

29 FAR 35 | 8/29/2003 | NOTICE OF PROPOSED RULES

DEPARTMENT DEPARTMENT OF MANAGEMENT SERVICES

AGENCY FLORIDA COMMISSION ON HUMAN RELATIONS

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MEETING DATE Wednesday, September 24, 2003

MEETING TIME 9:00:00

RULE NO 60Y-7.005

TITLE Conciliation

**SPECIFIC
AUTHORITY** 120.53, 760.06(12), 760.31(5) FS.

**LAW
IMPLEMENTED** 120.53, 760.20-760.37 FS.

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ORIGINATOR William James Tait, Jr., General Counsel

APPROVER Cecil Howard, Executive Director

PROPOSAL DATE 8/18/2003

PUBLISH DATE 8/1/2003

Purpose

The rule chapter provides for Commission proceedings to receive, investigate and act upon complaints of discriminatory housing practices.

Summary

Amendments have updated rule sections to conform to current procedures and statutory requirements, including the adoption of the Uniform Rules of Procedure, and clarifying when a complaint is filed, and under what conditions, amendments, withdrawals and dismissals of complaints may be made.

Regulatory Costs

None. Any person who wishes to provide information regarding the statement of estimated regulatory cost, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

Notification

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

FULL TEXT OF THE PROPOSED RULE

60Y-7.005 Conciliation.

(1) If the Commission decides to resolve the complaint, it shall endeavor to eliminate any discriminatory housing practice by informal methods of conference, conciliation and persuasion. Insofar as possible, conciliation meetings shall be held in the city or other locality where the discriminatory housing practice allegedly occurred.

(2) The Commission shall attempt to achieve a just resolution of all violations found, and to obtain agreement that the respondent will eliminate the discriminatory housing practice and provide appropriate affirmative relief. Where such conciliation attempts are successful, the terms of the conciliation agreement shall be reduced to writing and signed by the complainant, the respondent and the Executive Director or person designated by the Executive Director. The original of the signed agreement shall be filed with the Clerk, and copies shall be served upon the respondent and the complainant.

(3) A duly executed conciliation agreement shall operate as a dismissal of the complaint; however, prior to the filing of the conciliation agreement, the parties may stipulate therein to bringing the agreement before a Panel of Commissioners. The Panel in its discretion may adopt the conciliation agreement as a consent order.

~~(4) If a conciliation agreement has not been signed and the complaint has not been withdrawn or dismissed within the time period established for filing a Petition for Relief, the Executive Director shall dismiss the complaint, 30 days after service of a "Notice of Determination (Cause)" a conciliation agreement has not been signed and the complaint has not been withdrawn or dismissed, the Executive Director shall cause a Notice of Failure of Conciliation to be served upon the complainant and the respondent. The 30-day period may be extended only by written stipulation of the complainant and the respondent or by the Executive Director. The Executive Director may shorten the 30-day period if it appears that conciliation will not be achieved.~~

~~(5) The Notice of Failure of Conciliation shall state that by filing a Petition for Relief from a Discriminatory Housing Practice within 30 days of service of the notice, the complainant may request that an administrative hearing be conducted on the claim. A form, Petition for Relief, in blank, shall be provided to the complainant at the time of service of the Notice of Failure of Conciliation. The Notice of Failure of Conciliation shall further advise that, at the request of the complainant, the Attorney General shall bring a civil action in the name of the State on behalf of the complainant to enforce the provisions of the Fair Housing Act.~~

Specific Authority 120.53, 760.31(5) FS. Law Implemented 120.53, 760.34 FS. History-New 1-25-90, Formerly 22T-21.005, Amended 11-18-92, _____.