

Regular Session, 2014

SENATE BILL NO. 233

BY SENATOR BROOME

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

1 AN ACT

2 To amend and reenact R.S. 51:2602(A), 2603(6), (7), (8), (9), (10), (11) and (12), the
3 introductory paragraph of 2606 (A) and (A)(1), (2), (3), (4) and (5), 2607(A) and (C),
4 and 2608 and to enact R.S. 51:2603(13) and (14), relative to the Louisiana Equal
5 Housing Opportunity Act; to provide for victims of domestic abuse; to provide for
6 definitions; to provide for terms and conditions; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 51:2602(A), 2603(6), (7), (8), (9), (10), (11) and (12), the
9 introductory paragraph of 2606(A) and (A)(1), (2), (3), (4) and (5), 2607(A) and (C), and
10 2608 are hereby amended and reenacted and R.S. 51:2603(13) and (14) are hereby enacted
11 to read as follows:

12 §2602. Policy

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

1 **a victim of domestic abuse.**

2 * * *

3 §2603. Definitions

4 As used in this Chapter:

5 * * *

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

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

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

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

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

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

25 ~~(8)~~**(9)** "Family" includes a single individual.

26 **(10) "Family or household member" means a spouse, former spouse,**
27 **parent, child, stepparent, stepchild, foster parent, foster child, grandparent and**
28 **grandchild.**

29 ~~(9)(a)~~**(11)(a)** "Handicap" means, with respect to a person, **any of the**

1 **following:**

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

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

5 (iii) Being regarded as having such an impairment; .

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

9 ~~(10)~~**(12)** "Person" includes one or more individuals, corporations,
10 partnerships, associations, labor organizations, legal representatives, mutual
11 companies, joint stock companies, trusts, unincorporated organizations, trustees,
12 trustees in bankruptcy, receivers, and fiduciaries.

13 ~~(11)~~**(13)** "Respondent" means the person or other entity accused in a
14 complaint of a discriminatory housing practice, or, any other person or entity
15 identified in the course of an investigation and notified that they are a respondent
16 who shall be joined in the complaint.

17 ~~(12)~~**(14)** "To rent" includes to lease, to sublease, to let, and otherwise to grant
18 for a consideration the right to occupy premises owned by the occupant.

19 * * *

20 §2606. Discrimination in sale or rental of housing and other prohibited practices

21 A. As made applicable by R.S. 51:2604, and except as exempted by
22 Subsection B thereof and R.S. 51:2605, it is unlawful **to do any of the following:**

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

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

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

The original instrument was prepared by Michelle Ducharme. The following digest, which does not constitute a part of the legislative instrument, was prepared by Thomas L. Tyler.

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.

Proposed law defines "family or household member" as a spouse, former spouse, parent, child, stepparent, stepchild, foster parent, foster child, grandparent and 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 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(A), 2603(6), (7), (8), (9), (10), (11) and (12), 2606(A)(intro para), (A)(1), (2), (3), (4) and (5), 2607(A) and (C), and 2608; adds R.S. 51:2603(13) and (14))

Summary of Amendments Adopted by Senate

Senate Floor Amendments to engrossed bill

1. Adds definition of "family or household member".