

By: Representative Fleming

To: Municipalities

HOUSE BILL NO. 49

1 AN ACT TO AUTHORIZE MUNICIPALITIES TO ADOPT ORDINANCES  
2 PROHIBITING HOUSING DISCRIMINATION; TO PROVIDE FOR REMEDIES TO  
3 AGGRIEVED PERSONS; AND FOR RELATED PURPOSES.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

5 **SECTION 1.** The purpose of this act is to authorize  
6 municipalities to adopt ordinances that prohibit housing  
7 discrimination and are consistent with federal laws prohibiting  
8 housing discrimination. It is also the purpose of this act to  
9 authorize municipalities to provide remedies to persons aggrieved  
10 by housing discrimination.

11 **SECTION 2.** (1) The governing authorities of municipalities  
12 may adopt ordinances prohibiting housing discrimination and  
13 affording remedies to persons aggrieved by acts of housing  
14 discrimination if the ordinances are not inconsistent with federal  
15 law.

16 (2) For the purpose of enforcing any ordinance adopted in  
17 accordance with this section, the governing authorities of  
18 municipalities may:

19 (a) Appoint an administrative body or board consisting  
20 of not more than seven (7) members who may receive complaints,  
21 subpoena information, investigate complaints, conciliate  
22 complaints and conduct hearings on complaints of housing  
23 discrimination;

24 (b) Expend monies from its general fund to pay for  
25 salaries of board members and support personnel, expenses,  
26 supplies and other costs incurred in connection with the

27 enforcement of its ordinance prohibiting housing discrimination;  
28 and

29 (c) Receive financial and other assistance from  
30 agencies, governmental entities and nonprofit organizations  
31 designed to promote enforcement of laws prohibiting housing  
32 discrimination.

33 **SECTION 3.** (1) A municipality adopting an ordinance and  
34 appointing an administrative body or board under Section 2 of this  
35 act may by ordinance authorize the board to award persons  
36 aggrieved by acts of housing discrimination any or all of the  
37 following:

38 (a) Actual damages;

39 (b) Compensatory damages not exceeding Five Thousand  
40 Dollars (\$5,000.00);

41 (c) Reasonable attorney's fees;

42 (d) Injunctive relief;

43 (e) Punitive damages not exceeding Ten Thousand Dollars  
44 (\$10,000.00) if the conduct complained of constitutes gross  
45 negligence, bad faith or was exercised with malicious intent.

46 (2) In addition to the remedies stated in subsection (1) of  
47 this section, the municipality may by ordinance authorize the  
48 board to assess ordinance violators with administrative costs and  
49 fees in an amount not exceeding the sum of One Thousand Dollars  
50 (\$1,000.00) and civil penalties as follows:

51 (a) A fine in an amount not exceeding Ten Thousand  
52 Dollars (\$10,000.00) for any party adjudged to be first-time  
53 offenders;

54 (b) A fine in an amount not exceeding Twenty-five  
55 Thousand Dollars (\$25,000.00) for any party adjudged to have  
56 violated any federal, state or local law prohibiting housing  
57 discrimination within the five-year period immediately preceding  
58 the subject violation; and

59           (c) A fine in an amount not exceeding Fifty Thousand  
60 Dollars (\$50,000.00) if the violating party is adjudged to be a  
61 habitual violator. For purposes of this section, a habitual  
62 violator is any firm, individual, corporation, nonprofit entity,  
63 partnership, entity or group of same, adjudged to have violated  
64 any federal, state or local law prohibiting housing discrimination  
65 on two (2) or more separate occasions.

66           **SECTION 4.** (1) The orders of an administrative body or  
67 board appointed by a municipality for the purpose of enforcing  
68 ordinances prohibiting housing discrimination shall be binding and  
69 subject to enforcement unless appealed in like manner as judgments  
70 and orders entered by the courts of this state.

71           (2) A party aggrieved by a final order of an administrative  
72 body or board appointed by the municipality to enforce its  
73 ordinance prohibiting housing discrimination may appeal the order  
74 to the circuit court by filing a written notice of appeal and  
75 request for transcription of the proceedings with the board's  
76 clerk or secretary within ten (10) days of entry of the order.  
77 Upon receipt of the notice of appeal, the administrative body or  
78 board shall cause its proceedings to be transcribed and shall file  
79 same with the clerk of the circuit court within forty-five (45)  
80 days and shall notify the parties that the transcript has been  
81 filed. Subsequent to the filing of the transcript, the parties  
82 may file briefs in accordance with the Mississippi Rules of  
83 Appellate Procedure, and the circuit court may proceed to hear and  
84 determine the appeal. However, the court's determination of the  
85 appeal is limited to whether substantial evidence supports the  
86 board's order.

87           (3) Review of a decision or order entered by the circuit  
88 court reviewing the administrative body's order may be made by  
89 appeal to the Mississippi Supreme Court in accordance with the  
90 Mississippi Rules of Appellate Procedure. Review by the  
91 Mississippi Supreme Court shall be limited to a determination

92 whether substantial evidence supported the administrative board's  
93 order.

94         **SECTION 5.** This act shall take effect and be in force from  
95 and after July 1, 2004.