

By: Senator(s) Horhn

To: Judiciary, Division A

SENATE BILL NO. 2554

1 AN ACT TO CREATE THE "MISSISSIPPI FAIR HOUSING ACT"; TO
 2 DEFINE CERTAIN TERMS AS USED IN THE ACT; TO MAKE LEGISLATIVE
 3 DECLARATION THAT THE OPPORTUNITY TO OBTAIN HOUSING AND OTHER REAL
 4 ESTATE WITHOUT DISCRIMINATION IS A CIVIL RIGHT; TO PROHIBIT
 5 CERTAIN CONDUCT IN REAL ESTATE TRANSACTIONS WITH EXCEPTION; TO
 6 PROHIBIT CERTAIN CONDUCT IN REAL ESTATE FINANCING WITH EXCEPTION;
 7 TO PROHIBIT CERTAIN REPRESENTATIONS IN REAL ESTATE TRANSACTIONS;
 8 TO PROHIBIT RETALIATION; TO PROVIDE A CIVIL REMEDY FOR VIOLATIONS
 9 OF THE ACT; AND FOR RELATED PURPOSES.

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

11 **SECTION 1.** This act shall be known and may be cited as the
 12 "Mississippi Fair Housing Act."

13 **SECTION 2.** As used in this act, unless the context clearly
 14 indicates otherwise:

15 (a) "Housing accommodation" includes improved or
 16 unimproved real property, or a part thereof, which is used or
 17 occupied, or is intended, arranged or designed to be used or
 18 occupied, as the home or residence of one or more persons.

19 (b) "Real estate broker or salesperson" means a person,
 20 whether licensed or not, who:



21 (i) For or with the expectation of receiving a
22 consideration, lists, sells, purchases, exchanges, rents or leases
23 real property;

24 (ii) Negotiates or attempts to negotiate any of
25 those activities;

26 (iii) Holds himself or herself out as engaged in
27 those activities;

28 (iv) Negotiates or attempts to negotiate a loan
29 secured or to be secured by a mortgage or other encumbrance upon
30 real property;

31 (v) Is engaged in the business of listing real
32 property in a publication; or

33 (vi) Is a person employed by or acting on behalf
34 of a real estate broker or salesperson.

35 (c) "Real estate transaction" means the sale, exchange,
36 rental or lease of real property, or an interest therein.

37 (d) "Real property" includes a building, structure,
38 mobile home, real estate, land, mobile home park, trailer park,
39 tenement, leasehold or an interest in a real estate cooperative or
40 condominium.

41 **SECTION 3.** The opportunity to obtain housing and other real
42 estate without discrimination because of religion, race, color,
43 national origin, sex, disability or familial status as prohibited
44 by this act, is recognized and declared to be a civil right.



45 SECTION 4. (1) A person engaging in a real estate
46 transaction, or a real estate broker or salesperson, shall not on
47 the basis of religion, race, color, national origin, sex,
48 disability or familial status of a person or a person residing
49 with that person:

50 (a) Refuse to engage in a real estate transaction with
51 a person;

52 (b) Discriminate against a person in the terms,
53 conditions, or privileges of a real estate transaction or in the
54 furnishing of facilities or services in connection therewith;

55 (c) Refuse to receive from a person or transmit to a
56 person a bona fide offer to engage in a real estate transaction;

57 (d) Refuse to negotiate for a real estate transaction
58 with a person;

59 (e) Represent to a person that real property is not
60 available for inspection, sale, rental or lease when in fact it is
61 so available, or knowingly fail to bring a real property listing
62 to a person's attention, or refuse to permit a person to inspect
63 real property;

64 (f) Make, print, or publish or cause to be made,
65 printed, or published, any notice, statement or advertisement with
66 respect to the sale or rental of a dwelling that indicates any
67 preference, limitation or discrimination based on race, color,
68 religion, sex, handicap, familial status, or national origin or an



69 intention to make any such preference, limitation or
70 discrimination; or

71 (g) Offer, solicit, accept, use or retain a listing of
72 real property with the understanding that a person may be
73 discriminated against in a real estate transaction or in the
74 furnishing of facilities or services in connection therewith.

75 (2) This section shall not apply to:

76 (a) The rental of a housing accommodation in a building
77 which contains housing accommodations for not more than two (2)
78 families living independently of each other if the owner or a
79 member of the owner's immediate family resides in one (1) of the
80 housing accommodations, or to the rental of a room or rooms in a
81 single-family dwelling by a person if the lessor or a member of
82 the lessor's immediate family resides therein; or

83 (b) The rental of a housing accommodation for not more
84 than twelve (12) months by the owner or lessor where it was
85 occupied by him or her and maintained as his or her home for at
86 least three (3) months immediately preceding occupancy by the
87 tenant and is temporarily vacated while maintaining legal
88 residence.

89 **SECTION 5.** (1) A person to whom application is made for
90 financial assistance or financing in connection with a real estate
91 transaction or in connection with the construction,
92 rehabilitation, repair, maintenance or improvement of real
93 property, or a representative of that person, shall not:



94 (a) Discriminate against the applicant because of the
95 religion, race, color, national origin, sex, disability or
96 familial status of the applicant or a person residing with the
97 applicant; or

98 (b) Use a form of application for financial assistance
99 or financing to make or keep a record or inquiry in connection
100 with an application for financial assistance or financing which
101 indicates, directly or indirectly, a preference, limitation,
102 specification or discrimination as to the religion, race, color,
103 national origin, sex, disability or familial status of the
104 applicant or a person residing with the applicant.

105 (2) Subsection (1)(b) of this section shall not apply to a
106 form of application for financial assistance prescribed for the
107 use of a lender regulated as a mortgagee under the National
108 Housing Act, as amended, 12 USC Sections 1701-1750g, or by a
109 regulatory board or officer acting under the statutory authority
110 of this state or the United States.

111 **SECTION 6.** (1) A condition, restriction or prohibition,
112 including a right of entry or possibility of reverter, which
113 directly or indirectly limits the use or occupancy of real
114 property on the basis of religion, race, color, national origin,
115 sex, disability or familial status is void; except this section
116 shall not prohibit a religious organization, association, or
117 society, nor any nonprofit institution or organization operated,
118 supervised or controlled by or in conjunction with a religious



119 organization, association, or society, from limiting the sale,
120 rental or occupancy of dwellings which it owns or operates for
121 other than a commercial purpose to persons of the same religion,
122 or from giving preference to such persons, unless membership in
123 such religion is restricted because of race, color, sex,
124 disability, familial status or national origin.

125 (2) A person shall not insert in a written instrument
126 relating to real property a provision that is void under this
127 section or honor such a provision in the chain of title.

128 (3) A person shall not threaten, intimidate or interfere
129 with persons in the enjoyment of their dwelling because of the
130 race, color, national origin, sex or familial status of such
131 persons, or of visitors or associates of such persons.

132 (4) A person shall not discharge, threaten, coerce,
133 intimidate or take any other adverse action against an employee,
134 broker, agent or other person because he or she refused to take
135 part in a discriminatory housing practice or because he or she has
136 aided or encouraged any other person in the exercise or enjoyment
137 of any right granted under the provisions of this act.

138 **SECTION 7.** A person shall not represent, for the purpose of
139 inducing a real estate transaction from which the person may
140 benefit financially, that a change has occurred or will or may
141 occur in the composition, with respect to religion, race, color,
142 national origin, sex, disability or familial status of the owners
143 or occupants in the block, neighborhood or area in which the real



144 property is located or represent that this change will or may
145 result in the lowering of real property values, an increase in
146 criminal or antisocial behavior or a decline in the quality of
147 schools in the block, neighborhood or area in which in the real
148 property is located.

149 **SECTION 8.** Two (2) or more persons shall not conspire to, or
150 a person shall not:

151 (a) Retaliate or discriminate against a person because
152 the person has opposed a violation of this act, or because the
153 person has made a charge, filed a complaint, testified, assisted
154 or participated in an investigation, proceeding or hearing under
155 this act;

156 (b) Attempt, directly or indirectly, to commit an act
157 prohibited by this act;

158 (c) Willfully interfere, obstruct or prevent a person
159 from complying with this act or an order issued or rule
160 promulgated under this act; or

161 (d) Discharge, threaten, coerce, intimidate or take any
162 other adverse action against an employee, broker, agent or other
163 person because he or she refused to take part in a discriminatory
164 housing practice or because he or she has aided or encouraged any
165 other person in the exercise or enjoyment of any right granted
166 under the provisions of this act.



167 **SECTION 9.** (1) (a) A person alleging a violation of this
168 act may bring a civil action for appropriate injunctive relief or
169 damages, or both.

170 (b) As used in paragraph (a) of this subsection,
171 "damages" means damages for injury or loss caused by each
172 violation of this act, including reasonable attorney's fees.

173 (2) An action commenced pursuant to subsection (1) of this
174 section may be brought in the circuit court for:

175 (a) The county where the alleged violation occurred; or

176 (b) The county where the person against whom the civil
177 complaint is filed resides or has his or her principal place of
178 business.

179 (3) In a civil action under this act, the court in its
180 discretion may allow the prevailing party reasonable attorney's
181 fees and costs.

182 (4) A court rendering a judgment in an action brought
183 pursuant to this act may award all or a portion of the costs of
184 litigation, including reasonable attorney's fees and witness fees,
185 to the complainant in the action if the court determines that the
186 award is appropriate.

187 **SECTION 10.** This act shall take effect and be in force from
188 and after July 1, 2023.

