

3-7-22

ORDINANCE NO. 32157

An ordinance amending Chapter 20A, “Fair Housing and Mixed Income Housing,” of the Dallas City Code by amending Sections 20A-2, 20A-3, 20A-8, 20A-14, and 20A-15; providing an updated declaration of policy; providing a definition of sex; providing that the administrator may issue subpoenas to compel the attendance of witnesses or the production of documents; deleting the provision that venue for a civil action brought to enforce a conciliation agreement or a charge under Section 20A-12 is in Dallas County; providing a clarification on calculating the two-year period during which an aggrieved person may bring a civil action to seek relief for a discriminatory housing practice; providing a penalty not to exceed \$500; providing a saving clause; providing a severability clause; and providing an effective date.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That Section 20A-2, “Declaration of Policy,” of Article I, “Fair Housing,” of Chapter 20A, “Fair Housing and Mixed Income Housing,” of the Dallas City Code is amended to read as follows:

“SEC. 20A-2. DECLARATION OF POLICY.

It is the policy of the city of Dallas, through fair, orderly, and lawful procedures, to promote the opportunity for each person to obtain and maintain habitable housing without regard to race, color, sex, religion, handicap, familial status, national origin, or source of income. This policy is grounded upon a recognition of the right of every person to have access to adequate habitable housing of the person’s own choice, and to maintain the same free from the denial of this right because of race, color, sex, religion, handicap, familial status, national origin, or source of income is detrimental to the health, safety, and welfare of the inhabitants of the city and constitutes an unjust deprivation of rights, which is within the power and proper responsibility of government to prevent.”

SECTION 2. That Section 20A-3, “Definitions,” of Article I, “Fair Housing,” of Chapter 20A, “Fair Housing and Mixed Income Housing,” of the Dallas City Code is amended by adding a new Paragraph (21.1) to read as follows:

“(21.1) SEX means a person’s biological gender as well as a person’s sexual orientation and gender identity.”

SECTION 3. That Subsection (c) of Section 20A-8, “Investigation,” of Article I, “Fair Housing,” of Chapter 20A, “Fair Housing and Mixed Income Housing,” of the Dallas City Code is amended to read as follows:

“(c) The administrator, in consultation with the city attorney, may, at the administrator’s discretion or at the request of the respondent, the complainant, or the aggrieved person if different from the complainant, [~~request the city council to~~] issue a subpoena or subpoena duces tecum to compel the attendance of a witness or the production of relevant materials or documents in accordance with [~~, pursuant to its power under Chapter III,~~] Section 2-8 [12] of Chapter 2 of the city code [charter]. Violation of a subpoena issued under this subsection is punishable by the same fines and penalties for contempt as are authorized before the county court.”

SECTION 4. That Subsection (a) of Section 20A-14, “Civil Action In State District Court,” of Article I, “Fair Housing,” of Chapter 20A, “Fair Housing and Mixed Income Housing,” of the Dallas City Code is amended to read as follows:

“(a) If a respondent has been found by the administrator and the city attorney to have breached an executed conciliation agreement or if the administrator has issued a charge under Section 20A-12, the city attorney, upon the request of the administrator, shall initiate and maintain a civil action on behalf of the aggrieved person in the state district court seeking relief under this chapter. [~~Venue is in Dallas County, Texas.~~]”

SECTION 5. That Subsection (a) of Section 20A-15, “Enforcement by Private Persons,” of Article I, “Fair Housing,” of Chapter 20A, “Fair Housing and Mixed Income Housing,” of the Dallas City Code is amended to read as follows:

“(a) An aggrieved person may file a civil action in state district court not later than two years after the occurrence or termination of an alleged discriminatory housing practice or after the breach of a conciliation agreement entered into under this chapter, whichever occurs last, to obtain appropriate relief with respect to the discriminatory housing practice or the breach of the conciliation agreement. Except for civil actions due to the breach of a conciliation agreement, computation of the two-year period does not include any time during which an administrative proceeding under this article was pending with respect to a complaint or charge under this article based upon a discriminatory housing practice.”

SECTION 6. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$500.

SECTION 7. That Chapter 20A of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 8. That any act done or right vested or accrued, or any proceeding, suit, or prosecution had or commenced in any action before the amendment or repeal of any ordinance, or part thereof, shall not be affected or impaired by amendment or repeal of any ordinance, or part thereof, and shall be treated as still remaining in full force and effect for all intents and purposes as if the amended or repealed ordinance, or part thereof, had remained in force.

SECTION 9. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

SECTION 10. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

CHRISTOPHER J. CASO, City Attorney

By Casey Byers
Assistant City Attorney

Passed MAR 09 2022



PROOF OF PUBLICATION – LEGAL ADVERTISING

The legal advertisement required for the noted ordinance was published in the Dallas Morning News, the official newspaper of the city, as required by law, and the Dallas City Charter, Chapter XVIII, Section 7.

DATE ADOPTED BY CITY COUNCIL MAR 09 2022

ORDINANCE NUMBER 32157

DATE PUBLISHED MAR 12 2022

ATTESTED BY:

A handwritten signature in black ink, appearing to be "R. G. J.", written over a horizontal line.