SLS 14RS-633 **ORIGINAL**

Regular Session, 2014

SENATE BILL NO. 233

BY SENATOR BROOME

HOUSING. Provides relative to the Louisiana Equal Housing Opportunity Act. (8/1/14)

AN ACT

To amend and reenact R.S. 51:2602, 2603(6), (7), (8), (9), (10), (11) and (12), 2606(A)(1), (2), (3), (4) and (5), 2607(A) and (C), and 2608 and to enact R.S. 51:2603(13), relative to the Louisiana Equal Housing Opportunity Act; to provide for victims of domestic abuse; to provide for definitions; to provide for terms and conditions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 51:2602, 2603(6), (7), (8), (9), (10), (11) and (12), 2606(A)(1), (2), (3), (4) and (5), 2607(A) and (C), and 2608 are hereby amended and reenacted and R.S. 51:2603(13) is hereby enacted to read as follows:

§2602. Policy

A. The legislature finds and declares that persons in this state who seek a place to live should be able to find such housing whenever it is available. Further, in many localities there may be housing shortages. All persons should therefore be able to compete for available housing on an open, fair, and equitable basis, regardless of race, color, religion, sex, handicap, familial status, ~~or~~ national origin**, or whether a victim of domestic abuse**.

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§2603. Definitions

As used in this Chapter:

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(6) **"Domestic abuse" includes but is not limited to physical or sexual abuse and any offense against the person as defined in the Criminal Code of Louisiana, except negligent injury and defamation, committed by one family or household member against another. "Domestic abuse" also includes abuse of adults as defined in R.S. 15:1503 when committed by an adult child or adult grandchild.**

(7) "Dwelling" means any building, structure, or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon at any such building, structure, or portion thereof.

~~(7)(a)~~**(8)(a)** "Familial status" means one or more individuals, who have not attained the age of eighteen years, being domiciled with:

(i) A parent or another person having legal custody of such individual or individuals; or

(ii) The designee of such parent or other person having such custody, with the written permission of such parent or other person.

(b) The protections afforded against discrimination on the basis of familial status shall apply to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of eighteen years.

~~(8)~~**(9)** "Family" includes a single individual.

~~(9)(a)~~**(10)(a)** "Handicap" means, with respect to a person:

(i) A physical or mental impairment which substantially limits one or more of such person's major life activities.

(ii) A record of having such an impairment; or

(iii) Being regarded as having such an impairment,

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(b) Such term does not include current, illegal use of, or addiction to a controlled substance as defined in Section 102 of the Controlled Substances Act, 21 U.S.C. 802.

~~(10)~~**(11)** "Person" includes one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers, and fiduciaries.

~~(11)~~**(12)** "Respondent" means the person or other entity accused in a complaint of a discriminatory housing practice, or, any other person or entity identified in the course of an investigation and notified that they are a respondent who shall be joined in the complaint.

~~(12)~~**(13)** "To rent" includes to lease, to sublease, to let, and otherwise to grant for a consideration the right to occupy premises owned by the occupant.

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§2606. Discrimination in sale or rental of housing and other prohibited practices

A. As made applicable by R.S. 51:2604, and except as exempted by Subsection B thereof and R.S. 51:2605, it is unlawful:

(1) To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, sex, familial status, ~~or~~ national origin**, or whether a victim of domestic abuse**.

(2) To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, religion, sex, familial status, ~~or~~ national origin**, or whether a victim of domestic abuse**.

(3) To 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 race, color, religion, sex, handicap, familial status, ~~or~~ national origin**, or whether a victim of**

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domestic abuse, or an intention to make any such preference, limitation, or discrimination.

(4) To represent to any person because of race, color, religion, sex, handicap, familial status, ~~or~~ national origin**, or whether a victim of domestic abuse** that any dwelling is not available for inspection, sale, or rental when such dwelling is in fact so available.

(5) For profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, sex, handicap, familial status, ~~or~~ national origin**, or whether a victim of domestic abuse**.

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§2607. Discrimination in residential real estate related transactions

A. It is unlawful for any person or other entity whose business includes engaging in residential real estate related transactions to discriminate against any person in making available such a transaction, or in the terms or conditions of such a transaction, because of race, color, religion, sex, handicap, familial status, ~~or~~ national origin**, or whether a victim of domestic abuse**.

* * *

C. Nothing in this Chapter prohibits a person engaged in the business of furnishing appraisals of real property to take into consideration factors other than race, color, religion, national origin, sex, handicap, ~~or~~ familial status**, or whether a victim of domestic abuse**.

§2608. Discrimination in provision of brokerage services

It is unlawful to deny any person access to or membership or participation in any multiple-listing service, real estate brokers' organization or other service, organization, or facility relating to the business of selling or renting dwellings, or to discriminate against him in the terms or conditions of such access, membership, or participation, on account of race, color, religion, sex, handicap, familial status, ~~or~~ national origin**, or whether a victim of domestic abuse**.

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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Michelle Ducharme.

DIGEST

Broome (SB 233)

Present law provides relative to the La. Equal Housing Opportunity Act.

Present law provides that the legislature finds and declares that persons in this state who seek a place to live should be able to find such housing whenever it is available. Further, in many localities there may be housing shortages. All persons should therefore be able to compete for available housing on an open, fair, and equitable basis, regardless of race, color, religion, sex, handicap, familial status, or national origin.

Proposed law retains present law and adds that all persons should be able to compete for available housing on an open, fair and equitable basis, regardless of whether a victim of domestic abuse.

Proposed law provides that "domestic abuse" includes but is not limited to physical or sexual abuse and any offense against the person as defined by law, except negligent injury and defamation, committed by one family or household member against another. "Domestic abuse" also includes abuse of adults as defined by law when committed by an adult child or adult grandchild.

Present law provides that it is unlawful:

(1) To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, sex, familial status, or national origin.

(2) To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, religion, sex, familial status, or national origin.

(3) To 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 race, color, religion, sex, handicap, familial status, or national origin, or an intention to make any such preference, limitation, or discrimination.

(4) To represent to any person because of race, color, religion, sex, handicap, familial status, or national origin that any dwelling is not available for inspection, sale, or rental when such dwelling is in fact so available.

(5) For profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, sex, handicap, familial status, or national origin.

Proposed law provides that it is unlawful:

(1) To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, sex, familial status, national origin, or whether a victim of domestic abuse.

(2) To discriminate against any person in the terms, conditions, or privileges of sale or

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rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, religion, sex, familial status, national origin, or whether a victim of domestic abuse.

(3) To 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 race, color, religion, sex, handicap, familial status, national origin, or whether a victim of domestic abuse, or an intention to make any such preference, limitation, or discrimination.

(4) To represent to any person because of race, color, religion, sex, handicap, familial status, national origin, or whether a victim of domestic abuse that any dwelling is not available for inspection, sale, or rental when such dwelling is in fact so available.

(5) For profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, sex, handicap, familial status, national origin, or whether a victim of domestic abuse.

Present law provides that it is unlawful for any person or other entity whose business includes engaging in residential real estate related transactions to discriminate against any person in making available such a transaction, or in the terms or conditions of such a transaction, because of race, color, religion, sex, handicap, familial status, or national origin.

Proposed law provides that it is unlawful for any person or other entity whose business includes engaging in residential real estate related transactions to discriminate against any person in making available such a transaction, or in the terms or conditions of such a transaction, because of race, color, religion, sex, handicap, familial status, national origin, or whether a victim of domestic abuse.

Present law does not prohibit a person engaged in the business of furnishing appraisals of real property to take into consideration factors other than race, color, religion, national origin, sex, handicap, or familial status.

Proposed law provides that nothing in present law prohibits a person engaged in the business of furnishing appraisals of real property to take into consideration factors other than race, color, religion, national origin, sex, handicap, or familial status, or whether a victim of domestic abuse.

Present law provides that it is unlawful to deny any person access to or membership or participation in any multiple-listing service, real estate brokers' organization or other service, organization, or facility relating to the business of selling or renting dwellings, or to discriminate against him in the terms or conditions of such access, membership, or participation, on account of race, color, religion, sex, handicap, familial status, or national origin.

Proposed law provides that it is unlawful to deny any person access to or membership or participation in any multiple-listing service, real estate brokers' organization or other service, organization, or facility relating to the business of selling or renting dwellings, or to discriminate against him in the terms or conditions of such access, membership, or participation, on account of race, color, religion, sex, handicap, familial status, or national origin, or whether a victim of domestic abuse.

Effective August 1, 2014.

(Amends R.S. 51:2602, 2603(6), (7), (8), (9), (10), (11) and (12), 2606(A)(1), (2), (3), (4) and (5), 2607(A) and (C), and 2608; adds R.S. 51:2603(13))

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