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HOUSE BILL NO. 1578

Offered January 12, 2011

Prefiled January 5, 2011

A BILL to amend and reenact § 36-96.3 of the Code of Virginia, relating to the Fair Housing Law; unlawful discriminatory housing practices.

Patron—Dance

Referred to Committee on General Laws

Be it enacted by the General Assembly of Virginia:**1. That § 36-96.3 of the Code of Virginia is amended and reenacted as follows:**

§ 36-96.3. Unlawful discriminatory housing practices.

A. It shall be an unlawful discriminatory housing practice for any person:

1. To refuse to sell or rent after the making of a bona fide offer or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, national origin, sex, elderliness, or familial status;

2. To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in the connection therewith to any person because of race, color, religion, national origin, sex, elderliness, or familial status;

3. To make, print, or publish, or cause to be made, printed, or published any notice, statement, or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination or an intention to make any such preference, limitation or discrimination based on race, color, religion, national origin, sex, elderliness, familial status, or handicap. The use of words or symbols associated with a particular religion, national origin, sex, or race shall be prima facie evidence of an illegal preference under this chapter which shall not be overcome by a general disclaimer. However, reference alone to places of worship including, but not limited to, churches, synagogues, temples, or mosques in any such notice, statement or advertisement shall not be prima facie evidence of an illegal preference;

4. To represent to any person because of race, color, religion, national origin, sex, elderliness, familial status, or handicap that any dwelling is not available for inspection, sale, or rental when such dwelling is in fact so available;

5. To deny any person access to membership in or participation in any multiple listing service, real estate brokers' organization, or other service, organization or facility relating to the business of selling or renting dwellings, or to discriminate against such person in the terms or conditions of such access, membership, or participation because of race, color, religion, national origin, sex, elderliness, familial status, or handicap;

6. To include in any transfer, sale, rental, or lease of housing, any restrictive covenant that discriminates because of race, color, religion, national origin, sex, elderliness, familial status, or handicap or for any person to honor or exercise, or attempt to honor or exercise any such discriminatory covenant pertaining to housing;

7. To induce or attempt to induce to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, national origin, sex, elderliness, familial status, or handicap;

8. To refuse to sell or rent, or refuse to negotiate for the sale or rental of, or otherwise discriminate or make unavailable or deny a dwelling because of a handicap of (i) the buyer or renter, (ii) a person residing in or intending to reside in that dwelling after it is so sold, rented or made available, or (iii) any person associated with the buyer or renter;

9. To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith because of a handicap of (i) that person, (ii) a person residing in or intending to reside in that dwelling after it was so sold, rented or made available, or (iii) any person associated with that buyer or renter.

B. In addition to the other provisions of this Section it shall be an unlawful discriminatory housing practice for any locality to discriminate against any applicant in the application of local land use ordinances or guidelines, or in the permitting of housing developments, on the basis that the proposed development shall be operated in whole or part as affordable housing in accordance with the provisions of (i) 26 U.S.C. § 42, 26 U.S.C. § 142(d), 24 C.F.R. § 983, 24 C.F.R. § 236, 24 C.F.R. § 241(f), 24 C.F.R. § 221(d)(3), or any successors thereto; (ii) applicable state law; or (iii) local ordinances adopted by the locality wherein such real property is located.

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59 BC. For the purposes of this section, discrimination includes: (i) a refusal to permit, at the expense
60 of the handicapped person, reasonable modifications of existing premises occupied or to be occupied by
61 any person if such modifications may be necessary to afford such person full enjoyment of the premises;
62 except that, in the case of a rental, the landlord may, where it is reasonable to do so, condition
63 permission for a modification on the renter's agreeing to restore the interior of the premises to the
64 condition that existed before the modification, reasonable wear and tear excepted; (ii) a refusal to make
65 reasonable accommodations in rules, practices, policies, or services when such accommodations may be
66 necessary to afford such person equal opportunity to use and enjoy a dwelling; or (iii) in connection
67 with the design and construction of covered multi-family dwellings for first occupancy after March 13,
68 1991, a failure to design and construct dwellings in such a manner that:

69 1. The public use and common use areas of the dwellings are readily accessible to and usable by
70 handicapped persons;

71 2. All the doors designed to allow passage into and within all premises are sufficiently wide to allow
72 passage by handicapped persons in wheelchairs; and

73 3. All premises within covered multi-family dwelling units contain an accessible route into and
74 through the dwelling; light switches, electrical outlets, thermostats, and other environmental controls are
75 in accessible locations; there are reinforcements in the bathroom walls to allow later installation of grab
76 bars; and there are usable kitchens and bathrooms such that an individual in a wheelchair can maneuver
77 about the space. As used in this subdivision the term "covered multi-family dwellings" means buildings
78 consisting of four or more units if such buildings have one or more elevators and ground floor units in
79 other buildings consisting of four or more units.

80 CD. Compliance with the appropriate requirements of the American National Standards for Building
81 and Facilities (commonly cited as "ANSI A117.1") or with any other standards adopted as part of
82 regulations promulgated by HUD providing accessibility and usability for physically handicapped people
83 shall be deemed to satisfy the requirements of subdivision B C 3.

84 DE. Nothing in this chapter shall be construed to invalidate or limit any Virginia law or regulation
85 which requires dwellings to be designed and constructed in a manner that affords handicapped persons
86 greater access than is required by this chapter.