

**CHAPTER 20A
FAIR HOUSING**

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SEC. 20A-1. SHORT TITLE.

This chapter may be cited as the Dallas Fair Housing ordinance. (Ord. Nos. 13456; 14809; 20652; 20780)

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 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 housing of the person's own choice, and 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. (Ord. Nos. 13456; 14809; 20652; 20780; [30246](#))

SEC. 20A-3. DEFINITIONS.

In this chapter, unless the context requires a different definition:

- (1) **ACCESSIBLE** means that an area of a housing accommodation can be approached, entered, and used by a person with a physical handicap.
- (2) **ACCESSIBLE ROUTE** means a continuous unobstructed path connecting accessible elements and spaces in a housing accommodation that can be negotiated by a person with a severe disability using a wheelchair and that is also safe for and usable by a person with other disabilities.
- (3) **ADMINISTRATOR** means the administrator of the fair housing office designated by the city manager to enforce and administer this chapter and includes the administrator's designated representative.
- (4) **AGGRIEVED PERSON** means a person claiming to be injured by a discriminatory housing practice.
- (5) **BUILDING ENTRANCE ON AN ACCESSIBLE ROUTE** means an accessible entrance to a covered multi-family dwelling that is connected by an accessible route to public transportation stops, to accessible parking and passenger loading zones, or to the public streets or sidewalks, if available.
- (6) **COMPLAINANT** means a person, including the administrator, who files a complaint under Section 20A-7.
- (7) **COVERED MULTI-FAMILY DWELLING** means:
 - (A) a building consisting of four or more dwelling units if the building has one or more elevators; and
 - (B) a ground floor dwelling unit in any other building consisting of four or more dwelling units.
- (8) **DEFENSE** means a defense to criminal prosecution in municipal court as explained in the Texas Penal Code. Defense also means, where specifically provided, an exemption from a civil action.
- (9) **DISCRIMINATORY HOUSING PRACTICE** means conduct that is an offense under Section 20A-4 of this chapter.
- (10) **DWELLING UNIT** means a single unit of residence for a family.
- (11) **FAMILIAL STATUS** means the status of a person resulting from being:
 - (A) pregnant;
 - (B) domiciled with an individual younger than 18 years of age in regard to whom the person:
 - (i) is the parent or legal custodian; or
 - (ii) has the written permission of the parent or legal custodian for domicile with the individual; or
 - (C) in the process of obtaining legal custody of an individual younger than 18 years of age.
- (12) **FAMILY** includes a single individual.
- (13) **FINANCIAL AWARD** means a designated public subsidy matter, as that term is defined in Section 12A-15.2 of this code, as amended, or any other loan, grant, tax abatement, or monies awarded by the city.
- (14) **HANDICAP**:
 - (A) means:
 - (i) a physical or mental impairment that substantially limits one or more major life activities;
 - (ii) a record of an impairment described in Subparagraph (i) of this paragraph; or
 - (iii) being regarded as having an impairment described in Subparagraph (i) of this paragraph; and
 - (B) does not mean a current, illegal use of or addiction to a drug or illegal or federally-controlled substance.
- (15) **HOUSING ACCOMMODATION** means:
 - (A) 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; or

(B) any vacant land that is offered for sale or lease for the construction or location of a building, structure, or part of a building or structure described by Paragraph (A) of this subsection.

(16) PERSON means an individual, corporation, partnership, association, labor organization, legal representative, mutual company, joint-stock company, trust, unincorporated organization, trustee, receiver, or fiduciary or any employee, representative, or agent of the person.

(17) RENT means lease, sublease, or otherwise grant for a consideration the right to occupy premises that are not owned by the occupant.

(18) RESIDENCE does not include a hotel, motel, or similar public accommodation where occupancy is available exclusively on a temporary, day-to-day basis.

(19) RESIDENTIAL REAL ESTATE-RELATED TRANSACTION means:

(A) the making or purchasing of loans or the providing of other financial assistance:

(i) for purchasing, constructing, improving, repairing, or maintaining a housing accommodation; or

(ii) secured by residential real estate; or

(B) the selling, brokering, or appraising of residential real property.

(20) RESPONDENT means a person identified in a complaint or charge as having committed a discriminatory housing practice under this chapter.

(21) SOURCE OF INCOME means 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. For purposes of housing accommodations that benefit from a subsidy approved by the city council on or after the effective date of this ordinance, source of income includes housing choice vouchers and other federal, state, and local housing subsidies.

(22) SUBSIDY means a designated public subsidy matter, as that term is defined in Section 12A-15.2 of this code, as amended, or a density bonus, and that was approved by the city council. (Ord. Nos. 13456; 14809; 20652; 20780; [30246](#))

SEC. 20A-4. DISCRIMINATORY HOUSING PRACTICES.

(a) A person commits an offense if he, because of race, color, sex, religion, handicap, familial status, national origin, or source of income:

(1) refuses to negotiate with a person for the sale or rental of a housing accommodation or otherwise denies or makes unavailable a housing accommodation to a person;

(2) refuses to sell or rent, or otherwise makes unavailable, a housing accommodation to another person after the other person makes an offer to buy or rent the accommodation; or

(3) discriminates against a person in the terms, conditions, or privileges of, or in providing a service or facility in connection with, the sale or rental of a housing accommodation.

(b) A person commits an offense if he, because of race, color, sex, religion, handicap, familial status, national origin, or source of income:

(1) represents to a person that a housing accommodation is not available for inspection, sale, or rental if the accommodation is available;

(2) discriminates against a prospective buyer or renter in connection with the showing of a housing accommodation; or

(3) with respect to a multiple listing service, real estate brokers' organization, or other business relating to selling or renting housing accommodations:

(A) denies a person access to or membership in the business; or

(B) discriminates against a person in the terms or conditions of access to or membership in the business.

(c) A person commits an offense if he:

(1) for profit, induces or attempts to induce another person to sell or rent a housing accommodation by a representation that a person of a particular race, color, sex, religion, handicap, familial status, national origin, or source of income is in proximity to, is present in, or may enter into the neighborhood in which the housing accommodation is located;

(2) makes an oral or written statement indicating a policy of the respondent or a person represented by the respondent to discriminate on the basis of race, color, sex, religion, handicap, familial status, national origin, or source of income in the selling or renting of a housing accommodation; or

(3) prints or publicizes or causes to be printed or publicized an advertisement that expresses a preference or policy of discrimination based on race, color, sex, religion, handicap, familial status, national origin, or source of income in the selling or renting of a housing accommodation.

(d) A person who engages in a residential real estate-related transaction commits an offense if he, because of race, color, sex, religion, handicap, familial status, national origin, or source of income, discriminates against a person:

(1) in making a residential real estate-related transaction available; or

(2) in the terms or conditions of a residential real estate-related transaction.

(e) A person commits an offense if he:

(1) discriminates in the sale or rental of a housing accommodation 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 the housing accommodation after it is sold, rented, or made available; or

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

(2) discriminates against any person in the terms, conditions, or privileges of sale or rental of a housing accommodation, or in the provision of services or facilities in connection with the housing accommodation, because of a handicap of:

(A) that person;

(B) a person residing in or intending to reside in the housing accommodation after it is sold, rented, or made available; or

(C) any person associated with that person.

(f) A person commits an offense if he:

(1) refuses to permit, at the expense of a handicapped person, reasonable modifications of existing premises occupied or to be occupied by the handicapped person, if the modifications may be necessary to afford the handicapped person full use of the premises; except that, in the case of a rental, the landlord may, where reasonable to do so, condition permission for modification on the renter's agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted;

(2) refuses to make reasonable accommodations in rules, policies, practices, or services when the accommodations may be necessary to afford a handicapped person equal opportunity to use and enjoy a housing accommodation;

(3) fails to design or construct a covered multi-family dwelling, for first occupancy after March 13, 1991, to have at least one building entrance on an accessible route, unless it is impractical to do so because of the terrain or unusual characteristics of the site; or

(4) fails to design and construct a covered multi-family dwelling, for first occupancy after March 13, 1991, that has a building entrance on an accessible route in such a manner that:

(A) the public and common use areas of the dwelling are readily accessible to and usable by a handicapped person;

(B) all the doors designed to allow passage into and within all premises are sufficiently wide to allow passage by a handicapped person in a wheelchair; and

(C) all premises within a dwelling unit contain the following features of adaptive design:

- (i) an accessible route into and through the dwelling unit;
- (ii) light switches, electrical outlets, thermostats, and other environmental controls in accessible locations;
- (iii) reinforcements in the bathroom walls to allow later installation of grab bars; and
- (iv) usable kitchens and bathrooms that allow a person in a wheelchair to maneuver about the space.

(g) A person commits an offense if he coerces, intimidates, threatens, or otherwise interferes with any person in the exercise or enjoyment of, or on account of that person having exercised or enjoyed, or on account of that person having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by this chapter.

(h) A person commits an offense if he retaliates against any person for making a complaint, testifying, assisting, or participating in any manner in a proceeding under this chapter. (Ord. Nos. 13456; 14809; 20652; 20780; 21055; [30246](#))

SEC. 20A-4.1. HOUSING VOUCHER INCENTIVES.

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

(a) Subsidy. All housing accommodations that benefit from a subsidy approved by the city council on or after the effective date of this ordinance shall not discriminate against holders of any housing vouchers, including vouchers directly or indirectly funded by the federal government.

(b) Financial award. Multifamily housing accommodations that benefit from a financial award approved by the city council on or after the effective date of this ordinance shall set aside at least 10 percent of the dwelling units and solely lease those dwelling units to holders of housing vouchers, including vouchers directly or indirectly funded by the federal government, for a minimum of 15 years from the date of the initial issuance of the housing accommodation's certificate of occupancy. Multifamily has the meaning assigned in Section 51A-4.209 (b)(5) of the Dallas Development Code, as amended. (Ord. [30246](#).)

SEC. 20A-5. DEFENSES TO CRIMINAL PROSECUTION AND CIVIL ACTION.

(a) It is a defense to criminal prosecution or civil action under Section 20A-4 that:

(1) the housing accommodation is owned, controlled, or managed by:

(A) a religious organization, or a nonprofit organization that exists in conjunction with or is operated, supervised, or controlled by a religious organization, and the organization sells or rents the housing accommodation only to individuals of the same religion as the organization; except that, this defense is not available if:

- (i) the offense involves discrimination other than on the basis of religion;
- (ii) the organization owns, controls, or manages the housing accommodation for a commercial purpose; or
- (iii) membership in the religion is limited to individuals on the basis of race, color, sex, handicap, familial status, national origin, or source of income.

(B) a nonprofit religious, educational, civic, or service organization or by a person who rents the housing accommodation to individuals, a predominant number of whom are associated with the same nonprofit religious, educational, civic, or service organization, and the organization or person, for the purposes of privacy and personal modesty, rents the housing accommodation only to individuals of the same sex or provides separate accommodations or facilities on the basis of sex; except that, this defense is not available if the offense involves:

- (i) discrimination other than on the basis of sex; or
- (ii) a sale of the housing accommodation; or

(C) a private organization and, incidental to the primary purpose of the organization, the organization rents the housing accommodation only to its own members; except that, this defense is not available if:

- (i) the organization owns, controls, or manages the housing accommodation for a commercial purpose; or

(ii) the offense involves a sale of the housing accommodation; or

(2) compliance with this chapter would violate a federal, state, or local law restricting the maximum number of occupants permitted to occupy a dwelling unit.

(b) It is a defense to criminal prosecution or civil action under all of Section 20A-4 except Section 20A-4(c)(2) and (3) that the housing accommodation is:

(1) a single-family dwelling owned by the respondent; except that, this defense is not available if the respondent:

(A) owns an interest or title in more than three single-family dwellings, whether or not located inside the city, at the time the offense is committed;

(B) has not resided in the dwelling within the preceding 24 months before the offense is committed; or

(C) uses the services or facilities of a real estate agent, or any other person in the business of selling or renting real estate, in connection with a sale or rental involved in the offense; or

(2) occupied or intended for occupancy by four or fewer families living independently of each other, and the respondent is the owner of the accommodation and occupies part of the accommodation as a residence; except that, this defense is not available if the offense involves a sale of all or part of the housing accommodation.

(c) It is a defense to criminal prosecution or civil action under Section 20A-4 as it relates to handicap that occupancy of a housing accommodation by the aggrieved person would constitute a direct threat to the health or safety of another person or result in physical damage to another person's property.

(d) It is a defense to criminal prosecution or civil action under Section 20A-4 as it relates to familial status that the housing accommodation is:

(1) provided under a state or federal program that is specifically designed and operated to assist elderly persons, as defined in the state or federal program;

(2) intended for, and solely occupied by, a person at least 62 years of age, except that:

(A) an employee of the housing accommodation who performs substantial duties directly related to the management or maintenance of the housing accommodation may occupy a dwelling unit, with family members in the same unit; and

(B) a person under age 62 years residing in the housing accommodation on September 13, 1988 may occupy a dwelling unit, provided that all new occupants following that date are persons at least 62 years of age; and

(C) all vacant units are reserved for occupancy by persons at least 62 years of age; or

(3) intended and operated for occupancy by at least one person 55 years of age or older per dwelling unit, provided that:

(A) the housing accommodation has significant facilities and services specifically designed to meet the physical and social needs of an older person or, if it is not practicable to provide such facilities and services, the housing accommodation is necessary to provide important housing opportunities for an older person;

(B) at least 80 percent of the dwelling units in the housing accommodation are occupied by at least one person 55 years of age or older per dwelling unit; except that a newly constructed housing accommodation for first occupancy after March 12, 1989 need not comply with this requirement until 25 percent of the dwelling units in the housing accommodation are occupied; and

(C) the owner or manager of the housing accommodation publishes and adheres to policies and procedures that demonstrate an intent by the owner or manager to provide housing to persons at least 55 years of age.

(e) It is a defense to criminal prosecution or civil action under Section 20A-4(d) that the person, in the purchasing of loans, considered factors that were justified by business necessity and related to the transaction's financial security or the protection against default or reduction in the value of the security, but were unrelated to race, color, religion, sex, handicap, familial status, national origin, or source of income.

(f) It is a defense to criminal prosecution under Section 20A-4 that the aggrieved person has been convicted by a court of competent jurisdiction of the illegal manufacture or distribution of a controlled substance as defined by Section 481.002 of the Texas Health and Safety Code, as amended, or by Section 802, Title 21 of the United States Code Annotated, as amended.

(g) It is a defense to criminal prosecution under Section 20A-4(d) that the person was engaged in the business of furnishing

appraisals of real property and considered factors other than race, color, religion, sex, handicap, familial status, national origin, or source of income.

(h) It is a defense to criminal prosecution or civil action under Section 20A-4 regarding source of income that at least 10 percent of the dwelling units in a multifamily use, as defined in Section 51A-4.209(b)(5) of the Dallas Development Code, as amended, are leased to housing voucher holders.

(i) Nothing in this chapter prohibits:

(1) conduct against a person because of the person's conviction by a court of competent jurisdiction of the illegal manufacture or distribution of a controlled substance as defined by Section 481.002 of the Texas Health and Safety Code, as amended, or by Section 802, Title 21 of the United States Code Annotated, as amended; or

(2) a person engaged in the business of furnishing appraisals of real property from taking into consideration factors other than race, color, religion, sex, handicap, familial status, national origin, or source of income. (Ord. Nos. 13456; 14809; 20652; 20780; 21055; [30246](#))

SEC. 20A-6. FAIR HOUSING ADMINISTRATOR.

(a) The administrator shall implement and enforce this chapter and may establish such rules and regulations as are determined necessary to perform the duties of that office.

(b) The administrator is encouraged to cooperate with the Secretary of Housing and Urban Development and the Attorney General of the United States in the enforcement of the Fair Housing Act of 1968, 42 U.S.C. § 3601, et seq., as amended, and may assist the secretary or attorney general in any way consistent with the policy of this chapter. The administrator is encouraged to cooperate with the Texas Commission on Human Rights in the enforcement of the Texas Fair Housing Act, Article 1f, Vernon's Texas Revised Civil Statutes, as amended, and may assist the commission in any way consistent with the policy of this chapter.

(c) The administrator may order discovery in aid of investigations under this chapter. Such discovery may be ordered to the same extent and is subject to the same limitations as would apply if the discovery were ordered in aid of a civil action in a state district court of Dallas County, Texas. (Ord. Nos. 13456; 14809; 17393; 20652; 20780)

SEC. 20A-7. COMPLAINT AND ANSWER.

(a) An aggrieved person, or any authorized representative of an aggrieved person, may report a discriminatory housing practice to the administrator and file a complaint with the administrator not later than one year after an alleged discriminatory housing practice has occurred or terminated. A complaint may also be filed by the administrator, not later than one year after an alleged discriminatory housing practice has occurred or terminated, if the administrator has reasonable cause to believe that a person has committed a discriminatory housing practice.

(b) The administrator shall treat a complaint referred by the Secretary of Housing and Urban Development or the Attorney General of the United States under the Fair Housing Act of 1968, 42 U.S.C. § 3601, et seq., as amended, or by the Texas Commission on Human Rights under the Texas Fair Housing Act, Article 1f, Vernon's Texas Revised Civil Statutes, as amended, as a complaint filed under Subsection (a). No action will be taken under this chapter against a person for a discriminatory housing practice if the referred complaint was filed with the governmental entity later than one year after an alleged discriminatory housing practice occurred or terminated.

(c) A complaint must be in writing, made under oath or affirmation, and contain the following information:

(1) Name and address of the respondent.

(2) Name, address, and signature of the complainant.

(3) Name and address of the aggrieved person, if different from the complainant.

(4) Date of the occurrence or termination of the discriminatory housing practice and date of the filing of the complaint.

(5) Description and address of the housing accommodation involved in the discriminatory housing practice, if appropriate.

(6) Concise statement of the facts of the discriminatory housing practice, including the basis of the discrimination (race, color, sex, religion, handicap, familial status, national origin, or source of income).

(d) Upon the filing of a complaint, the administrator shall, in writing:

(1) notify the complainant, and the aggrieved person if different from the complainant, that a complaint has been filed; and

(2) advise the complainant, and the aggrieved person if different from the complainant, of time limits applicable to the complaint and of any rights, obligations, and remedies of the aggrieved person under this chapter.

(e) Not more than 10 days after the filing of a complaint, the administrator shall, in writing:

(1) notify the respondent named in the complaint that a complaint alleging the commission of a discriminatory housing practice has been filed against the respondent;

(2) furnish a copy of the complaint to the respondent;

(3) advise the respondent of the procedural rights and obligations of the respondent, including the right to file a written, signed, and verified informal answer to the complaint within 10 days after service of notice of the complaint; and

(4) advise the respondent of other rights and remedies available to the aggrieved person under this chapter.

(f) Not later than the 10th day after service of the notice and copy of the complaint, a respondent may file an answer to the complaint. The answer must be in writing, made under oath or affirmation, and contain the following information:

(1) Name, address, telephone number, and signature of the respondent or the respondent's attorney, if any.

(2) Concise statement of facts in response to the allegations in the complaint and facts of any defense or exemption.

(g) A complaint or answer may be amended at any time before the administrator notifies the city attorney under Section 20A-12 of a discriminatory housing practice upon which the complaint is based. The administrator shall furnish a copy of each amended complaint or answer, respectively, to the respondent or complainant, and any aggrieved person if different from the complainant, as promptly as is practicable.

(h) The administrator may not disclose or permit to be disclosed to the public the identity of a respondent before the administrator notifies the city attorney under Section 20A-12 of a discriminatory housing practice alleged against the respondent in a complaint or while the complaint is in the process of being investigated and prior to completion of all negotiations relative to a conciliation agreement.

(i) A complaint, except a referred complaint described in Subsection (b) of this section, shall be finally disposed of either through dismissal, execution of a conciliation agreement, or issuance of a charge within one year after the date on which the complaint was filed unless it is impracticable to do so, in which case, the administrator shall notify the complainant, the aggrieved person if different from the complainant, and the respondent, in writing, of the reasons for the delay. (Ord. Nos. 13456; 14809; 20652; 20780; [30246](#))

SEC. 20A-8. INVESTIGATION.

(a) Not more than 30 days after the filing of a complaint by an aggrieved person or by the administrator, the administrator shall commence an investigation of the complaint to determine whether there is reasonable cause to believe a discriminatory housing practice was committed and the facts of the discriminatory housing practice.

(b) The administrator shall seek the voluntary cooperation of any person to:

(1) obtain access to premises, records, documents, individuals, and any other possible source of information;

(2) examine, record, and copy necessary materials; and

(3) take and record testimony or statements of any person reasonably necessary for the furtherance of the investigation.

(c) The administrator 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, pursuant to its power under Chapter III, Section 12 of the city 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.

(d) An investigation shall remain open until a reasonable cause determination is made under Section 20A-12, a conciliation agreement is executed and approved under Section 20A-10, or the complaint is dismissed under Section 20A-13. Unless impracticable

to do so, the administrator shall complete the investigation within 100 days after the date of filing of the complaint. If the administrator is unable to complete the investigation within the 100-day period, the administrator shall notify the complainant, the aggrieved party if different from the complainant, and the respondent, in writing, of the reasons for the delay.

(e) This section does not limit the authority of the administrator to conduct such other investigations or to use such other enforcement procedures, otherwise lawful, as the administrator considers necessary to enforce this chapter.

(f) The administrator shall prepare a final investigative report showing:

- (1) the names of and dates of contact with witnesses;
- (2) a summary, including dates, of correspondence and other contacts with the aggrieved person and the respondent;
- (3) a summary description of other pertinent records;
- (4) a summary of witness statements; and
- (5) answers to interrogatories. (Ord. Nos. 13456; 14809; 20652; 20780)

SEC. 20A-9. TEMPORARY OR PRELIMINARY RELIEF.

(a) If at any time following the filing of a complaint the administrator concludes that prompt judicial action is necessary to carry out the purposes of this chapter, the administrator may request the city attorney to initiate a civil action in the state district court of Dallas County, Texas for appropriate temporary or preliminary relief pending final disposition of the complaint.

(b) On receipt of the administrator's request, the city attorney shall promptly file the action in the state district court. Venue is in Dallas County, Texas.

(c) A temporary restraining order or other order granting preliminary or temporary relief under this section is governed by the applicable Texas Rules of Civil Procedure. (Ord. 20780)

SEC. 20A-10. CONCILIATION.

(a) During the period beginning with the filing of a complaint and ending with the issuance of a charge under Section 20A-12, the dismissal of the complaint under Section 20A-13, or the dismissal of the criminal action in municipal court, the administrator shall try to conciliate the complaint. In conciliating a complaint, the administrator shall try to achieve a just resolution and obtain assurances that the respondent will satisfactorily remedy any violation of the aggrieved person's rights and take action to assure the elimination of both present and future discriminatory housing practices.

(b) If a conciliation agreement is executed under this section, a party to the agreement may not be prosecuted in municipal court, nor may the administrator issue a charge against a party, for the discriminatory housing practice specified in the agreement under Subsection (d)(1) unless the administrator determines that the agreement has been violated and notifies the city attorney in writing of the violation.

(c) A conciliation agreement must be in writing in the form approved by the city attorney and must be signed and verified by the respondent, the complainant, and the aggrieved person if different from the complainant, subject to approval of the administrator who shall indicate approval by signing the agreement. A conciliation agreement that is not executed before the expiration of 100 days after the date the complaint is filed must include the approval of the city attorney. A conciliation agreement is executed upon its signing and verification by all parties to the agreement.

(d) A conciliation agreement executed under this section must contain:

- (1) an identification of the discriminatory housing practice and corresponding respondent that gives rise to the conciliation agreement under Subsection (a) and the identification of any other discriminatory housing practice and respondent that the parties agree to make subject to the limitation on prosecution in Subsection (b);
- (2) an identification of the housing accommodation subject to the conciliation agreement; and
- (3) a statement that each party entering into the conciliation agreement agrees:
 - (A) not to violate this chapter or the conciliation agreement; and

(B) that the respondent shall file with the administrator a periodic activity report, in accordance with the following regulations, if the discriminatory housing practice giving rise to the conciliation agreement under Subsection (a) involves a respondent who engages in a business relating to selling or renting housing accommodations; a housing accommodation occupied or intended for occupancy on a rental or sale basis; or a violation of Section 20A-4(d):

(i) Unless the discriminatory housing practice involves a violation of Section 20A-4(c)(1), the activity report must state, with respect to each person of the specified class (the race, color, sex, religion, handicap, familial status, national origin, or source of income alleged as the basis of discrimination in the complaint on the discriminatory housing practice) who in person contacts a party to the conciliation agreement concerning either sale, rental, or financing of a housing accommodation or a business relating to selling or renting housing accommodations, the name and address or telephone number of the person, the date of each contact, and the result of each contact.

(ii) If the discriminatory housing practice involves a violation of Section 20A-4(c)(1), the activity report must state the number and manner of solicitations concerning housing accommodations made by the party and the approximate boundaries of each neighborhood in which the solicitations are made.

(iii) The party who prepares the activity report must sign and verify the report.

(iv) An activity report must be filed each month on the date specified in the conciliation agreement for a period of not less than three months nor more than 36 months, as required by the conciliation agreement.

(e) In addition to the requirements of Subsection (d), a conciliation agreement may include any other term or condition agreed to by the parties, including, but not limited to:

(1) monetary relief in the form of damages, including humiliation and embarrassment, and attorney fees; and

(2) equitable relief such as access to the housing accommodation at issue, or to a comparable housing accommodation, and provision of services and facilities in connection with a housing accommodation.

(f) Nothing said during the course of conciliation may be made public or used as evidence in a subsequent proceeding under this chapter without the written consent of any person concerned.

(g) A conciliation agreement shall be made public, unless the aggrieved person and the respondent request nondisclosure and the administrator determines that disclosure is not required to further the purposes of this chapter. Notwithstanding a determination that disclosure of a conciliation agreement is not required, the administrator may publish tabulated descriptions of the results of all conciliation efforts.

(h) If the aggrieved person brings a civil action under a local, state, or federal law seeking relief for the alleged discriminatory housing practice and the trial in the action begins, the administrator shall terminate efforts to conciliate the complaint unless the court specifically requests assistance from the administrator. The administrator may also terminate efforts to conciliate the complaint if:

(1) the respondent fails or refuses to confer with the administrator;

(2) the aggrieved person or the respondent fails to make a good faith effort to resolve any dispute; or

(3) the administrator finds, for any reason, that voluntary agreement is not likely to result. (Ord. Nos. 13456; 14809; 20652; 20780; [30246](#))

SEC. 20A-11. VIOLATION OF CONCILIATION AGREEMENT.

(a) A person commits an offense if, after the person executes a conciliation agreement under Section 20A-10, he violates any term or condition contained in the agreement.

(b) It is no defense to criminal prosecution in municipal court or to civil action in state district court under this section that, with respect to a discriminatory housing practice that gave rise to the conciliation agreement under Section 20A-10:

(1) the respondent did not commit the discriminatory housing practice; or

(2) the administrator did not have probable cause to believe the discriminatory housing practice was committed.

(c) If the administrator determines that a conciliation agreement has been violated, the administrator shall give written notice to all parties subject to the agreement.

(d) When the administrator has reasonable cause to believe that a respondent has breached a conciliation agreement, the administrator shall refer the matter to the city attorney's office with a recommendation that a civil action be filed under Section 20A-14 for the enforcement of the agreement. The administrator shall also file a criminal action in municipal court for a violation of the agreement. (Ord. Nos. 13456; 14809; 20652; 20780)

SEC. 20A-12. REASONABLE CAUSE DETERMINATION AND CHARGE.

(a) Upon notification by the administrator that a conciliation agreement has not been executed by the complainant and the respondent and approved by the administrator in accordance with Section 20A-10, the city attorney, within the time limits set forth in Subsection (b), shall determine whether, based upon all facts known at the time of the decision, reasonable cause exists to believe that a discriminatory housing practice has occurred. In making the reasonable cause determination, the city attorney shall consider whether the facts concerning the alleged discriminatory housing practice are sufficient to warrant the initiation of a criminal action in municipal court or a civil action in state district court.

(b) The city attorney shall make a reasonable cause determination within 100 days after the filing of a complaint unless it is impracticable to do so. If the city attorney is unable to make the determination within the 100-day period, the administrator shall notify the complainant, the aggrieved person if different from the complainant, and the respondent, in writing, of the reasons for the delay.

(c) Upon determination by the city attorney that reasonable cause exists to believe that a discriminatory housing practice has occurred, the administrator shall immediately issue a charge on behalf of the aggrieved person. The administrator may also file a criminal action in municipal court. Not more than 20 days after the administrator issues the charge, the administrator shall notify the complainant, the aggrieved person if different from the complainant, and the respondent, in writing, of the issuance of a charge and include a copy of the charge.

(d) A charge issued by the administrator:

(1) shall consist of a short and plain written statement of the facts upon which the city attorney has found reasonable cause to believe that a discriminatory housing practice has occurred;

(2) shall be based on the final investigative report; and

(3) need not be limited to the facts or grounds alleged in the complaint filed under Section 20A-7 of this chapter.

(e) If the city attorney determines that no reasonable cause exists to believe that a discriminatory housing practice has occurred, the city attorney shall issue to the administrator a short and plain written statement of the facts upon which the city attorney based the no reasonable cause determination.

(f) The administrator may not issue a charge and the city attorney may not bring or maintain a civil action in state district court for an alleged discriminatory housing practice after the aggrieved person has brought a civil action under local, state, or federal law seeking relief for the alleged discriminatory housing practice and the trial in the action has begun. If a charge may not be issued by the administrator or a civil action may not be brought or maintained by the city attorney because of the trial of a civil action brought by the aggrieved party, the administrator shall notify the complainant, the aggrieved person if different from the complainant, and the respondent, in writing. (Ord. Nos. 13456; 14809; 20652; 20780; 21055)

SEC. 20A-13. DISMISSAL OF COMPLAINT.

(a) A complaint may be dismissed by the administrator:

(1) during the investigation and prior to referral to the city attorney when the administrator determines that:

(A) the complaint was not filed within the required time period;

(B) the location of the alleged discriminatory housing practice is not within the city's jurisdiction;

(C) the alleged discriminatory housing practice is not a violation of this chapter;

(D) the complainant or aggrieved person refuses to cooperate with the administrator in the investigation of the complaint or enforcement of the executed conciliation agreement;

(E) the complainant, or the aggrieved person if different from the complainant, cannot be located after the administrator has performed a reasonable search; or

(F) a conciliation agreement has been executed by the respondent, complainant, and aggrieved person if different from the complainant; or

(2) within 10 days after receipt of a statement of no reasonable cause from the city attorney.

(b) A criminal action may be dismissed by a municipal judge upon motion of the city attorney, if after the city attorney files the action charging a respondent with a discriminatory housing practice, a conciliation agreement is executed under Section 20A-10 before the trial begins in municipal court.

(c) The administrator shall notify the complainant, the aggrieved person if different from the complainant, and the respondent of the dismissal of the complaint, including a written statement of facts, and make public disclosure of the dismissal by issuing a press release, unless the respondent requests that no public disclosure be made. (Ord. Nos. 13456; 14809; 20652; 20780)

SEC. 20A-14. CIVIL ACTION IN STATE DISTRICT COURT.

(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.

(b) An aggrieved person may intervene in the action.

(c) If the court finds in the civil action that the conciliation agreement has been violated or a discriminatory housing practice has occurred, the court may award to the plaintiff:

(1) actual and punitive damages;

(2) civil penalties payable to the city for vindication of the public interest in an amount that does not exceed:

(A) \$10,000 if the respondent has not been adjudged by order of a court to have committed a prior discriminatory housing practice;

(B) except as provided by Subparagraph (D) of this paragraph, \$25,000 if the respondent has been adjudged by order of a court to have committed one other discriminatory housing practice during the five-year period ending on the date of the filing of the charge; and

(C) except as provided by Subparagraph (D) of this paragraph, \$50,000 if the respondent has been adjudged by order of a court to have committed two or more discriminatory housing practices during the seven-year period ending on the date of the filing of the charge.

(D) If the acts constituting the discriminatory housing practice that is the subject of the charge are committed by the same individual who has been previously adjudged to have committed acts constituting a discriminatory housing practice, the civil penalties in Subparagraphs (B) and (C) of this paragraph may be imposed without regard to the period of time within which any other discriminatory housing practice occurred;

(3) reasonable attorney's fees;

(4) costs of court; and

(5) any permanent or temporary injunction, temporary restraining order, or other order, including an order enjoining the defendant from engaging in the discriminatory housing practice or ordering appropriate affirmative action.

(d) If actual damages are sought for the benefit of an aggrieved person who does not intervene in the civil action, the court may not award the actual damages if the aggrieved person has not complied with discovery orders entered by the court.

(e) The city shall not be subject to orders for sanctions for the failure of the complainant, if other than the administrator, or aggrieved person to comply with discovery requests of the defendant or discovery orders of the court.

(f) Any resolution of a charge before a final order is signed by the state district court under this section requires the consent of the aggrieved person on whose behalf the charge is issued. (Ord. Nos. 20780; 21055)

SEC. 20A-15. ENFORCEMENT BY PRIVATE PERSONS.

(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.

(b) An aggrieved person may file an action under this section whether or not a complaint has been filed under Section 20A-7 of this chapter and without regard to the status of any complaint filed under Section 20A-7 of this chapter.

(c) An aggrieved person may not file an action under this section for an alleged discriminatory housing practice that forms the basis of a charge issued by the administrator if:

- (1) the administrator has obtained a conciliation agreement with the consent of the aggrieved person; or
- (2) the city attorney has filed a civil action on the charge in state district court on behalf of the aggrieved person.

(d) In an action under this section, if the court finds that a discriminatory housing practice has occurred, the court may award to the plaintiff:

- (1) actual and punitive damages;
- (2) reasonable attorney's fees;
- (3) court costs; and

(4) subject to Section 20(A)-16 of this chapter, any permanent or temporary injunction, temporary restraining order, or other order, including an order enjoining the defendant from engaging in the discriminatory housing practice or ordering appropriate affirmative action.

(e) A court in a civil action brought under this section may award reasonable attorney's fees to the prevailing party and assess court costs against the non-prevailing party. (Ord. 20780)

SEC. 20A-16. EFFECT OF CIVIL ACTION ON CERTAIN CONTRACTS.

Relief granted under Section 20A-14 or 20A-15 does not affect a contract, sale, encumbrance, or lease that:

(1) was consummated before the granting of the relief; and

(2) involved a bona fide purchaser, encumbrancer, or tenant who did not have actual notice of the filing of a complaint under this chapter or a civil action under Section 20A-17. (Ord. 20780)

SEC. 20A-17. SERVICE OF NOTICE AND COMPUTATION OF TIME.

(a) For purposes of this chapter, any notice, paper, or document required to be served on any person under this chapter may be served in person or by United States mail to the person's last known address.

(b) When service is by mail, three days will be added to the prescribed time period allowed under this chapter for timely filing.

(c) Service is complete and time periods begin to run at the time the required notice, paper, or document is delivered in person or deposited in a United States postal receptacle. (Ord. 20780)

SEC. 20A-18. ADDITIONAL REMEDIES.

The procedures prescribed by this chapter do not constitute an administrative prerequisite to another action or remedy available to the city or to an aggrieved person under federal or state law. (Ord. Nos. 13456; 14809; 20652; 20780)

SEC. 20A-19. EDUCATION AND PUBLIC INFORMATION.

The administrator may conduct educational and public information activities that are designed to promote the policy of this chapter. (Ord. Nos. 13456; 14809; 20652; 20780)

SEC. 20A-20. EFFECT ON OTHER LAW.

This ordinance does not affect any local, state, or federal restriction:

- (1) on the maximum number of occupants permitted to occupy a dwelling unit; or
- (2) relating to health or safety standards. (Ord. 20780)

SEC. 20A-21. CRIMINAL PENALTIES FOR VIOLATION.

(a) A person who violates a provision of Section 20A-4 or 20A-11 of this chapter commits a criminal offense. A person is guilty of a separate criminal offense for each day or part of a day during which a violation is committed, continued, or permitted.

(b) A criminal offense under this chapter is punishable in municipal court by a fine of not less than \$250 nor more than \$500. (Ord. Nos. 20652; 20780)