

Department of Planning and Budget 2020 Fiscal Impact Statement

1. Bill Number: SB868

House of Origin ☐ Introduced ☐ Substitute ☐ Engrossed
Second House ☐ In Committee ☐ Substitute ☒ Enrolled

2. Patron: Adam P. Ebbin

3. Committee: General Laws and Technology

4. Title: Prohibited discrimination; public accommodations, employment, credit, and housing; causes of action; sexual orientation and gender identity.

5. Summary: Creates explicit causes of action for unlawful discrimination in public accommodations and employment in the Virginia Human Rights Act. Currently, under the Act there is no cause of action for discrimination in public accommodations, and the only causes of action for discrimination in employment are for (i) unlawful discharge on the basis of race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, including lactation, by employers employing more than five but fewer than 15 persons and (ii) unlawful discharge on the basis of age by employers employing more than five but fewer than 20 persons. The bill allows the causes of action to be pursued privately by the aggrieved person or, in certain circumstances, by the Attorney General. The bill prohibits discrimination in public and private employment on the basis of sexual orientation and gender identity. The bill also codifies for state and local government employment the current prohibitions on discrimination in employment on the basis of race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, age, marital status, disability, or status as a veteran. Additionally, the bill (a) prohibits discrimination in public accommodations on the basis of sexual orientation, gender identity, or status as a veteran; (b) prohibits discrimination in credit on the basis of sexual orientation, gender identity, pregnancy, childbirth or related medical conditions, disability, and status as a veteran; and (c) adds discrimination on the basis of an individual's sexual orientation, gender identity, or status as a veteran as an unlawful housing practice. The bill makes technical amendments. This bill incorporates SB 66 and SB 159.

6. Budget Amendment Necessary: Yes, Item 61.

7. Fiscal Impact Estimates:

7a. Expenditure Impact:

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Positions</i>	<i>Fund</i>
2020			
2021	\$193,332	2	General Fund
2022	\$193,332	2	General Fund
2023	\$193,332	2	General Fund
2024	\$193,332	2	General Fund

2025	\$193,332	2	General Fund
2026	\$193,332	2	General Fund

- 8. Fiscal Implications:** The Department of Human Resource Management indicates this bill presents no fiscal impact to Executive branch agencies. The Attorney General and Department of Law indicates this bill will expand duties of the Division of Human Rights requiring an additional attorney and administrative position. Governor Northam submitted an executive budget amendment that would fund the cost of this legislation.
- 9. Specific Agency or Political Subdivisions Affected:** Department of Human Resource Management, Office of the Attorney General and Department of Law
- 10. Technical Amendment Necessary:** No.
- 11. Other Comments:**