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VIRGINIA ACTS OF ASSEMBLY — CHAPTER

An Act to amend and reenact § 36-96.7 of the Code of Virginia, relating to the Virginia Fair Housing Law; housing for older persons.

[H 454]

Approved

Be it enacted by the General Assembly of Virginia:

1. That § 36-96.7 of the Code of Virginia is amended and reenacted as follows:

§ 36-96.7. Familial status protection not applicable to housing for older persons.

A. Nothing in this chapter regarding unlawful discrimination because of familial status shall apply to housing for older persons. As used in this section, "housing for older persons" means housing: (i) provided under any state or federal program that is specifically designed and operated to assist elderly persons, as defined in the state or federal program; or (ii) intended for, and solely occupied by, persons sixty-two years of age or older; or (iii) intended for, and solely occupied by, at least one person fifty-five years of age or older per unit. The following criteria shall be met in determining whether housing qualifies as housing for older persons under ~~subdivision~~ clause (iii) of this section:

1. ~~The existence of significant facilities and services specifically designed to meet the physical or social needs of older persons, or if the provision of such facilities and services is not practicable, that such housing is necessary to provide important housing opportunities for older persons;~~

~~2. That~~ At least eighty percent of the *occupied* units are occupied by at least one person fifty-five years of age or older per unit; and

~~3.~~ 2. The publication of, and adherence to, policies and procedures which demonstrate an intent by the owner or manager to provide housing for persons fifty-five years of age or older.

B. Housing shall not fail to meet the requirements for housing for older persons by reason of:

1. Persons residing in such housing as of September 13, 1988, who do not meet the age requirements of ~~subdivisions~~ clauses (ii) and (iii) of subsection A of ~~this section~~, provided that new occupants of such housing meet the age requirements of those ~~subdivisions~~ clauses; or

2. Unoccupied units, provided that such units are reserved for occupancy by persons who meet the provisions of ~~subdivisions~~ clauses (ii) and (iii) of subsection A of ~~this section~~.