

By: Representative Fleming

To: Municipalities

HOUSE BILL NO. 115

1 AN ACT TO AUTHORIZE MUNICIPALITIES TO ADOPT ORDINANCES
2 PROHIBITING HOUSING DISCRIMINATION; TO PROVIDE 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, 2006.