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SENATE BILL NO. 868

Offered January 8, 2020

Prefiled January 8, 2020

A BILL to amend and reenact §§ 2.2-520, 2.2-3004, 2.2-3900, 2.2-3901, 2.2-3902, 6.2-501, 15.2-853, 15.2-854, 15.2-965, 15.2-1507, 15.2-1604, 22.1-306, 36-96.1 through 36-96.3, 36-96.4, 36-96.6, and 55.1-1310 of the Code of Virginia; to amend the Code of Virginia by adding a section numbered 2.2-2901.1, by adding in Chapter 39 of Title 2.2 sections numbered 2.2-3904 through 2.2-3907, and by adding sections numbered 15.2-1500.1 and 22.1-295.2; and to repeal § 2.2-3903 of the Code of Virginia, relating to prohibited discrimination; public accommodations, employment, housing, and credit; causes of action; sexual orientation and gender identity.

Patrons—Ebbin, Boysko, McClellan, Barker, Bell, Deeds, Edwards, Favola, Hashmi, Howell, Lewis, Locke, Lucas, Marsden, Mason, McPike, Morrissey, Petersen, Saslaw, Surovell and Vogel; Delegates: Adams, D.M., Askew, Ayala, Bagby, Bulova, Carr, Carroll Foy, Carter, Delaney, Guy, Guzman, Helmer, Heretick, Herring, Hope, Hurst, Jones, Keam, Kory, Krizek, Levine, Lindsey, Lopez, McQuinn, Mugler, Mullin, Murphy, Plum, Rasoul, Roem, Sickles, Simon, Simonds, Subramanyam, Torian, Tran, Tyler, Ward and Watts

Referred to Committee on General Laws and Technology

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-520, 2.2-3004, 2.2-3900, 2.2-3901, 2.2-3902, 6.2-501, 15.2-853, 15.2-854, 15.2-965, 15.2-1507, 15.2-1604, 22.1-306, 36-96.1 through 36-96.3, 36-96.4, 36-96.6, and 55.1-1310 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 2.2-2901.1, by adding in Chapter 39 of Title 2.2 sections numbered 2.2-3904 through 2.2-3907, and by adding 15.2-1500.1 and 22.1-295.2 as follows:

§ 2.2-520. Division of Human Rights created; duties.

A. There is created in the Department of Law a Division of Human Rights (the Division) to assist in the prevention of and relief from alleged unlawful discriminatory practices.

B. The duties of the Division shall be to:

1. Receive, investigate, seek to conciliate, refer to another agency, hold hearings pursuant to the Virginia Administrative Process Act (§ 2.2-4000 et seq.), and make findings and recommendations upon complaints alleging unlawful discriminatory practices pursuant to the Virginia Human Rights Act (§ 2.2-3900 et seq.);

2. Adopt, promulgate, amend, and rescind regulations consistent with this article pursuant to the Virginia Administrative Process Act (§ 2.2-4000 et seq.). However, the Division shall not have the authority to adopt regulations on a substantive matter when another state agency is authorized to adopt such regulations;

3. Inquire into incidents that may constitute unlawful acts of discrimination or unfounded charges of unlawful discrimination under state or federal law and take such action within the Division's authority designed to prevent such acts;

4. Seek through appropriate enforcement authorities, prevention of or relief from an alleged unlawful discriminatory practice;

5. Appoint and compensate qualified hearing officers from the list of hearing officers maintained by the Executive Secretary of the Supreme Court of Virginia;

6. Promote creation of local commissions to aid in effectuating the policies of this article and to enter into cooperative worksharing or other agreements with federal agencies or local commissions, including the deferral of complaints of discrimination to federal agencies or local commissions;

7. Make studies and appoint advisory councils to effectuate the purposes and policies of the article and to make the results thereof available to the public;

8. Accept public grants or private gifts, bequests, or other payments, as appropriate; and

9. Furnish technical assistance upon request of persons subject to this article to further comply with the article or an order issued thereunder.

§ 2.2-2901.1. Employment discrimination prohibited.

A. For the purposes of this section, "age" means being an individual who is at least 40 years of age.

B. No state agency, institution, board, bureau, commission, council, or instrumentality of the Commonwealth shall discriminate in employment on the basis of race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, age, marital status, disability, sexual orientation, gender identity, or status as a veteran.

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54 C. *The provisions of this section shall not prohibit (i) discrimination in employment on the basis of*  
 55 *sex or age in those instances when sex or age is a bona fide occupational qualification for employment*  
 56 *or (ii) providing preference in employment to veterans.*

57 **§ 2.2-3004. Grievances qualifying for a grievance hearing; grievance hearing generally.**

58 A. A grievance qualifying for a hearing shall involve a complaint or dispute by an employee relating  
 59 to the following adverse employment actions in which the employee is personally involved, including  
 60 but not limited to (i) formal disciplinary actions, including suspensions, demotions, transfers and  
 61 assignments, and dismissals resulting from formal discipline or unsatisfactory job performance; (ii) the  
 62 application of all written personnel policies, procedures, rules and regulations where it can be shown that  
 63 policy was misapplied or unfairly applied; (iii) discrimination on the basis of race, color, religion,  
 64 political affiliation, age, disability, national origin ~~or~~, sex, pregnancy, childbirth or related medical  
 65 conditions, marital status, sexual orientation, gender identity, or status as a veteran; (iv) arbitrary or  
 66 capricious performance evaluations; (v) acts of retaliation as the result of the use of or participation in  
 67 the grievance procedure or because the employee has complied with any law of the United States or of  
 68 the Commonwealth, has reported any violation of such law to a governmental authority, has sought any  
 69 change in law before the Congress of the United States or the General Assembly, or has reported an  
 70 incidence of fraud, abuse, or gross mismanagement; and (vi) retaliation for exercising any right  
 71 otherwise protected by law.

72 B. Management reserves the exclusive right to manage the affairs and operations of state government.  
 73 Management shall exercise its powers with the highest degree of trust. In any employment matter that  
 74 management precludes from proceeding to a grievance hearing, management's response, including any  
 75 appropriate remedial actions, shall be prompt, complete, and fair.

76 C. Complaints relating solely to the following issues shall not proceed to a hearing: (i) establishment  
 77 and revision of wages, salaries, position classifications, or general benefits; (ii) work activity accepted by  
 78 the employee as a condition of employment or which may reasonably be expected to be a part of the  
 79 job content; (iii) contents of ordinances, statutes or established personnel policies, procedures, and rules  
 80 and regulations; (iv) methods, means, and personnel by which work activities are to be carried on; (v)  
 81 termination, layoff, demotion, or suspension from duties because of lack of work, reduction in work  
 82 force, or job abolition; (vi) hiring, promotion, transfer, assignment, and retention of employees within  
 83 the agency; and (vii) relief of employees from duties of the agency in emergencies.

84 D. Except as provided in subsection A of § 2.2-3003, decisions regarding whether a grievance  
 85 qualifies for a hearing shall be made in writing by the agency head or his designee within five workdays  
 86 of the employee's request for a hearing. A copy of the decision shall be sent to the employee. The  
 87 employee may appeal the denial of a hearing by the agency head to the Director of the Department of  
 88 Human Resource Management (the Director). Upon receipt of an appeal, the agency shall transmit the  
 89 entire grievance record to the Department of Human Resource Management within five workdays. The  
 90 Director shall render a decision on whether the employee is entitled to a hearing upon the grievance  
 91 record and other probative evidence.

92 E. The hearing pursuant to § 2.2-3005 shall be held in the locality in which the employee is  
 93 employed or in any other locality agreed to by the employee, employer, and hearing officer. The  
 94 employee and the agency may be represented by legal counsel or a lay advocate, the provisions of §  
 95 54.1-3904 notwithstanding. The employee and the agency may call witnesses to present testimony and  
 96 be cross-examined.

97 **§ 2.2-3900. Short title; declaration of policy.**

98 A. This chapter shall be known and cited as the Virginia Human Rights Act.

99 B. It is the policy of the Commonwealth to:

100 1. Safeguard all individuals within the Commonwealth from unlawful discrimination because of race,  
 101 color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, age, marital  
 102 status, sexual orientation, gender identity, status as a veteran, or disability; in places of public  
 103 accommodation, including educational institutions and in real estate transactions;

104 2. Safeguard all individuals within the Commonwealth from unlawful discrimination in employment  
 105 because of race, color, religion, national origin, sex, pregnancy, childbirth or related medical  
 106 conditions, age, marital status, sexual orientation, gender identity, disability, or status as a veteran;  
 107 preserve

108 3. Preserve the public safety, health, and general welfare; and further

109 4. Further the interests, rights, and privileges of individuals within the Commonwealth; and

110 ~~2-~~ 5. Protect citizens of the Commonwealth against unfounded charges of unlawful discrimination.

111 **§ 2.2-3901. Definitions.**

112 Conduct that violates any Virginia or federal statute or regulation governing discrimination on the  
 113 basis of race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions,  
 114 age, marital status, or disability shall be an "unlawful discriminatory practice" for the purposes of this  
 115 chapter.

116 A. The terms "because of sex or gender" or "on the basis of sex or gender" or terms of similar  
117 import when used in reference to discrimination in the Code and acts of the General Assembly include  
118 because of or on the basis of pregnancy, childbirth, or related medical conditions. Women affected by  
119 pregnancy, childbirth, or related medical conditions shall be treated the same for all purposes as persons  
120 not so affected but similar in their abilities or disabilities.

121 B. *The term "gender identity," when used in reference to discrimination in the Code and acts of the*  
122 *General Assembly, means the gender-related identity, appearance, or other gender-related*  
123 *characteristics of an individual, with or without regard to the individual's designated sex at birth.*

124 C. *The term "sexual orientation," when used in reference to discrimination in the Code and acts of*  
125 *the General Assembly, means a person's actual or perceived heterosexuality, bisexuality, or*  
126 *homosexuality.*

127 **§ 2.2-3902. Construction of chapter; other programs to aid persons with disabilities, minors and**  
128 **the elderly.**

129 The provisions of this chapter shall be construed liberally for the accomplishment of its policies.  
130 ~~Nothing contained in this chapter shall be deemed to repeal, supersede or expand upon any of the~~  
131 ~~provisions of any other state or federal law relating to discrimination because of race, color, religion,~~  
132 ~~national origin, sex, pregnancy, childbirth or related medical conditions, age, marital status, or disability.~~

133 Nothing in this chapter shall prohibit or alter any program, service, facility, school, or privilege that  
134 is afforded, oriented, or restricted to a person because of disability or age from continuing to habilitate,  
135 rehabilitate, or accommodate that person.

136 In addition, nothing in this chapter shall be construed to affect any governmental program, law or  
137 activity differentiating between persons on the basis of age over the age of 18 years (i) where the  
138 differentiation is reasonably necessary to normal operation or the activity is based upon reasonable  
139 factors other than age or (ii) where the program, law or activity constitutes a legitimate exercise of  
140 powers of the Commonwealth for the general health, safety and welfare of the population at large.

141 Complaints filed with the Division of Human Rights of the Department of Law (the Division) in  
142 accordance with § 2.2-520 alleging unlawful discriminatory practice under a Virginia statute that is  
143 enforced by a Virginia agency shall be referred to that agency. The Division may investigate complaints  
144 alleging an unlawful discriminatory practice under a federal statute or regulation and attempt to resolve  
145 it through conciliation. Unsolved complaints shall thereafter be referred to the federal agency with  
146 jurisdiction over the complaint. Upon such referral, the Division shall have no further jurisdiction over  
147 the complaint. The Division shall have no jurisdiction over any complaint filed under a local ordinance  
148 adopted pursuant to § 15.2-965.

149 **§ 2.2-3904. Nondiscrimination in places of public accommodation; definitions.**

150 A. *As used in this section, unless the context requires a different meaning:*

151 *"Age" means being an individual who is at least 18 years of age.*

152 *"Place of public accommodation" means all places or businesses offering or holding out to the*  
153 *general public goods, services, privileges, facilities, advantages, or accommodations.*

154 B. *It is an unlawful discriminatory practice for any person, including the owner, lessee, proprietor,*  
155 *manager, superintendent, agent, or employee of any place of public accommodation, to refuse, withhold*  
156 *from, or deny any individual, or to attempt to refuse, withhold from, or deny any individual, directly or*  
157 *indirectly, any of the accommodations, advantages, facilities, services, or privileges made available in*  
158 *any place of public accommodation, or to segregate or discriminate against any such person in the use*  
159 *thereof, or to publish, circulate, issue, display, post or mail, either directly or indirectly, any*  
160 *communication, notice, or advertisement to the effect that any of the accommodations, advantages,*  
161 *facilities, privileges, or services of any such place shall be refused, withheld from, or denied to any*  
162 *individual on the basis of race, color, religion, national origin, sex, pregnancy, childbirth or related*  
163 *medical conditions, age, sexual orientation, gender identity, marital status, disability, or status as a*  
164 *veteran.*

165 C. *The provisions of this section shall not apply to a private club, a place of accommodation owned*  
166 *by or operated on behalf of a religious corporation, association, or society that is not in fact open to*  
167 *the public, or any other establishment that is not in fact open to the public.*

168 D. *The provisions of this section shall not prohibit (i) discrimination against individuals who are less*  
169 *than 18 years of age or (ii) the provision of special benefits, incentives, discounts, or promotions by*  
170 *public or private programs to assist persons who are at least 50 years of age or older.*

171 E. *The provisions of this section shall not supersede or interfere with any state law or local*  
172 *ordinance that prohibits a person under the age of 21 from entering a place of public accommodation.*

173 **§ 2.2-3905. Nondiscrimination in employment; definitions; exceptions.**

174 A. *As used in this section:*

175 *"Age" means being an individual who is at least 40 years of age.*

176 *"Employee" means an individual employed by an employer.*

177 "Employer" means person employing 15 or more employees for each working day in each of 20 or  
178 more calendar weeks in the current or preceding calendar year, and any agent of such a person.  
179 However, (i) for purposes of unlawful discharge under subdivision B 1 on the basis of race, color,  
180 religion, national origin, status as a veteran, sex, sexual orientation, gender identity, marital status,  
181 pregnancy, childbirth or related medical conditions including lactation, "employer" means any employer  
182 employing more than five persons and (ii) for purposes of unlawful discharge under subdivision B 1 on  
183 the basis of age, "employer" means any employer employing more than five but fewer than 20 persons.

184 "Employment agency" means any person, or an agent of such person, regularly undertaking with or  
185 without compensation to procure employees for an employer or to procure for employees opportunities  
186 to work for an employer.

187 "Joint apprenticeship committee" means the same as that term is defined in § 40.1-120.

188 "Labor organization" means an organization engaged in an industry, or an agent of such  
189 organization, that exists for the purpose, in whole or in part, of dealing with employers on behalf of  
190 employees concerning grievances, labor disputes, wages, rates of pay, hours, or other terms or  
191 conditions of employment. "Labor organization" includes employee representation committees, groups, or  
192 associations in which employees participate.

193 "Lactation" means a condition that may result in the feeding of a child directly from the breast or  
194 the expressing of milk from the breast.

195 "Religion" includes all aspects of religious observance and practice, as well as belief, unless an  
196 employer demonstrates that he is unable to reasonably accommodate an employee's or prospective  
197 employee's religious observance or practice without undue hardship on the conduct of the employer's  
198 business.

199 B. It is an unlawful employment practice for:

200 1. An employer to:

201 a. Fail or refuse to hire, discharge, or otherwise discriminate against any individual with respect to  
202 such individual's compensation, terms, conditions, or privileges of employment because of such  
203 individual's race, color, religion, sex, sexual orientation, gender identity, marital status, pregnancy,  
204 childbirth or related medical conditions including lactation, age, status as a veteran, or national origin;  
205 or

206 b. Limit, segregate, or classify employees or applicants for employment in any way that would  
207 deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect an  
208 individual's status as an employee, because of such individual's race, color, religion, sex, sexual  
209 orientation, gender identity, marital status, pregnancy, childbirth or related medical conditions including  
210 lactation, age, status as a veteran, or national origin.

211 2. An employment agency to:

212 a. Fail or refuse to refer for employment, or otherwise discriminate against, any individual because  
213 of such individual's race, color, religion, sex, sexual orientation, gender identity, marital status,  
214 pregnancy, childbirth or related medical conditions, age, status as a veteran, or national origin; or

215 b. Classify or refer for employment any individual on the basis of such individual's race, color,  
216 religion, sex, sexual orientation, gender identity, marital status, pregnancy, childbirth or related medical  
217 conditions, age, status as a veteran, or national origin.

218 3. A labor organization to:

219 a. Exclude or expel from its membership, or otherwise discriminate against, any individual because  
220 of such individual's race, color, religion, sex, sexual orientation, gender identity, marital status,  
221 pregnancy, childbirth or related medical conditions, age, status as a veteran, or national origin;

222 b. Limit, segregate, or classify its membership or applicants for membership, or classify or fail to or  
223 refuse to refer for employment any individual, in any way that would deprive or tend to deprive such  
224 individual of employment opportunities, or would limit such employment opportunities or otherwise  
225 adversely affect an individual's status as an employee or as an applicant for employment, because of  
226 such individual's race, color, religion, sex, sexual orientation, gender identity, marital status, pregnancy,  
227 childbirth or related medical conditions, age, status as a veteran, or national origin; or

228 c. Cause or attempt to cause an employer to discriminate against an individual in violation of  
229 subdivisions a or b.

230 4. An employer, labor organization, or joint apprenticeship committee to discriminate against any  
231 individual in any program to provide apprenticeship or other training program on the basis of such  
232 individual's race, color, religion, sex, sexual orientation, gender identity, pregnancy, childbirth or  
233 related medical conditions, age, status as a veteran, or national origin.

234 5. An employer, in connection with the selection or referral of applicants or candidates for  
235 employment or promotion, to adjust the scores of, use different cutoff scores for, or otherwise alter the  
236 results of employment-related tests on the basis of race, color, religion, sex, sexual orientation, gender  
237 identity, marital status, pregnancy, childbirth or related medical conditions, age, status as a veteran, or  
238 national origin.

239 6. Except as otherwise provided in this chapter, an employer to use race, color, religion, sex, sexual  
 240 orientation, gender identity, marital status, pregnancy, childbirth or related medical conditions, age,  
 241 status as a veteran, or national origin as a motivating factor for any employment practice, even though  
 242 other factors also motivate the practice.

243 7. (i) An employer to discriminate against any employees or applicants for employment, (ii) an  
 244 employment agency or a joint apprenticeship committee controlling an apprenticeship or other training  
 245 program to discriminate against any individual, or (iii) a labor organization to discriminate against any  
 246 member thereof or applicant for membership because such individual has opposed any practice made an  
 247 unlawful employment practice by this chapter or because such individual has made a charge, testified,  
 248 assisted, or participated in any manner in an investigation, proceeding, or hearing under this chapter.

249 8. An employer, labor organization, employment agency, or joint apprenticeship committee  
 250 controlling an apprenticeship or other training program to print or publish, or cause to be printed or  
 251 published, any notice or advertisement relating to (i) employment by such an employer, (ii) membership  
 252 in or any classification or referral for employment by such a labor organization, (iii) any classification  
 253 or referral for employment by such an employment agency, or (iv) admission to, or employment in, any  
 254 program established to provide apprenticeship or other training by such a joint apprenticeship  
 255 committee that indicates any preference, limitation, specification, or discrimination based on race, color,  
 256 religion, sex, sexual orientation, gender identity, marital status, pregnancy, childbirth or related medical  
 257 conditions, age, status as a veteran, or national origin, except that such a notice or advertisement may  
 258 indicate a preference, limitation, specification, or discrimination based on religion, sex, age, or national  
 259 origin when religion, sex, age, or national origin is a bona fide occupational qualification for  
 260 employment.

261 C. Notwithstanding any other provision of this chapter, it is not an unlawful employment practice:

262 1. For (i) an employer to hire and employ employees; (ii) an employment agency to classify, or refer  
 263 for employment, any individual; (iii) a labor organization to classify its membership or to classify or  
 264 refer for employment any individual; or (iv) an employer, labor organization, or joint apprenticeship  
 265 committee to admit or employ any individual in any apprenticeship or other training program on the  
 266 basis of such individual's religion, sex, age, or national origin in those certain instances where religion,  
 267 sex, age, or national origin is a bona fide occupational qualification reasonably necessary to the normal  
 268 operation of that particular employer, employment agency, labor organization, or joint apprenticeship  
 269 committee;

270 2. For an elementary or secondary school or institution of higher education to hire and employ  
 271 employees of a particular religion if such elementary or secondary school or institution of higher  
 272 education is, in whole or in substantial part, owned, supported, controlled, or managed by a particular  
 273 religion or by a particular religious corporation, association, or society or if the curriculum of such  
 274 elementary or secondary school or institution of higher education is directed toward the propagation of  
 275 a particular religion;

276 3. For an employer to apply different standards of compensation, or different terms, conditions, or  
 277 privileges of employment, pursuant to a bona fide seniority or merit system, or a system that measures  
 278 earnings by quantity or quality of production, or to employees who work in different locations, provided  
 279 that such differences are not the result of an intention to discriminate because of race, color, religion,  
 280 sex, sexual orientation, gender identity, marital status, pregnancy, childbirth or related medical  
 281 conditions, age, status as a veteran, or national origin; or

282 4. For an employer to give and to act upon the results of any professionally developed ability test,  
 283 provided that such test, its administration, or an action upon the results is not designed, intended, or  
 284 used to discriminate because of race, color, religion, sex, sexual orientation, gender identity, marital  
 285 status, pregnancy, childbirth or related medical conditions, age, status as a veteran, or national origin.

286 D. Nothing in this chapter shall be construed to require any employer, employment agency, labor  
 287 organization, or joint apprenticeship committee to grant preferential treatment to any individual or to  
 288 any group because of such individual's or group's race, color, religion, sex, sexual orientation, gender  
 289 identity, marital status, pregnancy, childbirth, or related medical conditions, age, status as a veteran, or  
 290 national origin on account of an imbalance that may exist with respect to the total number or  
 291 percentage of persons of any race, color, religion, sex, sexual orientation, gender identity, marital  
 292 status, pregnancy, childbirth, or related medical conditions, age, status as a veteran, or national origin  
 293 employed by any employer, referred or classified for employment by any employment agency or labor  
 294 organization, admitted to membership or classified by any labor organization, or admitted to or  
 295 employed in any apprenticeship or other training program, in comparison with the total number or  
 296 percentage of persons of such race, color, religion, sex, sexual orientation, gender identity, marital  
 297 status, pregnancy, childbirth, or related medical conditions, age, status as a veteran, or national origin  
 298 in any community.

299 E. The provisions of this section shall not apply to the employment of individuals of a particular

300 religion by a religious corporation, association, educational institution, or society to perform work  
 301 associated with its activities.

302 **§ 2.2-3906. Civil action by Attorney General.**

303 A. Whenever the Attorney General has reasonable cause to believe that any person or group of  
 304 persons is engaged in a pattern or practice of resistance to the full enjoyment of any of the rights  
 305 granted by this chapter, or that any person or group of persons has been denied any of the rights  
 306 granted by this chapter and such denial raises an issue of general public importance, the Attorney  
 307 General may commence a civil action in the appropriate circuit court for appropriate relief.

308 B. In such civil action, the court may:

309 1. Award such preventive relief, including a permanent or temporary injunction, restraining order, or  
 310 other order against the person responsible for a violation of this chapter, as is necessary to assure the  
 311 full enjoyment of the rights granted by this chapter.

312 2. Assess a civil penalty against the respondent (i) in an amount not exceeding \$50,000 for a first  
 313 violation and (ii) in an amount not exceeding \$100,000 for any subsequent violation. Such civil penalties  
 314 are payable to the Literary Fund.

315 3. Award a prevailing plaintiff reasonable attorney fees and costs.

316 The court or jury may award such other relief to the aggrieved person as the court deems  
 317 appropriate, including compensatory damages and punitive damages, without limitation otherwise  
 318 imposed by law.

319 C. Upon timely application, any person may intervene in a civil action commenced by the Attorney  
 320 General under subsection A that involves an alleged discriminatory practice pursuant to this chapter  
 321 with respect to which such person is an aggrieved person. The court may grant such appropriate relief  
 322 to any such intervening party as is authorized to be granted to a plaintiff in a civil action under  
 323 § 2.2-3907.

324 **§ 2.2-3907. Civil action by private parties.**

325 A. An aggrieved person may commence a civil action in an appropriate general district or circuit  
 326 court having jurisdiction over the person who allegedly unlawfully discriminated against such person in  
 327 violation of this chapter. Any such action shall be brought within 300 days from the date of the  
 328 unlawful discrimination or if the employee has filed a complaint with the Division of Human Rights of  
 329 the Department of Law or a local human rights or human relations agency or commission within 300  
 330 days of the unlawful discrimination, such action shall be brought within 90 days from the date that the  
 331 Division or a local human rights or human relations agency or commission has rendered a final  
 332 disposition on the complaint.

333 B. If the court or jury finds that unlawful discrimination has occurred or is about to occur, the court  
 334 or jury may award to the plaintiff, as the prevailing party, compensatory and punitive damages, without  
 335 limitation otherwise imposed by law, and the court may award reasonable attorney fees and costs and  
 336 may grant as relief any permanent or temporary injunction, temporary restraining order, or other order,  
 337 including an order enjoining the defendant from engaging in such practice, or order such affirmative  
 338 action as may be appropriate.

339 C. Upon timely application, the Attorney General may intervene in such civil action if the Attorney  
 340 General certifies that the case is of general public importance. Upon intervention, the Attorney General  
 341 may obtain such relief as would be available to a private party under subsection B.

342 **§ 6.2-501. Prohibited discrimination.**

343 A. As used in this section, "age" means being an individual who is at least 18 years of age.

344 B. It shall be unlawful for any creditor to discriminate against any applicant, with respect to any  
 345 aspect of a credit transaction:

346 1. On the basis of race, color, religion, national origin, sex ~~or~~, marital status, sexual orientation,  
 347 gender identity, or age, provided that the applicant has the capacity to contract; or

348 2. Because all or part of the applicant's income derives from any public assistance or social services  
 349 program.

350 ~~B.~~ C. It shall not constitute discrimination for purposes of this chapter for a creditor:

351 1. To make an inquiry of marital status if such inquiry is for the purpose of ascertaining the  
 352 creditor's rights and remedies applicable to the particular extension of credit and not to discriminate in a  
 353 determination of creditworthiness;

354 2. To make an inquiry of the applicant's age or of whether the applicant's income derives from any  
 355 public assistance or social services program if such inquiry is for the purpose of determining the amount  
 356 and probable continuance of income levels, credit history, or other pertinent element of creditworthiness  
 357 as provided in regulations of the Commission;

358 3. To use any empirically derived credit system which considers age if such system is demonstrably  
 359 and statistically sound in accordance with regulations of the Commission, except that in the operation of  
 360 such system the age of an elderly applicant may not be assigned a negative factor or value; or

361 4. To make an inquiry or to consider the age of an elderly applicant when the age of such applicant

362 is to be used by the creditor in the extension of credit in favor of such applicant.

363 C. *D.* It is not a violation of this section for a creditor to refuse to extend credit offered pursuant to:

364 1. Any credit assistance program expressly authorized by law for an economically disadvantaged  
365 class of persons;

366 2. Any credit assistance program administered by a nonprofit organization for its members or an  
367 economically disadvantaged class of persons; or

368 3. Any special purpose credit program offered by a profit-making organization to meet special social  
369 needs which meets standards prescribed in regulations by the Commission, if such refusal is required by  
370 or made pursuant to such program.

371 **§ 15.2-853. Commission on human rights; human rights ordinance.**

372 A county may enact an ordinance prohibiting discrimination in housing, real estate transactions,  
373 employment, public accommodations, credit, and education on the basis of race, color, religion, sex,  
374 pregnancy, childbirth or related medical conditions, national origin, *status as a veteran*, age, marital  
375 status, *sexual orientation*, *gender identity*, or disability. The board may enact an ordinance establishing a  
376 local commission on human rights ~~which~~ *that* shall have the following powers and duties:

377 1. To promote policies to ensure that all persons be afforded equal opportunity;

378 2. To serve as an agency for receiving, investigating, holding hearings, processing, and assisting in  
379 the voluntary resolution of complaints regarding discriminatory practices occurring within the county;  
380 and

381 3. With the approval of the county attorney, to seek, through appropriate enforcement authorities,  
382 prevention of or relief from a violation of any ordinance prohibiting discrimination; and ~~to~~

383 4. *To* exercise such other powers and duties as provided in this article. However, the commission  
384 shall have no power itself to issue subpoenas, award damages, or grant injunctive relief.

385 For the purposes of this article, "person" means one or more individuals, labor unions, partnerships,  
386 corporations, associations, legal representatives, mutual companies, joint-stock companies, trusts, or  
387 unincorporated organizations.

388 **§ 15.2-854. Investigations.**

389 Whenever the commission on human rights has a reasonable cause to believe that any person has  
390 engaged in, or is engaging in, any violation of a county ordinance ~~which~~ *that* prohibits discrimination  
391 due to race, color, religion, sex, pregnancy, childbirth or related medical conditions, national origin,  
392 *status as a veteran*, age, marital status, *sexual orientation*, *gender identity*, or disability, and, after  
393 making a good faith effort to obtain the data, information, and attendance of witnesses necessary to  
394 determine whether such violation has occurred, is unable to obtain such data, information, or attendance,  
395 it may request the county attorney to petition the judge of the general district court for its jurisdiction  
396 for a subpoena against any such person refusing to produce such data and information or refusing to  
397 appear as a witness, and the judge of such court may, upon good cause shown, cause the subpoena to be  
398 issued. Any witness subpoena issued under this section shall include a statement that any statements  
399 made will be under oath and that the respondent or other witness is entitled to be represented by an  
400 attorney. Any person failing to comply with a subpoena issued under this section shall be subject to  
401 punishment for contempt by the court issuing the subpoena. Any person so subpoenaed may apply to the  
402 judge who issued a subpoena to quash it.

403 **§ 15.2-965. Human rights ordinances and commissions.**

404 A. Any locality may enact an ordinance, not inconsistent with nor more stringent than any applicable  
405 state law, prohibiting discrimination in housing, employment, public accommodations, credit, and  
406 education on the basis of race, color, religion, sex, pregnancy, childbirth or related medical conditions,  
407 national origin, *status as a veteran*, age, marital status, *sexual orientation*, *gender identity*, or disability.

408 B. The locality may enact an ordinance establishing a local commission on human rights ~~which~~ *that*  
409 shall have the powers and duties granted by the Virginia Human Rights Act (§ 2.2-3900 et seq.).

410 **§ 15.2-1500.1. Employment discrimination prohibited.**

411 A. *As used in this section, "age" means being an individual who is at least 40 years of age.*

412 B. *No department, office, board, commission, agency, or instrumentality of local government shall  
413 discriminate in employment on the basis of race, color, religion, national origin, sex, pregnancy,  
414 childbirth or related medical conditions, age, marital status, disability, sexual orientation, gender  
415 identity, or status as a veteran.*

416 C. *The provisions of this section shall not prohibit (i) discrimination in employment on the basis of  
417 sex or age in those instances when sex or age is a bona fide occupational qualification for employment  
418 or (ii) providing preference in employment to veterans.*

419 **§ 15.2-1507. Provision of grievance procedure; training programs.**

420 A. If a local governing body fails to adopt a grievance procedure required by § 15.2-1506 or fails to  
421 certify it as provided in this section, the local governing body shall be deemed to have adopted a  
422 grievance procedure which is consistent with the provisions of Chapter 30 (§ 2.2-3000 et seq.) of Title

423 2.2 and any regulations adopted pursuant thereto for so long as the locality remains in noncompliance.  
 424 The locality shall provide its employees with copies of the applicable grievance procedure upon request.  
 425 The term "grievance" as used herein shall not be interpreted to mean negotiations of wages, salaries, or  
 426 fringe benefits.

427 Each grievance procedure, and each amendment thereto, in order to comply with this section, shall  
 428 be certified in writing to be in compliance by the city, town or county attorney, and the chief  
 429 administrative officer of the locality, and such certification filed with the clerk of the circuit court  
 430 having jurisdiction in the locality in which the procedure is to apply. Local government grievance  
 431 procedures in effect as of July 1, 1991, shall remain in full force and effect for 90 days thereafter,  
 432 unless certified and filed as provided above within a shorter time period.

433 Each grievance procedure shall include the following components and features:

434 1. Definition of grievance. A grievance shall be a complaint or dispute by an employee relating to  
 435 his employment, including but not necessarily limited to (i) disciplinary actions, including dismissals,  
 436 disciplinary demotions, and suspensions, provided that dismissals shall be grievable whenever resulting  
 437 from formal discipline or unsatisfactory job performance; (ii) the application of personnel policies,  
 438 procedures, rules, and regulations, including the application of policies involving matters referred to in  
 439 *clause (iii) of subdivision 2 (iii) below*; (iii) discrimination on the basis of race, color, creed, religion,  
 440 political affiliation, age, disability, national origin ~~or~~, sex, *marital status, pregnancy, childbirth or*  
 441 *related medical conditions, sexual orientation, gender identity, or status as a veteran*; and (iv) acts of  
 442 retaliation as the result of the use of or participation in the grievance procedure or because the employee  
 443 has complied with any law of the United States or of the Commonwealth, has reported any violation of  
 444 such law to a governmental authority, has sought any change in law before the Congress of the United  
 445 States or the General Assembly, or has reported an incidence of fraud, abuse, or gross mismanagement.  
 446 For the purposes of clause (iv), there shall be a rebuttable presumption that increasing the penalty that is  
 447 the subject of the grievance at any level of the grievance shall be an act of retaliation.

448 2. Local government responsibilities. Local governments shall retain the exclusive right to manage  
 449 the affairs and operations of government. Accordingly, the following complaints are nongrievable: (i)  
 450 establishment and revision of wages or salaries, position classification, or general benefits; (ii) work  
 451 activity accepted by the employee as a condition of employment or work activity ~~which~~ *that* may  
 452 reasonably be expected to be a part of the job content; (iii) the contents of ordinances, statutes, or  
 453 established personnel policies, procedures, rules, and regulations; (iv) failure to promote except where  
 454 the employee can show that established promotional policies or procedures were not followed or applied  
 455 fairly; (v) the methods, means, and personnel by which work activities are to be carried on; (vi) except  
 456 where such action affects an employee who has been reinstated within the previous six months as the  
 457 result of the final determination of a grievance, termination, layoff, demotion, or suspension from duties  
 458 because of lack of work, reduction in work force, or job abolition; (vii) the hiring, promotion, transfer,  
 459 assignment, and retention of employees within the local government; and (viii) the relief of employees  
 460 from duties of the local government in emergencies. In any grievance brought under the exception to  
 461 clause (vi) ~~of this subdivision~~, the action shall be upheld upon a showing by the local government that:  
 462 ~~(i)~~ *(a)* there was a valid business reason for the action and ~~(ii)~~ *(b)* the employee was notified of the  
 463 reason in writing prior to the effective date of the action.

464 3. Coverage of personnel.

465 a. Unless otherwise provided by law, all nonprobationary local government permanent full-time and  
 466 part-time employees are eligible to file grievances with the following exceptions:

467 (1) Appointees of elected groups or individuals;

468 (2) Officials and employees who by charter or other law serve at the will or pleasure of an  
 469 appointing authority;

470 (3) Deputies and executive assistants to the chief administrative officer of a locality;

471 (4) Agency heads or chief executive officers of government operations;

472 (5) Employees whose terms of employment are limited by law;

473 (6) Temporary, limited term and seasonal employees;

474 (7) Law-enforcement officers as defined in Chapter 5 (§ 9.1-500 et seq.) of Title 9.1 whose  
 475 grievance is subject to the provisions of Chapter 5 (§ 9.1-500 et seq.) of Title 9.1 and who have elected  
 476 to proceed pursuant to those provisions in the resolution of their grievance, or any other employee  
 477 electing to proceed pursuant to any other existing procedure in the resolution of his grievance.

478 b. Notwithstanding the exceptions set forth in subdivision 3 a ~~above~~, local governments, at their sole  
 479 discretion, may voluntarily include employees in any of the excepted categories within the coverage of  
 480 their grievance procedures.

481 c. The chief administrative officer of each local government, or his designee, shall determine the  
 482 officers and employees excluded from the grievance procedure, and shall be responsible for maintaining  
 483 an up-to-date list of the affected positions.

484 4. Grievance procedure availability and coverage for employees of community services boards,

485 redevelopment and housing authorities, and regional housing authorities. Employees of community  
 486 services boards, redevelopment and housing authorities created pursuant to § 36-4, and regional housing  
 487 authorities created pursuant to § 36-40 shall be included in (i) a local governing body's grievance  
 488 procedure or personnel system, if agreed to by the department, board, or authority and the locality or (ii)  
 489 a grievance procedure established and administered by the department, board or authority which is  
 490 consistent with the provisions of Chapter 30 (§ 2.2-3000 et seq.) of Title 2.2 and any regulations  
 491 promulgated pursuant thereto. If a department, board or authority fails to establish a grievance procedure  
 492 pursuant to clause (i) or (ii), it shall be deemed to have adopted a grievance procedure which is  
 493 consistent with the provisions of Chapter 30 (§ 2.2-3000 et seq.) of Title 2.2 and any regulations  
 494 adopted pursuant thereto for so long as it remains in noncompliance.

495 5. General requirements for procedures.

496 a. Each grievance procedure shall include not more than four steps for airing complaints at  
 497 successively higher levels of local government management, and a final step providing for a panel  
 498 hearing or a hearing before an administrative hearing officer upon the agreement of both parties.

499 b. Grievance procedures shall prescribe reasonable and specific time limitations for the grievant to  
 500 submit an initial complaint and to appeal each decision through the steps of the grievance procedure.

501 c. Nothing contained in this section shall prohibit a local government from granting its employees  
 502 rights greater than those contained herein, provided such grant does not exceed or violate the general  
 503 law or public policy of the Commonwealth.

504 6. Time periods.

505 a. It is intended that speedy attention to employee grievances be promoted, consistent with the ability  
 506 of the parties to prepare for a fair consideration of the issues of concern.

507 b. The time for submitting an initial complaint shall not be less than 20 calendar days after the event  
 508 giving rise to the grievance, but local governments may, at their option, allow a longer time period.

509 c. Limits for steps after initial presentation of grievance shall be the same or greater for the grievant  
 510 than the time which is allowed for local government response in each comparable situation.

511 d. Time frames may be extended by mutual agreement of the local government and the grievant.

512 7. Compliance.

513 a. After the initial filing of a written grievance, failure of either party to comply with all substantial  
 514 procedural requirements of the grievance procedure, including the panel or administrative hearing,  
 515 without just cause shall result in a decision in favor of the other party on any grievable issue, provided  
 516 the party not in compliance fails to correct the noncompliance within five workdays of receipt of written  
 517 notification by the other party of the compliance violation. Such written notification by the grievant shall  
 518 be made to the chief administrative officer, or his designee.

519 b. The chief administrative officer, or his designee, at his option, may require a clear written  
 520 explanation of the basis for just cause extensions or exceptions. The chief administrative officer, or his  
 521 designee, shall determine compliance issues. Compliance determinations made by the chief  
 522 administrative officer shall be subject to judicial review by filing petition with the circuit court within  
 523 30 days of the compliance determination.

524 8. Management steps.

525 a. The first step shall provide for an informal, initial processing of employee complaints by the  
 526 immediate supervisor through a nonwritten, discussion format.

527 b. Management steps shall provide for a review with higher levels of local government authority  
 528 following the employee's reduction to writing of the grievance and the relief requested on forms  
 529 supplied by the local government. Personal face-to-face meetings are required at all of these steps.

530 c. With the exception of the final management step, the only persons who may normally be present  
 531 in the management step meetings are the grievant, the appropriate local government official at the level  
 532 at which the grievance is being heard, and appropriate witnesses for each side. Witnesses shall be  
 533 present only while actually providing testimony. At the final management step, the grievant, at his  
 534 option, may have present a representative of his choice. If the grievant is represented by legal counsel,  
 535 local government likewise has the option of being represented by counsel.

536 9. Qualification for panel or administrative hearing.

537 a. Decisions regarding grievability and access to the procedure shall be made by the chief  
 538 administrative officer of the local government, or his designee, at any time prior to the panel hearing, at  
 539 the request of the local government or grievant, within 10 calendar days of the request. No city, town,  
 540 or county attorney, or attorney for the Commonwealth, shall be authorized to decide the question of  
 541 grievability. A copy of the ruling shall be sent to the grievant. Decisions of the chief administrative  
 542 officer of the local government, or his designee, may be appealed to the circuit court having jurisdiction  
 543 in the locality in which the grievant is employed for a hearing on the issue of whether the grievance  
 544 qualifies for a panel hearing. Proceedings for review of the decision of the chief administrative officer or  
 545 his designee shall be instituted by the grievant by filing a notice of appeal with the chief administrative

546 officer within 10 calendar days from the date of receipt of the decision and giving a copy thereof to all  
547 other parties. Within 10 calendar days thereafter, the chief administrative officer or his designee shall  
548 transmit to the clerk of the court to which the appeal is taken: a copy of the decision of the chief  
549 administrative officer, a copy of the notice of appeal, and the exhibits. A list of the evidence furnished  
550 to the court shall also be furnished to the grievant. The failure of the chief administrative officer or his  
551 designee to transmit the record shall not prejudice the rights of the grievant. The court, on motion of the  
552 grievant, may issue a writ of certiorari requiring the chief administrative officer to transmit the record on  
553 or before a certain date.

554 b. Within 30 days of receipt of such records by the clerk, the court, sitting without a jury, shall hear  
555 the appeal on the record transmitted by the chief administrative officer or his designee and such  
556 additional evidence as may be necessary to resolve any controversy as to the correctness of the record.  
557 The court, in its discretion, may receive such other evidence as the ends of justice require. The court  
558 may affirm the decision of the chief administrative officer or his designee, or may reverse or modify the  
559 decision. The decision of the court shall be rendered no later than the fifteenth day from the date of the  
560 conclusion of the hearing. The decision of the court is final and is not appealable.

561 10. Final hearings.

562 a. Qualifying grievances shall advance to either a panel hearing or a hearing before an administrative  
563 hearing officer, as set forth in the locality's grievance procedure, as described below:

564 (1) If the grievance procedure adopted by the local governing body provides that the final step shall  
565 be an impartial panel hearing, the panel may, with the exception of those local governments covered by  
566 subdivision a (2) of this subsection, consist of one member appointed by the grievant, one member  
567 appointed by the agency head and a third member selected by the first two. In the event that agreement  
568 cannot be reached as to the final panel member, the chief judge of the circuit court of the jurisdiction  
569 wherein the dispute arose shall select the third panel member. The panel shall not be composed of any  
570 persons having direct involvement with the grievance being heard by the panel, or with the complaint or  
571 dispute giving rise to the grievance. Managers who are in a direct line of supervision of a grievant,  
572 persons residing in the same household as the grievant and the following relatives of a participant in the  
573 grievance process or a participant's spouse are prohibited from serving as panel members: spouse, parent,  
574 child, descendants of a child, sibling, niece, nephew and first cousin. No attorney having direct  
575 involvement with the subject matter of the grievance, nor a partner, associate, employee or co-employee  
576 of the attorney shall serve as a panel member.

577 (2) If the grievance procedure adopted by the local governing body provides for the final step to be  
578 an impartial panel hearing, local governments may retain the panel composition method previously  
579 approved by the Department of Human Resource Management and in effect as of the enactment of this  
580 statute. Modifications to the panel composition method shall be permitted with regard to the size of the  
581 panel and the terms of office for panel members, so long as the basic integrity and independence of  
582 panels are maintained. As used in this section, the term "panel" shall include all bodies designated and  
583 authorized to make final and binding decisions.

584 (3) When a local government elects to use an administrative hearing officer rather than a  
585 three-person panel for the final step in the grievance procedure, the administrative hearing officer shall  
586 be appointed by the Executive Secretary of the Supreme Court of Virginia. The appointment shall be  
587 made from the list of administrative hearing officers maintained by the Executive Secretary pursuant to  
588 § 2.2-4024 and shall be made from the appropriate geographical region on a rotating basis. In the  
589 alternative, the local government may request the appointment of an administrative hearing officer from  
590 the Department of Human Resource Management. If a local government elects to use an administrative  
591 hearing officer, it shall bear the expense of such officer's services.

592 (4) When the local government uses a panel in the final step of the procedure, there shall be a  
593 chairperson of the panel and, when panels are composed of three persons (one each selected by the  
594 respective parties and the third from an impartial source), the third member shall be the chairperson.

595 (5) Both the grievant and the respondent may call upon appropriate witnesses and be represented by  
596 legal counsel or other representatives at the hearing. Such representatives may examine, cross-examine,  
597 question and present evidence on behalf of the grievant or respondent before the panel or hearing officer  
598 without being in violation of the provisions of § 54.1-3904.

599 (6) The decision of the panel or hearing officer shall be final and binding and shall be consistent  
600 with provisions of law and written policy.

601 (7) The question of whether the relief granted by a panel or hearing officer is consistent with written  
602 policy shall be determined by the chief administrative officer of the local government, or his designee,  
603 unless such person has a direct personal involvement with the event or events giving rise to the  
604 grievance, in which case the decision shall be made by the attorney for the Commonwealth of the  
605 jurisdiction in which the grievance is pending.

606 b. Rules for panel and administrative hearings.

607 Unless otherwise provided by law, local governments shall adopt rules for the conduct of panel or

608 administrative hearings as a part of their grievance procedures, or shall adopt separate rules for such  
609 hearings. Rules which are promulgated shall include, but need not be limited to the following  
610 provisions:

611 (1) That neither the panels nor the hearing officer have authority to formulate policies or procedures  
612 or to alter existing policies or procedures;

613 (2) That panels and the hearing officer have the discretion to determine the propriety of attendance at  
614 the hearing of persons not having a direct interest in the hearing, and, at the request of either party, the  
615 hearing shall be private;

616 (3) That the local government provide the panel or hearing officer with copies of the grievance  
617 record prior to the hearing, and provide the grievant with a list of the documents furnished to the panel  
618 or hearing officer, and the grievant and his attorney, at least 10 days prior to the scheduled hearing,  
619 shall be allowed access to and copies of all relevant files intended to be used in the grievance  
620 proceeding;

621 (4) That panels and hearing officers have the authority to determine the admissibility of evidence  
622 without regard to the burden of proof, or the order of presentation of evidence, so long as a full and  
623 equal opportunity is afforded to all parties for the presentation of their evidence;

624 (5) That all evidence be presented in the presence of the panel or hearing officer and the parties,  
625 except by mutual consent of the parties;

626 (6) That documents, exhibits and lists of witnesses be exchanged between the parties or hearing  
627 officer in advance of the hearing;

628 (7) That the majority decision of the panel or the decision of the hearing officer, acting within the  
629 scope of its or his authority, be final, subject to existing policies, procedures and law;

630 (8) That the panel or hearing officer's decision be provided within a specified time to all parties; and

631 (9) Such other provisions as may facilitate fair and expeditious hearings, with the understanding that  
632 the hearings are not intended to be conducted like proceedings in courts, and that rules of evidence do  
633 not necessarily apply.

634 11. Implementation of final hearing decisions.

635 Either party may petition the circuit court having jurisdiction in the locality in which the grievant is  
636 employed for an order requiring implementation of the hearing decision.

637 B. Notwithstanding the contrary provisions of this section, a final hearing decision rendered under  
638 the provisions of this section which would result in the reinstatement of any employee of a sheriff's  
639 office, who has been terminated for cause may be reviewed by the circuit court for the locality upon the  
640 petition of the locality. The review of the circuit court shall be limited to the question of whether the  
641 decision of the panel or hearing officer was consistent with provisions of law and written policy.

642 **§ 15.2-1604. Appointment of deputies and employment of employees; discriminatory practices**  
643 **by certain officers; civil penalty.**

644 A. It shall be an unlawful employment practice for a constitutional officer:

645 1. To fail or refuse to appoint or hire or to discharge any individual, or otherwise to discriminate  
646 against any individual with respect to his compensation, terms, conditions or privileges of appointment  
647 or employment, because of such individual's race, color, religion, sex ~~or~~, *age, marital status, pregnancy,*  
648 *childbirth or related medical conditions, sexual orientation, gender identity, national origin, or status as*  
649 *a veteran; or*

650 2. To limit, segregate, or classify his appointees, employees or applicants for appointment or  
651 employment in any way which would deprive or tend to deprive any individual of employment  
652 opportunities or otherwise adversely affect his status as an employee, because of the individual's race,  
653 color, religion, sex ~~or~~, *age, marital status, pregnancy, childbirth or related medical conditions, sexual*  
654 *orientation, gender identity, national origin, or status as a veteran.*

655 B. Nothing in this section shall be construed to make it an unlawful employment practice for a  
656 constitutional officer to hire or appoint an individual on the basis of his sex ~~or national origin~~ *or age* in  
657 those instances where sex ~~or national origin~~ *or age* is a bona fide occupational qualification reasonably  
658 necessary to the normal operation of that particular office. The provisions of this section shall not apply  
659 to policy-making positions, confidential or personal staff positions, or undercover positions.

660 C. With regard to notices and advertisements:

661 1. Every constitutional officer shall, prior to hiring any employee, advertise such employment  
662 position in a newspaper having general circulation or a state or local government job placement service  
663 in such constitutional officer's locality except where the vacancy is to be used (i) as a placement  
664 opportunity for appointees or employees affected by layoff, (ii) as a transfer opportunity or demotion for  
665 an incumbent, (iii) to fill positions that have been advertised within the past 120 days, (iv) to fill  
666 positions to be filled by appointees or employees returning from leave with or without pay, (v) to fill  
667 temporary positions, temporary employees being those employees hired to work on special projects that  
668 have durations of three months or less, or (vi) to fill policy-making positions, confidential or personal

669 staff positions, or special, sensitive law-enforcement positions normally regarded as undercover work.

670 2. No constitutional officer shall print or publish or cause to be printed or published any notice or  
 671 advertisement relating to employment by such constitutional officer indicating any preference, limitation,  
 672 specification, or discrimination, based on sex or national origin, except that such notice or advertisement  
 673 may indicate a preference, limitation, specification, or discrimination based on sex ~~or national origin or~~  
 674 ~~age~~ when sex ~~or national origin or age~~ is a bona fide occupational qualification for employment.

675 D. Complaints regarding violations of subsection A may be made to the Division of Human Rights  
 676 of the Department of Law. The Division shall have the authority to exercise its powers as ~~outlined~~  
 677 ~~provided~~ in Article 4 (§ 2.2-520 et seq.) of Chapter 5 of Title 2.2.

678 E. Any constitutional officer who willfully violates the provisions of subsection C shall be subject to  
 679 a civil penalty not to exceed \$2,000.

680 **§ 22.1-295.2. Employment discrimination prohibited.**

681 A. For the purposes of this section, "age" means being an individual who is at least 40 years of age.  
 682

683 B. No school board or any agent or employee thereof shall discriminate in employment on the basis  
 684 of race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, age,  
 685 marital status, disability, sexual orientation, gender identity, or status as a veteran.

686 C. The provisions of this section shall not prohibit (i) discrimination in employment on the basis of  
 687 sex or age in those instances when sex or age is a bona fide occupational qualification for employment  
 688 or (ii) providing preference in employment to veterans.

689 **§ 22.1-306. Definitions.**

690 As used in this article:

691 "Business day" means any day that the relevant school board office is open.

692 "Day" means calendar days unless a different meaning is clearly expressed in this article. Whenever  
 693 the last day for performing an act required by this article falls on a Saturday, Sunday, or legal holiday,  
 694 the act may be performed on the next day that is not a Saturday, Sunday, or legal holiday.

695 "Dismissal" means the dismissal of any teacher during the term of such teacher's contract.

696 "Grievance" means a complaint or dispute by a teacher relating to his employment, including but not  
 697 necessarily limited to: (i) disciplinary action including dismissal; (ii) the application or interpretation of:  
 698 (a) personnel policies, (b) procedures, (c) rules and regulations, (d) ordinances, and (e) statutes; (iii) acts  
 699 of reprisal against a teacher for filing or processing a grievance, participating as a witness in any step,  
 700 meeting or hearing relating to a grievance, or serving as a member of a fact-finding panel; and (iv)  
 701 complaints of discrimination on the basis of race, color, creed, religion, political affiliation, ~~handicap~~  
 702 ~~disability~~, age, national origin, ~~or sex, pregnancy, childbirth or related medical conditions, marital~~  
 703 ~~status, sexual orientation, gender identity, or status as a veteran~~. Each school board shall have the  
 704 exclusive right to manage the affairs and operations of the school division. Accordingly, the term  
 705 "grievance" shall not include a complaint or dispute by a teacher relating to (1) establishment and  
 706 revision of wages or salaries, position classifications, or general benefits;; (2) suspension of a teacher or  
 707 nonrenewal of the contract of a teacher who has not achieved continuing contract status;; (3) the  
 708 establishment or contents of ordinances, statutes, or personnel policies, procedures, rules, and  
 709 regulations;; (4) failure to promote;; (5) discharge, layoff, or suspension from duties because of decrease  
 710 in enrollment, decrease in enrollment or abolition of a particular subject, or insufficient funding;; (6)  
 711 hiring, transfer, assignment, and retention of teachers within the school division;; (7) suspension from  
 712 duties in emergencies;; (8) the methods, means, and personnel by which the school division's operations  
 713 are to be carried on;; or (9) coaching or extracurricular activity sponsorship.

714 While these management rights are reserved to the school board, failure to apply, where applicable,  
 715 the rules, regulations, policies, or procedures as written or established by the school board is grievable.

716 **§ 36-96.1. Declaration of policy.**

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

718 B. It is the policy of the Commonwealth of Virginia to provide for fair housing throughout the  
 719 Commonwealth, to all its citizens, regardless of race, color, religion, national origin, sex, pregnancy,  
 720 childbirth or related medical conditions, elderliness, familial status, marital status, sexual orientation,  
 721 gender identity, status as a veteran, or ~~handicap~~ disability, and to that end to prohibit discriminatory  
 722 practices with respect to residential housing by any person or group of persons, in order that the peace,  
 723 health, safety, prosperity, and general welfare of all the inhabitants of the Commonwealth may be  
 724 protected and insured. This law shall be deemed an exercise of the police power of the Commonwealth  
 725 of Virginia for the protection of the people of the Commonwealth.

726 **§ 36-96.1:1. Definitions.**

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

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

731 "Assistance animal" means an animal that works, provides assistance, or performs tasks for the  
 732 benefit of a person with a disability, or provides emotional support that alleviates one or more identified  
 733 symptoms or effects of a person's disability. Assistance animals perform many disability-related  
 734 functions, including guiding individuals who are blind or have low vision, alerting individuals who are  
 735 deaf or hard of hearing to sounds, providing protection or rescue assistance, pulling a wheelchair,  
 736 fetching items, alerting persons to impending seizures, or providing emotional support to persons with  
 737 disabilities who have a disability-related need for such support. An assistance animal is not required to  
 738 be individually trained or certified. While dogs are the most common type of assistance animal, other  
 739 animals can also be assistance animals. An assistance animal is not a pet.

740 "Complainant" means a person, including the Fair Housing Board, who files a complaint under  
 741 § 36-96.9.

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

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

747 "*Disability*" means, with respect to a person, (i) a physical or mental impairment that substantially  
 748 limits one or more of such person's major life activities; (ii) a record of having such an impairment; or  
 749 (iii) being regarded as having such an impairment. The term does not include current, illegal use of or  
 750 addiction to a controlled substance as defined in Virginia or federal law. For the purposes of this  
 751 chapter, the terms "*disability*" and "*handicap*" shall be interchangeable.

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

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

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

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

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

766 "~~Handicap~~" means, with respect to a person, (i) a physical or mental impairment that substantially  
 767 limits one or more of such person's major life activities; (ii) a record of having such an impairment; or  
 768 (iii) being regarded as having such an impairment. The term does not include current, illegal use of or  
 769 addiction to a controlled substance as defined in Virginia or federal law. For the purposes of this  
 770 chapter, the terms "~~handicap~~" and "*disability*" shall be interchangeable.

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

773 "Major life activities" means, but shall not be limited to, any the following functions: caring for  
 774 oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

775 "Person" means one or more individuals, whether male or female, corporations, partnerships,  
 776 associations, labor organizations, fair housing organizations, civil rights organizations, organizations,  
 777 governmental entities, legal representatives, mutual companies, joint stock companies, trusts,  
 778 unincorporated organizations, trustees, trustees in bankruptcy, receivers and fiduciaries.

779 "Physical or mental impairment" means, but shall not be limited to, any of the following: (i) any  
 780 physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of  
 781 the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including  
 782 speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; or  
 783 endocrine or (ii) any mental or psychological disorder, such as an intellectual or developmental  
 784 disability, organic brain syndrome, emotional or mental illness, or specific learning disability. "Physical  
 785 or mental impairment" includes such diseases and conditions as orthopedic, visual, speech, and hearing  
 786 impairments; cerebral palsy; autism; epilepsy; muscular dystrophy; multiple sclerosis; cancer; heart  
 787 disease; diabetes; human immunodeficiency virus infection; intellectual and developmental disabilities;  
 788 emotional illness; drug addiction other than addiction caused by current, illegal use of a controlled  
 789 substance; and alcoholism.

790 "Respondent" means any person or other entity alleged to have violated the provisions of this  
 791 chapter, as stated in a complaint filed under the provisions of this chapter and any other person joined

792 pursuant to the provisions of § 36-96.9.

793 "Restrictive covenant" means any specification in any instrument affecting title to real property that  
794 purports to limit the use, occupancy, transfer, rental, or lease of any dwelling because of race, color,  
795 religion, national origin, sex, *pregnancy, childbirth or related medical conditions*, elderliness, familial  
796 status, *marital status, sexual orientation, gender identity, status as a veteran*, or ~~handicap~~ *disability*.

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

799 **§ 36-96.2. Exemptions.**

800 A. Except as provided in subdivision A 3 of § 36-96.3 and subsections A, B, and C of § 36-96.6,  
801 this chapter shall not apply to any single-family house sold or rented by an owner, provided that such  
802 private individual does not own more than three single-family houses at any one time. In the case of the  
803 sale of any single-family house by a private individual-owner not residing in the house at the time of  
804 the sale or who was not the most recent resident of the house prior to sale, the exemption granted shall  
805 apply only with respect to one such sale within any 24-month period; provided that such bona fide  
806 private individual owner does not own any interest in, nor is there owned or reserved on his behalf,  
807 under any express or voluntary agreement, title to or any right to all or a portion of the proceeds from  
808 the sale or rental of, more than three such single-family houses at any one time. The sale or rental of  
809 any such single-family house shall be exempt from the application of this chapter only if the house is  
810 sold or rented (i) without the use in any manner of the sales or rental facilities or the sales or rental  
811 services of any real estate broker, agent, salesperson, or of the facilities or the services of any person in  
812 the business of selling or renting dwellings, or of any employee, independent contractor, or agent of any  
813 broker, agent, salesperson, or person and (ii) without the publication, posting, or mailing, after notice, of  
814 any advertisement or written notice in violation of this chapter. However, nothing herein shall prohibit  
815 the use of attorneys, escrow agents, abstractors, title companies, and other professional assistance as  
816 necessary to perfect or transfer the title. This exemption shall not apply to or inure to the benefit of any  
817 licensee of the Real Estate Board or regulant of the Fair Housing Board, regardless of whether the  
818 licensee is acting in his personal or professional capacity.

819 B. Except for subdivision A 3 of § 36-96.3, this chapter shall not apply to rooms or units in  
820 dwellings containing living quarters occupied or intended to be occupied by no more than four families  
821 living independently of each other, if the owner actually maintains and occupies one of such living  
822 quarters as his residence.

823 C. Nothing in this chapter shall prohibit a religious organization, association or society, or any  
824 nonprofit institution or organization operated, supervised, or controlled by or in conjunction with a  
825 religious organization, association or society, from limiting the sale, rental, or occupancy of dwellings  
826 that it owns or operates for other than a commercial purpose to persons of the same religion, or from  
827 giving preferences to such persons, unless membership in such religion is restricted on account of race,  
828 color, national origin, sex, *pregnancy, childbirth or related medical conditions*, elderliness, familial  
829 status, *marital status, sexual orientation, gender identity, status as a veteran*, or ~~handicap~~ *disability*. Nor  
830 shall anything in this chapter apply to a private membership club not in fact open to the public, which  
831 as an incident to its primary purpose or purposes provides lodging which it owns or operates for other  
832 than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members or  
833 from giving preference to its members. Nor, where matters of personal privacy are involved, shall  
834 anything in this chapter be construed to prohibit any private, state-owned or state-supported educational  
835 institution, hospital, nursing home, religious or correctional institution, from requiring that persons of  
836 both sexes not occupy any single-family residence or room or unit of dwellings or other buildings, or  
837 restrooms in such room or unit in dwellings or other buildings, which it owns or operates.

838 D. Nothing in this chapter prohibits conduct against a person because such person has been convicted  
839 by any court of competent jurisdiction of the illegal manufacture or distribution of a controlled  
840 substance as defined in federal law.

841 E. It shall not be unlawful under this chapter for any owner to deny or limit the rental of housing to  
842 persons who pose a clear and present threat of substantial harm to others or to the dwelling itself.

843 F. A rental application may require disclosure by the applicant of any criminal convictions and the  
844 owner or managing agent may require as a condition of acceptance of the rental application that  
845 applicant consent in writing to a criminal record check to verify the disclosures made by applicant in the  
846 rental application. The owner or managing agent may collect from the applicant moneys to reimburse  
847 the owner or managing agent for the exact amount of the out-of-pocket costs for such criminal record  
848 checks. Nothing in this chapter shall require an owner or managing agent to rent a dwelling to an  
849 individual who, based on a prior record of criminal convictions involving harm to persons or property,  
850 would constitute a clear and present threat to the health or safety of other individuals.

851 G. Nothing in this chapter limits the applicability of any reasonable local, state or federal restriction  
852 regarding the maximum number of occupants permitted to occupy a dwelling. Owners or managing  
853 agents of dwellings may develop and implement reasonable occupancy and safety standards based on

854 factors such as the number and size of sleeping areas or bedrooms and overall size of a dwelling unit so  
855 long as the standards do not violate local, state or federal restrictions. Nothing in this chapter prohibits  
856 the rental application or similar document from requiring information concerning the number, ages, sex  
857 and familial relationship of the applicants and the dwelling's intended occupants.

858 **§ 36-96.3. Unlawful discriminatory housing practices.**

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

860 1. To refuse to sell or rent after the making of a bona fide offer or to refuse to negotiate for the sale  
861 or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color,  
862 religion, national origin, sex, *pregnancy, childbirth or related medical conditions*, elderliness, ~~or~~ familial  
863 status, *marital status, sexual orientation, gender identity, or status as a veteran*;

864 2. To discriminate against any person in the terms, conditions, or privileges of sale or rental of a  
865 dwelling, or in the provision of services or facilities in the connection therewith to any person because  
866 of race, color, religion, national origin, sex, *pregnancy, childbirth or related medical conditions*,  
867 elderliness, ~~or~~ familial status, *marital status, sexual orientation, gender identity, or status as a veteran*;

868 3. To make, print, or publish, or cause to be made, printed, or published any notice, statement, or  
869 advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or  
870 discrimination or an intention to make any such preference, limitation, or discrimination based on race,  
871 color, religion, national origin, sex, *pregnancy, childbirth or related medical conditions*, elderliness,  
872 familial status, *marital status, sexual orientation, gender identity, status as a veteran, or handicap*  
873 *disability*. The use of words or symbols associated with a particular religion, national origin, sex, or race  
874 shall be prima facie evidence of an illegal preference under this chapter which shall not be overcome by  
875 a general disclaimer. However, reference alone to places of worship including, but not limited to,  
876 churches, synagogues, temples, or mosques in any such notice, statement, or advertisement shall not be  
877 prima facie evidence of an illegal preference;

878 4. To represent to any person because of race, color, religion, national origin, sex, *pregnancy,*  
879 *childbirth or related medical conditions*, elderliness, familial status, *marital status, sexual orientation,*  
880 *gender identity, status as a veteran, or handicap disability* that any dwelling is not available for  
881 inspection, sale, or rental when such dwelling is in fact so available;

882 5. To deny any person access to membership in or participation in any multiple listing service, real  
883 estate brokers' organization, or other service, organization or facility relating to the business of selling or  
884 renting dwellings, or to discriminate against such person in the terms or conditions of such access,  
885 membership, or participation because of race, color, religion, national origin, sex, *pregnancy, childbirth*  
886 *or related medical conditions*, elderliness, familial status, *marital status, sexual orientation, gender*  
887 *identity, status as a veteran, or handicap disability*;

888 6. To include in any transfer, sale, rental, or lease of housing, any restrictive covenant that  
889 discriminates because of race, color, religion, national origin, sex, *pregnancy, childbirth or related*  
890 *medical conditions*, elderliness, familial status, *marital status, sexual orientation, gender identity, status*  
891 *as a veteran, or handicap disability* or for any person to honor or exercise, or attempt to honor or  
892 exercise any such discriminatory covenant pertaining to housing;

893 7. To induce or attempt to induce to sell or rent any dwelling by representations regarding the entry  
894 or prospective entry into the neighborhood of a person or persons of a particular race, color, religion,  
895 national origin, sex, *pregnancy, childbirth or related medical conditions*, elderliness, familial status,  
896 *marital status, sexual orientation, gender identity, status as a veteran, or handicap disability*;

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

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

905 B. For the purposes of this section, discrimination includes: (i) a refusal to permit, at the expense of  
906 the ~~handicapped~~ *disabled* person, reasonable modifications of existing premises occupied or to be  
907 occupied by any person if such modifications may be necessary to afford such person full enjoyment of  
908 the premises; except that, in the case of a rental, the landlord may, where it is reasonable to do so,  
909 condition permission for a modification on the renter's agreeing to restore the interior of the premises to  
910 the condition that existed before the modification, reasonable wear and tear excepted; (ii) a refusal to  
911 make reasonable accommodations in rules, practices, policies, or services when such accommodations  
912 may be necessary to afford such person equal opportunity to use and enjoy a dwelling; or (iii) in  
913 connection with the design and construction of covered multi-family dwellings for first occupancy after  
914 March 13, 1991, a failure to design and construct dwellings in such a manner that:

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

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

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

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

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

933 **§ 36-96.4. Discrimination in residential real estate-related transactions; unlawful practices by**  
 934 **lenders, insurers, appraisers, etc.; deposit of state funds in such institutions.**

935 A. It shall be unlawful for any person or other entity, including any lending institution, whose  
 936 business includes engaging in residential real estate-related transactions, to discriminate against any  
 937 person in making available such a transaction, or in the terms or conditions of such a transaction, or in  
 938 the manner of providing such a transaction, because of race, color, religion, national origin, sex,  
 939 *pregnancy, childbirth or related medical conditions*, elderliness, familial status, *marital status, sexual*  
 940 *orientation, gender identity, status as a veteran*, or ~~handicap~~ *disability*. It shall not be unlawful,  
 941 however, for any person or other entity whose business includes engaging in residential real estate  
 942 transactions to require any applicant to qualify financially for the loan or loans for which such person is  
 943 making application.

944 B. As used in this section, the term "residential real estate-related transaction" means any of the  
 945 following:

946 1. The making or purchasing of loans or providing other financial assistance (i) for purchasing,  
 947 constructing, improving, repairing, or maintaining a dwelling or (ii) secured by residential real estate; or

948 2. The selling, brokering, insuring or appraising of residential real property. However, nothing in this  
 949 chapter shall prohibit a person engaged in the business of furnishing appraisals of real property to take  
 950 into consideration factors other than race, color, religion, national origin, sex, *pregnancy, childbirth or*  
 951 *related medical conditions*, elderliness, familial status, *marital status, sexual orientation, gender identity,*  
 952 *status as a veteran* or ~~handicap~~ *disability*.

953 C. It shall be unlawful for any state, county, city, or municipal treasurer or governmental official  
 954 whose responsibility it is to account for, to invest, or manage public funds to deposit or cause to be  
 955 deposited any public funds in any lending institution provided for herein which is found to be  
 956 committing discriminatory practices, where such findings were upheld by any court of competent  
 957 jurisdiction. Upon such a court's judicial enforcement of any order to restrain a practice of such lending  
 958 institution or for said institution to cease or desist in a discriminatory practice, the appropriate fiscal  
 959 officer or treasurer of the Commonwealth or any political subdivision thereof which has funds deposited  
 960 in any lending institution which is practicing discrimination, as set forth herein, shall take immediate  
 961 steps to have the said funds withdrawn and redeposited in another lending institution. If for reasons of  
 962 sound economic management, this action will result in a financial loss to the Commonwealth or any of  
 963 its political subdivisions, the action may be deferred for a period not longer than one year. If the lending  
 964 institution in question has corrected its discriminatory practices, any prohibition set forth in this section  
 965 shall not apply.

966 **§ 36-96.6. Certain restrictive covenants void; instruments containing such covenants.**

967 A. Any restrictive covenant and any related reversionary interest, purporting to restrict occupancy or  
 968 ownership of property on the basis of race, color, religion, national origin, sex, *pregnancy, childbirth or*  
 969 *related medical conditions*, elderliness, familial status, *marital status, sexual orientation, gender identity,*  
 970 *status as a veteran*, or ~~handicap~~ *disability*, whether heretofore or hereafter included in an instrument  
 971 affecting the title to real or leasehold property, are declared to be void and contrary to the public policy  
 972 of the Commonwealth.

973 B. Any person who is asked to accept a document affecting title to real or leasehold property may  
 974 decline to accept the same if it includes such a covenant or reversionary interest until the covenant or  
 975 reversionary interest has been removed from the document. Refusal to accept delivery of an instrument  
 976 for this reason shall not be deemed a breach of a contract to purchase, lease, mortgage, or otherwise

977 deal with such property.

978 C. No person shall solicit or accept compensation of any kind for the release or removal of any  
979 covenant or reversionary interest described in subsection A. Any person violating this subsection shall be  
980 liable to any person injured thereby in an amount equal to the greater of three times the compensation  
981 solicited or received, or \$500, plus reasonable ~~attorneys'~~ attorney fees and costs incurred.

982 D. A family care home, foster home, or group home in which individuals with physical ~~handicaps~~  
983 *disabilities*, mental illness, intellectual disability, or developmental disability reside, with one or more  
984 resident counselors or other staff persons, shall be considered for all purposes residential occupancy by a  
985 single family when construing any restrictive covenant which purports to restrict occupancy or  
986 ownership of real or leasehold property to members of a single family or to residential use or structure.

987 **§ 55.1-1310. Sale or lease of manufactured home by manufactured home owner.**

988 No landlord shall unreasonably refuse or restrict the sale or rental of a manufactured home located in  
989 his manufactured home park by a tenant. No landlord shall prohibit the manufactured home owner from  
990 placing a "for sale" sign on or in the owner's home except that the size, placement, and character of all  
991 signs are subject to the rules and regulations of the manufactured home park. Prior to selling or leasing  
992 the manufactured home, the tenant shall give notice to the landlord, including the name of the  
993 prospective vendee or lessee if the prospective vendee or lessee intends to occupy the manufactured  
994 home in that manufactured home park. The landlord shall have the burden of proving that his refusal or  
995 restriction regarding the sale or rental of a manufactured home was reasonable. The refusal or restriction  
996 of the sale or rental of a manufactured home exclusively or predominantly based on the age of the home  
997 shall be considered unreasonable. Any refusal or restriction based on race, color, religion, national  
998 origin, *status as a veteran*, familial status, *marital status* elderliness, ~~handicap~~ *disability*, *sexual*  
999 *orientation*, *gender identity*, ~~or~~ *sex*, or *pregnancy*, *childbirth* or *related medical conditions* shall be  
1000 conclusively presumed to be unreasonable.

1001 **2. That § 2.2-3903 of the Code of Virginia is repealed.**