

By: Senator(s) Horhn

To: Housing; Judiciary,  
Division A

SENATE BILL NO. 2251

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:



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

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

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

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

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

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

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

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

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



**SECTION 4.**

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

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

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

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

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

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

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



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

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

(2) This section shall not apply to:

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

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

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



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

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

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

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



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

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

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

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

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



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

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

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

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

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

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



**SECTION 9.**

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

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

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

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

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

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

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

**SECTION 10.** This act shall take effect and be in force from and after July 1, 2025.

