
**AN ORDINANCE TO AMEND THE CODE OF DEKALB COUNTY, GEORGIA,
CHAPTER 15- LICENSES, PERMITS AND MISCELLANEOUS REGULATIONS,
ARTICLE XV. NON-DISCRIMINATION**

WHEREAS, the Board of Commissioners finds that access to safe, stable, and affordable housing is fundamental to the public health, safety, welfare, and economic vitality of DeKalb County;

WHEREAS, the Board recognizes that discriminatory housing practices limit housing choice, contribute to residential segregation, destabilize neighborhoods, and impede equal access to employment, education, transportation, healthcare, and other essential opportunities;

WHEREAS, the availability of fair housing is critical to maintaining diverse, inclusive, and economically vibrant communities throughout DeKalb County;

WHEREAS, although the federal Fair Housing Act and the Georgia Fair Housing Act prohibit certain discriminatory housing practices, the Board finds that a local enforcement mechanism will improve access to justice for residents and encourage voluntary compliance with fair housing requirements consistent with applicable law;

WHEREAS, the Board finds that providing a local process for addressing housing discrimination will promote the prompt resolution of complaints, increase public confidence in the enforcement of civil rights protections, and further the County's interest in protecting the health, safety, and welfare of its residents;

WHEREAS, the Board further finds that discrimination in the sale, rental, leasing, financing, advertising, or terms and conditions of housing adversely affects not only the individuals directly harmed, but also the broader community by limiting housing opportunities and undermining neighborhood stability;

WHEREAS, the Board desires to ensure that all persons have an equal opportunity to obtain and maintain housing without unlawful discrimination based on protected characteristics recognized by DeKalb County;

WHEREAS, expanding access to fair housing supports the County's efforts to increase housing stability, reduce displacement, promote workforce housing, and ensure that all residents have the opportunity to live in the community of their choice free from unlawful discrimination.

WHEREAS, these amendments are intended to complement and be construed consistently with the Georgia Fair Housing Act, O.C.G.A. § 8-3-200 et seq., the federal Fair Housing Act, 42 U.S.C. § 3601 et seq., and other applicable civil rights laws, while providing an additional local means of enforcement where authorized by law.

NOW THEREFORE, BE IT ORDAINED by the Governing Authority of DeKalb County, Georgia, that Chapter 15 of the Code of DeKalb County, as revised 1988, is hereby amended as follows:

Sec. 15-563. Definitions.

For purposes of this article, certain terms shall be interpreted or defined as follows unless the context clearly indicates otherwise.

Business shall have the same meaning as that term is defined to have in section 15-27 of this Code, now and as may be hereafter amended.

Hearing officer means a person chosen as described in section 15-567 below, who is charged with determining the validity of alleged violations of this article, and upon determining that a violation has occurred, assessing appropriate penalties as provided in this article.

Mediator means a state registered neutral, who shall be chosen by the executive assistant/chief operating officer or his/her designee to perform the duties described in section 15-566 below.

Place of public accommodation means any place, store, or other establishment that supplies accommodations, goods or services to the general public, or that solicits or accepts the patronage or trade from the general public, or that is supported directly or indirectly by government funds. The term does not include any private club, bona fide membership organization, or other establishment that is not in fact open to the public.

(Ord. No. 2023-0694, § Pt. I, 7-11-23)

Sec. 15-564. Unlawful practices.

It shall be an unlawful discriminatory practice for any business that is a place of public accommodation, or for any owner, operator, lessee, manager, agent or employee of such business, to refuse, deny or make a distinction, directly or indirectly, in offering its goods, services, facilities, and accommodations, to any person as covered by this article because of one (1) or more of that person's protected characteristics, as defined in section 1-2.

(Ord. No. 2023-0694, § Pt. I, 7-11-23)

Sec. 15-565. Exemptions.

- (a) This article shall not prohibit a religious organization from limiting its non-commercial accommodations, advantages, facilities, membership, and privileges to persons of the same religion.
- (b) Nothing in this article shall require a business to accommodate an individual's religion if the accommodation would cause an undue hardship to the conduct of the business, including by infringing on the rights of employees, customers, clients, or patients, or by creating a significant difficulty or expense for the business.

-
- (c) Nothing in this article shall prohibit a nonprofit private club that is in fact not open to the public, which as an incident to its primary purpose or purposes provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members.
 - (d) This article shall apply to sale or rental of real property only to the extent permitted by the Georgia Fair Housing Act, O.C.G.A. § 8-3-201 et seq., as it may be amended from time to time.
 - (e) Nothing in this article shall be construed to prohibit children's clubs, institutions or membership organizations from restricting non-commercial accommodations, advantages, facilities, membership, and privileges to persons of the same sex, if such sex restriction is fundamental to the nature or purpose of the club, institution, or membership organization.
 - (f) Nothing in this article shall be construed to prohibit treating disabled persons more favorably than non-disabled persons or to prohibit treating senior citizens over the age of fifty-five (55) more favorably than non-senior citizens.
 - (g) Nothing in this article shall be construed to prohibit offering discounts, special prices, or other special arrangements to children, families, or senior citizens over age fifty-five (55).
 - (h) Nothing in this article shall prohibit imposing age limits up to age twenty-one (21).
 - (i) Nothing in this article shall be construed to require any entity subject to this article to make changes requiring a building permit to any existing facility, except as otherwise required by law.

(Ord. No. 2023-0694, § Pt. I, 7-11-23)

Sec. 15-566. Enforcement.

- (a) Any person aggrieved by a potential violation of this article may file a verified complaint with the county's executive assistant/chief operating officer or designee on a form to be provided by the County. Any such complaint must be filed within sixty (60) days after the alleged act of discrimination. A filing fee of fifty (50) dollars (\$50.00) shall be paid by the complainant contemporaneously with the filing of a discrimination complaint; however, a complainant shall receive a refund of the filing fee if the complaint survives the dismissal provisions of section 15-568 below.
- (b) The executive assistant/chief operating officer or designee shall cause the complaint to be served on the business accused of a violation as soon as practicable but in no event later than seven (7) calendar days after receipt of a verified complaint. Service may be by personal service, by certified mail, return receipt requested or by statutory overnight delivery.
- (c) The complaint shall first be referred to a mediator for non-binding mediation. Participation in mediation shall be voluntary for both parties. Any fees charged by the mediator shall be split equally between the parties, unless at the conclusion of the mediation, both parties agree to assess these costs of mediation in some other manner.
- (d) Any mediation hereunder shall be conducted in accordance with procedures to be established by the mediator.

-
- (e) If, within fifteen (15) days of the conclusion of the mediation, either party notifies the executive assistant/chief operating officer or designee in writing that such party is dissatisfied with the results of the mediation, or if either party elects not to participate in mediation, the complaint shall be referred to a hearing officer as per section 15-567.

(Ord. No. 2023-0694, § Pt. I, 7-11-23)

Sec. 15-567. Appointment of hearing officer, service of complaint, burden of proof.

- (a) All complaints not resolved by mediation shall be heard before a hearing officer who: (i) shall be a competent attorney at law of good standing in his or her profession; (ii) shall have at least five (5) years' experience in the practice of law; (iii) shall not be an employee of the County; (iv) shall not hold any elected or appointed office within the County; and (v) shall not have served as outside counsel to the County, its elected officials, or employees in the preceding year. The executive assistant/chief operating officer or designee shall maintain a listing of no less than five (5) qualified attorneys, who must be licensed to practice law in the State of Georgia, to serve as a hearing officer pursuant to this section. Upon receipt of the letter of dissatisfaction with the result of the mediation, or if either party elects not to participate in mediation, the executive assistant/chief operating officer or designee shall draw names randomly from the listing of qualified hearing officers and appoint the first one (1) who is available to serve in the matter.
- (b) In all hearing officer proceedings under this section, the burden of proof shall be on the complaining party. Further, the evidentiary standard required to establish a violation under this article shall be based on a preponderance of the evidence.

(Ord. No. 2023-0694, § Pt. I, 7-11-23)

Sec. 15-568. Hearing.

- (a) The alleged violator shall have fifteen (15) days after receiving notice of the appointment of a hearing officer in which to file an answer to the complaint, provided, however, that the alleged violator shall have no obligation to file an answer to any complaint.
- (b) Upon the expiration of the fifteen-day answer period, the hearing officer shall review the complaint and answer, if any, to determine: (i) whether the complaint is in conformity of the requirements of sections 15-566 and 15-567 above; (ii) whether upon consideration of the complaint and answer, the complaint is unjustified, frivolous, or patently unfounded; or (iii) whether upon consideration of the complaint and answer, the complaint demonstrates facts sufficient to invoke the County's police powers.
- (c) If the complaint fails based upon the requirements of the foregoing subsection (b), the hearing officer shall dismiss the complaint in a signed written notice stating the basis for dismissal, and shall serve that notice on the parties, with a copy to the executive assistant/chief operating officer. Service shall be made by one (1) of the methods listed in the last sentence of section 15-566(b) or, if the parties consent in advance, by e-mail.
- (d) Upon a determination that the complaint should not be dismissed pursuant to the foregoing subsection (c), the hearing officer shall be empowered to collect evidence and information

concerning any complaint and to add the findings and results of his/her investigation to the file containing such complaint. In furtherance of this investigation, the hearing officer may:

- (1) Seek such further information from the complainant or the alleged violator through inquiry or written questions, provided, however, that the alleged violator shall have no obligation to answer any inquiries, or
 - (2) Conduct a hearing regarding the allegations set forth in the complaint. At any hearing, the alleged violator who is the subject of inquiry shall have the right: (i) to representation by counsel at all stages of these proceedings, (ii) to written notice of the hearing at least ten (10) calendar days before the first hearing, (iii) to hear and examine the evidence and witnesses, (iv) to not testify, and (v) to submit evidence and call witnesses to oppose or mitigate the allegations. In all hearings held under this section, strict rules of evidence and civil procedure shall not apply.
- (e) All investigations under this section shall be completed within thirty (30) days of receipt of the alleged violator's response or the expiration of the fifteen-day answer period, whichever is earlier. Should the investigation not be completed in said period, the complaint will be deemed dismissed as a failure to state facts sufficient to invoke the County's police power, and the hearing officer shall serve a signed written notice of such dismissal on the parties, with a copy to the executive assistant/chief operating officer. Service shall be made by one (1) of the methods listed in the last sentence of section 15-566(b) or, if the parties consent in advance, by e-mail.
- (f) Within seven (7) calendar days of the completion of the investigation, the hearing officer shall serve on the parties a written and signed notice of one (1) of the following final actions (served by one (1) of the methods listed in the last sentence of section 15-566(b) or, if the parties consent in advance, by e-mail), with a copy to the executive assistant/chief operating officer:
- (1) Dismissal of the complaint on the grounds that it is unjustified, frivolous, unfounded, or that it fails to state facts sufficient to invoke the County's police power; or
 - (2) A finding that a violation of this article has occurred, in which the hearing officer may take any of the following actions or a combination thereof:
 - a. Apply a civil penalty in an amount up to five (5) hundred dollars (\$500.00) for each violation. An additional penalty may be assessed in an amount up to five (5) hundred dollars (\$500.00) for repeat offenders. Failure to pay fines may result in the denial of a future application for business license or renewal license.
 - b. Recommend suspension or revocation of the violator's professional or business license or alcohol license pursuant to the applicable sections of this Code.
- (g) In addition, the hearing officer's fees shall be assessed to the non-prevailing party unless the hearing officer determines that the circumstances warrant assessing the costs in some other manner.

(Ord. No. 2023-0694, § Pt. I, 7-11-23)

Sec. 15-569. Right to appeal.

- (a) Any party adversely affected by the findings or recommendations of the hearing officer may obtain judicial review of such decision as provided in this section.
- (b) An action for judicial review may be commenced by filing a petition for review pursuant to the Superior and State Court Appellate Practice Act within thirty (30) days after written notice of the final action on a complaint pursuant to this article, signed by the hearing officer, has been served upon the parties by one (1) of the methods listed in the last sentence of section 15-568(e), with a copy to the executive assistant/chief operating officer. The filing of such petition shall act as supersedeas.

Secs. 15-570—15-572. Reserved.

ADOPTED by the Board of Commissioners of DeKalb County, this _____ day of _____, 2026.

Chakira Johnson
Presiding Officer
Board of Commissioners
DeKalb County, Georgia

APPROVED by the Chief Executive Officer of DeKalb County, this _____ day of _____, 2026.

LORRAINE COCHRAN-JOHNSON
Chief Executive Officer
DeKalb County, Georgia

ATTEST:

APPROVED AS TO FORM:

BARBARA NORWOOD-SANDERS, CCC
Clerk to the Board of Commissioners and
Chief Executive Officer
DeKalb County, Georgia

TERRY PHILLIPS
Interim County Attorney