

MEMORANDUM

To: Paul Valenti, Director, Pinellas County Office of Human Rights

From: Brijesh Patel, Assistant County Attorney BP

CC: Mark Esparza, Senior Equal Opportunity Coordinator

Date: October 7, 2016

Re: Review of Final Investigative Report/Determination
Case Name: Bradley & Valerie Yourth v. Belle Harbor Owner's Assoc.,
Inc./Robulak/Flowers/Augello/Zurvale/Resource Property Mgmt., Inc./Dornquast
Case No.: PC-15-052/HUD: 04-15-0788-8

I have reviewed the Final Investigative Report/Determination issued by the Pinellas County Office of Human Rights in the above matter.

The complaint alleged a violation (or violations) of:

- The Fair Housing Act (42 U.S.C. §3601, et seq.)
- Chapter 70 of the Pinellas County Code of Ordinances

The complaint alleged discrimination based on one or more of the following prohibited bases:

- | | |
|--|---|
| <input type="checkbox"/> Race | <input type="checkbox"/> Sex |
| <input type="checkbox"/> Color | <input type="checkbox"/> Familial Status |
| <input type="checkbox"/> Religion | <input type="checkbox"/> Sexual Orientation |
| <input type="checkbox"/> National Origin | <input type="checkbox"/> Gender Identity/Expression |
| <input checked="" type="checkbox"/> Disability | |

Specifically, the complaint alleged the following discriminatory act(s):

- | | |
|--|--|
| <input type="checkbox"/> Refusing to rent or sell | <input type="checkbox"/> "Steering" |
| <input type="checkbox"/> Falsely denying availability of housing | <input type="checkbox"/> "Blockbusting " |
| <input type="checkbox"/> Refusing to negotiate for housing | <input type="checkbox"/> Intimidation, interference or coercion |
| <input type="checkbox"/> Discriminatory housing terms/conditions | <input type="checkbox"/> Lending Discrimination |
| <input type="checkbox"/> Discriminatory advertising | <input checked="" type="checkbox"/> Denying a reasonable
accommodation/modification |
| <input type="checkbox"/> Other: | |

I have determined that the housing opportunity which is the subject of the complaint is not exempt under the Fair Housing Act or Chapter 70 of the Pinellas County Code of Ordinances.

Sec. 804. [42 U.S.C. 3604] Discrimination in sale or rental of housing and other prohibited practices. As made applicable by section 803 of this title and except as exempted by sections 803(b) and 807 of this title, it shall be unlawful—

(a) To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, sex, familial status, or national origin.

(b) To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, religion, sex, familial status, or national origin.

(c) To make, print, or publish, or cause to be made, printed, or published any notice, statement, or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, sex, handicap, familial status, or national origin, or an intention to make any such preference, limitation, or discrimination.

(d) To represent to any person because of race, color, religion, sex, handicap, familial status, or national origin that any dwelling is not available for inspection, sale, or rental when such dwelling is in fact so available.

(e) For profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, sex, handicap, familial status, or national origin.

(f)

(1) To discriminate in the sale or rental, or to otherwise make unavailable or deny, a dwelling to any buyer or renter because of a handicap of--

(A) that buyer or renter,

(B) a person residing in or intending to reside in that dwelling after it is so sold, rented, or made available; or

(C) any person associated with that buyer or renter.

(2) To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection with such dwelling, because of a handicap of--

(A) that person; or

(B) a person residing in or intending to reside in that dwelling after it is so

sold, rented, or made available; or
(C) any person associated with that person.

(3) For purposes of this subsection, discrimination includes—

(A) a refusal to permit, at the expense of the handicapped person, reasonable modifications of existing premises occupied or to be occupied by such person if such modifications may be necessary to afford such person full enjoyment of the premises, except that, in the case of a rental, the landlord may where it is reasonable to do so condition permission for a modification on the renter agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted.

(B) a refusal to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling; or ...

Sec. 70-180. - Handicap.

- (a) A person may not discriminate in the sale or rental or otherwise make unavailable or deny a dwelling to any buyer or renter because of a handicap of:
- (1) That buyer or renter;
 - (2) A person residing in or intending to reside in that dwelling after it is sold, rented, or made available; or
 - (3) Any person associated with that buyer or renter.
- (b) A person may not discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling or in the provision of services or facilities in connection with the dwelling because of a handicap of:
- (1) That person;
 - (2) A person residing in or intending to reside in that dwelling after it is so sold, rented, or made available; or
 - (3) Any person associated with that person.
- (c) For purposes of this section only, discrimination includes:
- (1) A refusal to permit, at the expense of the handicapped person, reasonable modifications of existing premises occupied or to be occupied by the person if the modifications may be necessary to afford the person full enjoyment of the premises;

- (2) A refusal to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford the person equal opportunity to use and enjoy a dwelling; or ...

Based on my review of the Final Investigative Report/Determination issued by the Pinellas County Office of Human Rights, I concur in the reasonable cause determination, and find there is a sufficient legal basis for establishing a violation of law.