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**HOUSE BILL NO. 1910**

Offered January 14, 2015

Prefiled January 13, 2015

*A BILL to amend and reenact §§ 36-96.1, 36-96.1:1, and 36-96.3 of the Code of Virginia, relating to the Virginia Fair Housing Law; unlawful discriminatory practice; veterans receiving financial assistance.*

Patrons—Lopez, Futrell and Rasoul

Referred to Committee on General Laws

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 36-96.1, 36-96.1:1, and 36-96.3 of the Code of Virginia are amended and reenacted as follows:**

**§ 36-96.1. Declaration of policy.**

A. This chapter shall be known and referred to as the Virginia Fair Housing Law.

B. It is the policy of the Commonwealth of Virginia to provide for fair housing throughout the Commonwealth, to all its citizens, regardless of race, color, religion, national origin, sex, elderliness, familial status, ~~or~~ handicap, *status as a veteran, or receipt of veteran's financial assistance*, and to that end to prohibit discriminatory practices with respect to residential housing by any person or group of persons, in order that the peace, health, safety, prosperity, and general welfare of all the inhabitants of the Commonwealth may be protected and insured. This law shall be deemed an exercise of the police power of the Commonwealth of Virginia for the protection of the people of the Commonwealth.

**§ 36-96.1:1. Definitions.**

For the purposes of this chapter, unless the context clearly indicates otherwise:

"Aggrieved person" means any person who (i) claims to have been injured by a discriminatory housing practice or (ii) believes that such person will be injured by a discriminatory housing practice that is about to occur.

"Complainant" means a person, including the Fair Housing Board, who files a complaint under § 36-96.9.

"Conciliation" means the attempted resolution of issues raised by a complainant, or by the investigation of such complaint, through informal negotiations involving the aggrieved person, the respondent, their respective authorized representatives and the Fair Housing Board.

"Conciliation agreement" means a written agreement setting forth the resolution of the issues in conciliation.

"Discriminatory housing practices" means an act that is unlawful under §§ 36-96.3, 36-96.4, 36-96.5, or § 36-96.6.

"Dwelling" means any building, structure, or portion thereof, that is occupied as, or designated or intended for occupancy as, a residence by one or more families, and any vacant land that is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof.

"Elderliness" means an individual who has attained his fifty-fifth birthday.

"Familial status" means one or more individuals who have not attained the age of 18 years being domiciled with (i) a parent or other person having legal custody of such individual or individuals or (ii) the designee of such parent or other person having custody with the written permission of such parent or other person. The term "familial status" also includes any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of 18 years. For purposes of this section, "in the process of securing legal custody" means having filed an appropriate petition to obtain legal custody of such minor in a court of competent jurisdiction.

"Family" includes a single individual, whether male or female.

"Handicap" means, with respect to a person, (i) a physical or mental impairment that substantially limits one or more of such person's major life activities; (ii) a record of having such an impairment; or (iii) being regarded as having such an impairment. The term does not include current, illegal use of, or addiction to a controlled substance as defined in Virginia or federal law. Neither the term "individual with handicap" nor the term "handicap" shall apply to an individual solely because that individual is a transvestite.

"Lending institution" includes any bank, savings institution, credit union, insurance company or mortgage lender.

"Person" means one or more individuals, whether male or female, corporations, partnerships, associations, labor organizations, fair housing organizations, civil rights organizations, organizations,

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59 governmental entities, legal representatives, mutual companies, joint stock companies, trusts,  
60 unincorporated organizations, trustees, trustees in bankruptcy, receivers and fiduciaries.

61 "Respondent" means any person or other entity alleged to have violated the provisions of this  
62 chapter, as stated in a complaint filed under the provisions of this chapter and any other person joined  
63 pursuant to the provisions of § 36-96.9.

64 "Restrictive covenant" means any specification in any instrument affecting title to real property that  
65 purports to limit the use, occupancy, transfer, rental, or lease of any dwelling because of race, color,  
66 religion, national origin, sex, elderliness, familial status, or handicap.

67 "To rent" means to lease, to sublease, to let, or otherwise to grant for consideration the right to  
68 occupy premises not owned by the occupant.

69 "*Veteran*" means any person who served in the active military, naval, or air service and who was  
70 discharged or released therefrom under conditions other than dishonorable.

71 *Veteran's financial assistance* means any of the following paid to or on behalf of a veteran: veteran's  
72 benefits, disability benefits, social security benefits, or a subsidy provided to a veteran to defray the cost  
73 of rental housing, regardless of whether the subsidy is paid directly to the veteran or to a landlord or  
74 other third party for the benefit of the veteran.

75 **§ 36-96.3. Unlawful discriminatory housing practices.**

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

77 1. To refuse to sell or rent after the making of a bona fide offer or to refuse to negotiate for the sale  
78 or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color,  
79 religion, national origin, sex, elderliness, ~~or~~ familial status, *status as a veteran, or use of veteran's*  
80 *financial assistance*;

81 2. To discriminate against any person in the terms, conditions, or privileges of sale or rental of a  
82 dwelling, or in the provision of services or facilities in the connection therewith to any person because  
83 of race, color, religion, national origin, sex, elderliness, ~~or~~ familial status, *status as a veteran, or use of*  
84 *veteran's financial assistance*;

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

94 4. To represent to any person because of race, color, religion, national origin, sex, elderliness,  
95 familial status, ~~or~~ handicap, *status as a veteran, or use of veteran's financial assistance* that any  
96 dwelling is not available for inspection, sale, or rental when such dwelling is in fact so available;

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

102 6. To include in any transfer, sale, rental, or lease of housing, any restrictive covenant that  
103 discriminates because of race, color, religion, national origin, sex, elderliness, familial status, ~~or~~  
104 handicap, *status as a veteran, or use of veteran's financial assistance*, or for any person to honor or  
105 exercise, or attempt to honor or exercise any such discriminatory covenant pertaining to housing;

106 7. To induce or attempt to induce to sell or rent any dwelling by representations regarding the entry  
107 or prospective entry into the neighborhood of a person or persons of a particular race, color, religion,  
108 national origin, sex, elderliness, familial status, ~~or~~ handicap, *status as a veteran, or use of veteran's*  
109 *financial assistance*;

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

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

118 B. For the purposes of this section, discrimination includes: (i) a refusal to permit, at the expense of  
119 the handicapped person, reasonable modifications of existing premises occupied or to be occupied by  
120 any person if such modifications may be necessary to afford such person full enjoyment of the premises;

except that, in the case of a rental, the landlord may, where it is reasonable to do so, condition permission for a modification on the renter's agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted; (ii) a refusal to make reasonable accommodations in rules, practices, policies, or services when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling; or (iii) in connection with the design and construction of covered multi-family dwellings for first occupancy after March 13, 1991, a failure to design and construct dwellings in such a manner that:

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

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

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

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

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