

May 25, 1999

**VIA FACSIMILE TRANSMISSION**

Ms. Evelyn Golden  
Florida Commission on Human Relations

Dear Ms. Golden:

The purpose of this letter is to submit a written request for advice on interpretation of the Florida Fair Housing Act, as we discussed in a telephone conversation yesterday. Your assistance would be greatly appreciated as we have several inquiries from local government building officials to which we are trying to respond.

The question put most simply is what authority do local building officials have to enforce the provisions of section 760.23, Florida Statutes, which contains certain requirements for the design and construction of "covered multifamily dwellings." This section of the Florida Fair Housing Act requires that local governments "review the plans and specifications for the construction of covered multifamily dwellings to determine consistency with the requirements of this subsection." *Section 760.23(10), F.S.* However, section 760.34, Florida Statutes, which governs enforcement of the Florida Fair Housing Act, does not address the role of the building official or local governments in enforcing the act. Further, section 760.35, Florida Statutes, addresses only civil actions and administrative procedures initiated by the Commission on Human Relations.

This office has received numerous inquiries from local government building officials as to their role in enforcing the provisions of section 760.23(10), Florida Statutes. Most wish to know whether they can withhold a certificate of occupancy, or whether they must withhold a certificate of occupancy, for a structure which they determine upon review does not comply with the requirements of that section. The Florida Building Commission has the authority to interpret and advise local governments and designers on compliance with chapter 553, Florida Statutes, but does not have the authority to interpret chapter 760, Florida Statutes.

Thank you in advance for your assistance in this important enforcement matter. If you need further information, please contact me at (850) 922-1689.

Sincerely,

Suzanne H. Schmith  
Staff Attorney  
Florida Building Commission

cc: Rick Dixon, Program Administrator  
Amiya Das, Community Assistance Consultant