

**Adopted
AMENDMENT NO 1 PROPOSED TO**

Senate Bill No. 2328

**BY: Senator(s) Horhn, Simmons (12th), Butler,
Blackmon, Barnett, Brumfield, Frazier, Norwood,
Thomas, Simmons (13th)**

1 **AMEND by inserting the following below line 434 and**
2 **renumbering the subsequent section(s):**

3 **SECTION *** Sections 15 through 22 of this act shall be known
4 and may be cited as the "Mississippi Fair Housing Act."

5 **SECTION *** As used in this act, unless the context clearly
6 indicates otherwise:

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

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



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

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

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

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

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

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

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

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

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



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

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

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

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

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

52 (f) Make, print, or publish or cause to be made,
53 printed, or published, any notice, statement or advertisement with
54 respect to the sale or rental of a dwelling that indicates any
55 preference, limitation or discrimination based on religion, race,
56 color, national origin, sex, disability, or familial status or an
57 intention to make any such preference, limitation or
58 discrimination; or

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



63 (2) This section shall not apply to:

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

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

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

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

86 (b) Use a form of application for financial assistance
87 or financing to make or keep a record or inquiry in connection



88 with an application for financial assistance or financing which
89 indicates, directly or indirectly, a preference, limitation,
90 specification or discrimination as to the religion, race, color,
91 national origin, sex, disability or familial status of the
92 applicant or a person residing with the applicant.

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

99 **SECTION *.** (1) A condition, restriction or prohibition,
100 including a right of entry or possibility of reverter, which
101 directly or indirectly limits the use or occupancy of real
102 property on the basis of religion, race, color, national origin,
103 sex, disability or familial status is void; except this section
104 shall not prohibit a religious organization, association, or
105 society, nor any nonprofit institution or organization operated,
106 supervised or controlled by or in conjunction with a religious
107 organization, association, or society, from limiting the sale,
108 rental or occupancy of dwellings which it owns or operates for
109 other than a commercial purpose to persons of the same religion,
110 or from giving preference to such persons, unless membership in
111 such religion is restricted because of religion, race, color,
112 national origin, sex, disability, or familial status.



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

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

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

126 **SECTION *.** A person shall not represent, for the purpose of
127 inducing a real estate transaction from which the person may
128 benefit financially, that a change has occurred or will or may
129 occur in the composition, with respect to religion, race, color,
130 national origin, sex, disability or familial status of the owners
131 or occupants in the block, neighborhood or area in which the real
132 property is located or represent that this change will or may
133 result in the lowering of real property values, an increase in
134 criminal or antisocial behavior or a decline in the quality of
135 schools in the block, neighborhood or area in which in the real
136 property is located.



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

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

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

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

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

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

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



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

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

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

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

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

175 **FURTHER, AMEND the title to conform.**

