce Commission;

**Whereas**, the City is not required to have local regulations related to fair housing, unless the City desires to include additional protected statuses - the City would also need to appoint a Fair Housing Administrator to take and investigate complaints;

**Whereas**, at this time, Staff is not recommending the addition of any protected classes and is therefore recommending that the City rely exclusively on the FHA and THA to prevent discriminatory housing practices;

**Whereas**, once repealed Chapter 11 will be retitled "Chapter 11 – Reserved."; and

**Whereas**, the City Council has considered the matter and deems it in the public interest to authorize this action.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, THAT:**

**Part 1: Findings.** All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

**Part 2:** The City Council repeals Chapter 11 – Fair Housing of the Code of Ordinances.

**Part 3:** All Ordinances or parts of Ordinances in conflict with the provisions of this ordinance are to the extent of such conflict hereby repealed.

**Part 4:** It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such invalid phrase, clause, sentence, paragraph or section.

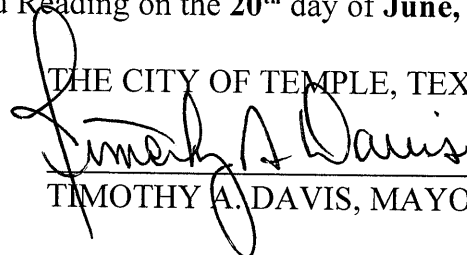
**Part 5:** This Ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Temple, Texas, and it is accordingly so ordained.

**Part 6:** It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on First Reading and Public Hearing on the 6<sup>th</sup> day of **June**, 2019.

PASSED AND APPROVED on Second Reading on the 20<sup>th</sup> day of **June**, 2019.

THE CITY OF TEMPLE, TEXAS



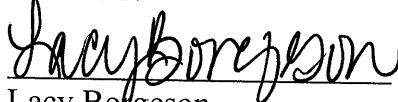
TIMOTHY A. DAVIS, MAYOR

APPROVED AS TO FORM:



Kayla Landeros  
City Attorney

ATTEST:



Lacy Borgeson  
City Secretary

