

By: Representative Scott

To: Business and Commerce;
Housing; Judiciary A

HOUSE BILL NO. 77

1 AN ACT TO CREATE THE "MISSISSIPPI FAIR HOUSING ACT"; TO
 2 DEFINE CERTAIN TERMS; TO DECLARE THAT THE OPPORTUNITY TO OBTAIN
 3 HOUSING AND OTHER REAL ESTATE WITHOUT DISCRIMINATION IS A CIVIL
 4 RIGHT; TO PROHIBIT CERTAIN DISCRIMINATORY CONDUCT IN REAL ESTATE
 5 TRANSACTIONS AND IN REAL ESTATE FINANCING; TO DECLARE THAT
 6 CONDITIONS RELATING TO THE USE OR OCCUPANCY OF REAL PROPERTY BASED
 7 UPON DISCRIMINATORY REASONS ARE VOID EXCEPT IN CERTAIN SITUATIONS
 8 INVOLVING RELIGIOUS ORGANIZATIONS; TO PROHIBIT CERTAIN
 9 REPRESENTATIONS IN REAL ESTATE TRANSACTIONS; TO PROHIBIT
 10 RETALIATION AGAINST PERSONS WHO OPPOSE DISCRIMINATORY HOUSING
 11 PRACTICES; TO AUTHORIZE PERSONS ALLEGING A VIOLATION OF THE ACT TO
 12 SEEK INJUNCTIVE RELIEF AND DAMAGES; AND FOR RELATED PURPOSES.

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

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

16 **SECTION 2.** As used in this act, the following words and
 17 phrases have the meanings ascribed in this section unless the
 18 context clearly indicates otherwise:

19 (a) "Housing accommodation" means improved or
 20 unimproved real property, or a part of such property, which is
 21 used or occupied, or is intended, arranged or designed to be used
 22 or occupied, as the home or residence of one or more persons.



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

25 (i) For or with the expectation of receiving a
26 consideration, lists, sells, purchases, exchanges, rents or leases
27 real property;

28 (ii) Negotiates or attempts to negotiate any of
29 the activities listed in subparagraph (i);

30 (iii) Holds himself or herself out as engaged in
31 the activities listed in subparagraph (i);

32 (iv) Negotiates or attempts to negotiate a loan
33 secured or to be secured by a mortgage or other encumbrance upon
34 real property;

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

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

39 (c) "Real estate transaction" means the sale, exchange,
40 rental or lease of real property or an interest in real property.

41 (d) "Real property" includes a building, structure,
42 mobile home, real estate, land, mobile home park, trailer park,
43 tenement, leasehold or an interest in a real estate cooperative or
44 condominium.

45 **SECTION 3.** The opportunity to obtain housing and other real
46 estate without discrimination because of religion, race, color,



47 national origin, sex, disability or familial status as prohibited
48 by this chapter is recognized and declared to be a civil right.

49 **SECTION 4.** (1) A person engaging in a real estate
50 transaction or a real estate broker or salesperson may not, on the
51 basis of religion, race, color, national origin, sex, disability
52 or familial status of a person or a person residing with that
53 person:

54 (a) Refuse to engage in a real estate transaction with
55 a person;

56 (b) Discriminate against a person in the terms,
57 conditions or privileges of a real estate transaction or in the
58 furnishing of facilities or services in connection with a real
59 estate transaction;

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

62 (d) Refuse to negotiate for a real estate transaction
63 with a person;

64 (e) Represent to a person that real property is not
65 available for inspection, sale, rental or lease when, in fact, it
66 is so available, or knowingly fail to bring a real property
67 listing to a person's attention or refuse to permit a person to
68 inspect real property;

69 (f) Make, print or publish, or cause to be made,
70 printed or published, any notice, statement or advertisement with
71 respect to the sale or rental of a dwelling which indicates any



72 preference, limitation or discrimination based on race, color,
73 religion, sex, handicap, familial status or national origin or an
74 intention to make any such preference, limitation or
75 discrimination; or

76 (g) Offer, solicit, accept, use or retain a listing of
77 real property with the understanding that a person may be
78 discriminated against in a real estate transaction or in the
79 furnishing of facilities or services in connection with a real
80 estate transaction.

81 (2) This section does not apply to:

82 (a) The rental of a housing accommodation in a building
83 that contains housing accommodations for not more than two (2)
84 families living independently of each other if the owner or a
85 member of the owner's immediate family resides in one (1) of the
86 housing accommodations, or to the rental of a room or rooms in a
87 single-family dwelling by a person if the lessor or a member of
88 the lessor's immediate family resides in the dwelling.

89 (b) The rental of a housing accommodation for not more
90 than twelve (12) months by the owner or lessor if it was occupied
91 by him or her and maintained as his or her home for at least three
92 (3) months immediately preceding occupancy by the tenant and is
93 temporarily vacated while maintaining legal residence.

94 **SECTION 5.** (1) A person to whom application is made for
95 financial assistance or financing in connection with a real estate
96 transaction or in connection with the construction,



97 rehabilitation, repair, maintenance or improvement of real
98 property, or a representative of that person, may not:

99 (a) Discriminate against the applicant because of the
100 religion, race, color, national origin, sex, disability or
101 familial status of the applicant or a person residing with the
102 applicant; or

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

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

116 **SECTION 6.** (1) A condition, restriction or prohibition,
117 including a right of entry or possibility of reverter, which
118 directly or indirectly limits the use or occupancy of real
119 property on the basis of religion, race, color, national origin,
120 sex, disability or familial status is void. However, this section
121 does not prohibit a religious organization, association or



122 society, or any nonprofit institution or organization operated,
123 supervised or controlled by or in conjunction with a religious
124 organization, association or society, from limiting the sale,
125 rental or occupancy of dwellings that it owns or operates for
126 other than a commercial purpose to persons of the same religion,
127 or from giving preference to such persons, unless membership in
128 such religion is restricted because of race, color, sex,
129 disability, familial status or national origin.

130 (2) A person may not insert a provision that is void under
131 this section into a written instrument relating to real property
132 or honor such a provision in the chain of title.

133 (3) A person may not threaten, intimidate or interfere with
134 persons in the enjoyment of their dwelling because of the race,
135 color, national origin, sex or familial status of such persons or
136 of visitors or associates of those persons.

137 (4) A person may not discharge, threaten, coerce, intimidate
138 or take any other adverse action against an employee, broker,
139 agent or other person because he or she refused to take part in a
140 discriminatory housing practice or because he or she has aided or
141 encouraged any other person in the exercise or enjoyment of any
142 right granted under this act.

143 **SECTION 7.** A person may not represent, for the purpose of
144 inducing a real estate transaction from which the person may
145 benefit financially, that a change has occurred or will or may
146 occur in the composition, with respect to religion, race, color,



147 national origin, sex, disability or familial status of the owners
148 or occupants, in the block, neighborhood or area in which the real
149 property is located or represent that this change will or may
150 result in the lowering of real property values, an increase in
151 criminal or antisocial behavior or a decline in the quality of
152 schools in the block, neighborhood or area in which in the real
153 property is located.

154 **SECTION 8.** A person or two (2) or more persons conspiring
155 together may not:

156 (a) Retaliate or discriminate against another person
157 because that person has opposed a violation of this act or because
158 that person has made a charge, filed a complaint, testified,
159 assisted or participated in an investigation, proceeding or
160 hearing under this act;

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

163 (c) Willfully interfere, obstruct or prevent a person
164 from complying with this act or an order issued or rule
165 promulgated under this act; or

166 (d) Discharge, threaten, coerce, intimidate or take any
167 other adverse action against an employee, broker, agent or other
168 person because he or she refused to take part in a discriminatory
169 housing practice or because he or she aided or encouraged any
170 other person in the exercise or enjoyment of any right granted
171 under this act.



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

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

178 (2) An action commenced under subsection (1) of this section
179 may be brought in the circuit court in:

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

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

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

187 (4) A court rendering a judgment in an action brought under
188 this act may award all or a portion of the costs of litigation,
189 including reasonable attorney's fees and witness fees, to the
190 complainant in the action if the court determines that the award
191 is appropriate.

192 **SECTION 10.** This act shall take effect and be in force from
193 and after July 1, 2024.

