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SENATE BILL NO. 1410

Offered January 13, 2021

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A BILL to amend and reenact §§ 2.2-2901.1, 2.2-3004, 2.2-3900, 2.2-3901, 2.2-3902, 2.2-3904, 2.2-3905, 15.2-853, 15.2-854, 15.2-965, 15.2-1500.1, 15.2-1507, 15.2-1604, 22.1-295.2, 22.1-306, 36-96.1 through 36-96.3, 36-96.4, 36-96.6, 55.1-1208, and 55.1-1310 of the Code of Virginia, relating to public accommodations, employment, and housing; prohibited discrimination on the basis of status as active military or a military spouse.

Patrons—Bell, Boysko, Cosgrove, Hashmi, Peake and Reeves; Delegates: Adams, D.M., Ayala, Cole, M.L., Coyner, Davis, Delaney, Fowler, Hayes, Helmer, Heretick, Kory, Levine, McQuinn, Mugler, Mundon King, Murphy, Plum, Rasoul, Reid, Samirah, Scott, Sickles, Simonds, Subramanyam, Tran and Webert

Referred to Committee on General Laws and Technology

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-2901.1, 2.2-3004, 2.2-3900, 2.2-3901, 2.2-3902, 2.2-3904, 2.2-3905, 15.2-853, 15.2-854, 15.2-965, 15.2-1500.1, 15.2-1507, 15.2-1604, 22.1-295.2, 22.1-306, 36-96.1 through 36-96.3, 36-96.4, 36-96.6, 55.1-1208, and 55.1-1310 of the Code of Virginia are amended and reenacted as follows:

§ 2.2-2901.1. Employment discrimination prohibited.

A. For the purposes of As used in this section, "age":

"Age" means being an individual who is at least 40 years of age.

"Military status" means status as (i) an active military service member who performs full-time duty in the Armed Forces of the United States, or a reserve component thereof, including the United States National Guard and the Virginia National Guard, (ii) a veteran who was an active military service member discharged or released therefrom under conditions other than dishonorable, or (iii) a spouse or child of an active military service member or veteran, or an individual of any relationship to an active military service member or veteran where the active military service member or veteran provided more than one-half of the individual's support, for at least 180 days immediately preceding an alleged action that if proven true would constitute unlawful discrimination under this section.

B. No state agency, institution, board, bureau, commission, council, or instrumentality of the Commonwealth shall discriminate in employment on the basis of race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, age, marital status, disability, sexual orientation, gender identity, or military status as a veteran.

C. The provisions of this section shall not prohibit (i) discrimination in employment on the basis of sex or age in those instances when sex or age is a bona fide occupational qualification for employment or (ii) providing preference in employment to veterans.

§ 2.2-3004. Grievances qualifying for a grievance hearing; grievance hearing generally.

A. A grievance qualifying for a hearing shall involve a complaint or dispute by an employee relating to the following adverse employment actions in which the employee is personally involved, including (i) formal disciplinary actions, including suspensions, demotions, transfers and assignments, and dismissals resulting from formal discipline or unsatisfactory job performance; (ii) the application of all written personnel policies, procedures, rules and regulations where it can be shown that policy was misapplied or unfairly applied; (iii) discrimination on the basis of race, color, religion, political affiliation, age, disability, national origin, sex, pregnancy, childbirth or related medical conditions, marital status, sexual orientation, gender identity, or military status as a veteran; (iv) arbitrary or capricious performance evaluations; (v) acts of retaliation as the result of the use of or participation in the grievance procedure or because the employee has complied with any law of the United States or of the Commonwealth, has reported any violation of such law to a governmental authority, has sought any change in law before the Congress of the United States or the General Assembly, or has reported an incidence of fraud, abuse, or gross mismanagement; and (vi) retaliation for exercising any right otherwise protected by law.

B. Management reserves the exclusive right to manage the affairs and operations of state government. Management shall exercise its powers with the highest degree of trust. In any employment matter that management precludes from proceeding to a grievance hearing, management's response, including any appropriate remedial actions, shall be prompt, complete, and fair.

C. Complaints relating solely to the following issues shall not proceed to a hearing: (i) establishment and revision of wages, salaries, position classifications, or general benefits; (ii) work activity accepted by the employee as a condition of employment or which may reasonably be expected to be a part of the

56 job content; (iii) contents of ordinances, statutes or established personnel policies, procedures, and rules
 57 and regulations; (iv) methods, means, and personnel by which work activities are to be carried on; (v)
 58 termination, layoff, demotion, or suspension from duties because of lack of work, reduction in work
 59 force, or job abolition; (vi) hiring, promotion, transfer, assignment, and retention of employees within
 60 the agency; and (vii) relief of employees from duties of the agency in emergencies.

61 D. Except as provided in subsection A of § 2.2-3003, decisions regarding whether a grievance
 62 qualifies for a hearing shall be made in writing by the agency head or his designee within five workdays
 63 of the employee's request for a hearing. A copy of the decision shall be sent to the employee. The
 64 employee may appeal the denial of a hearing by the agency head to the Director of the Department of
 65 Human Resource Management (the Director). Upon receipt of an appeal, the agency shall transmit the
 66 entire grievance record to the Department of Human Resource Management within five workdays. The
 67 Director shall render a decision on whether the employee is entitled to a hearing upon the grievance
 68 record and other probative evidence.

69 E. The hearing pursuant to § 2.2-3005 shall be held in the locality in which the employee is
 70 employed or in any other locality agreed to by the employee, employer, and hearing officer. The
 71 employee and the agency may be represented by legal counsel or a lay advocate, the provisions of §
 72 54.1-3904 notwithstanding. The employee and the agency may call witnesses to present testimony and
 73 be cross-examined.

74 **§ 2.2-3900. Short title; declaration of policy.**

75 A. This chapter shall be known and cited as the Virginia Human Rights Act.

76 B. It is the policy of the Commonwealth to:

77 1. Safeguard all individuals within the Commonwealth from unlawful discrimination because of race,
 78 color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, age, marital
 79 status, sexual orientation, gender identity, *military* status as a ~~veteran~~, or disability in places of public
 80 accommodation, including educational institutions and in real estate transactions;

81 2. Safeguard all individuals within the Commonwealth from unlawful discrimination in employment
 82 because of race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions,
 83 age, marital status, sexual orientation, gender identity, disability, or *military* status as a ~~veteran~~;

84 3. Preserve the public safety, health, and general welfare;

85 4. Further the interests, rights, and privileges of individuals within the Commonwealth; and

86 5. Protect citizens of the Commonwealth against unfounded charges of unlawful discrimination.

87 **§ 2.2-3901. Definitions.**

88 A. The terms "because of sex or gender" or "on the basis of sex or gender" or terms of similar
 89 import when used in reference to discrimination in the Code and acts of the General Assembly include
 90 because of or on the basis of pregnancy, childbirth, or related medical conditions, including lactation.
 91 Women affected by pregnancy, childbirth, or related medical conditions shall be treated the same for all
 92 purposes as persons not so affected but similar in their abilities or disabilities.

93 B. The term "gender identity," when used in reference to discrimination in the Code and acts of the
 94 General Assembly, means the gender-related identity, appearance, or other gender-related characteristics
 95 of an individual, with or without regard to the individual's designated sex at birth.

96 C. The term "sexual orientation," when used in reference to discrimination in the Code and acts of
 97 the General Assembly, means a person's actual or perceived heterosexuality, bisexuality, or
 98 homosexuality.

99 D. The terms "because of race" or "on the basis of race" or terms of similar import when used in
 100 reference to discrimination in the Code and acts of the General Assembly include because of or on the
 101 basis of traits historically associated with race, including hair texture, hair type, and protective hairstyles
 102 such as braids, locks, and twists.

103 E. ~~For purposes of~~ *As used in this chapter, "lactation", unless the context requires a different*
 104 *meaning:*

105 *"Lactation" means a condition that may result in the feeding of a child directly from the breast or*
 106 *the expressing of milk from the breast.*

107 *"Military status" means status as (i) an active military service member who performs full-time duty*
 108 *in the Armed Forces of the United States, or a reserve component thereof, including the United States*
 109 *National Guard and the Virginia National Guard, (ii) a veteran who was an active military service*
 110 *member discharged or released therefrom under conditions other than dishonorable, or (iii) a spouse or*
 111 *child of an active military service member or veteran, or an individual of any relationship to an active*
 112 *military service member or veteran where the active military service member or veteran provided more*
 113 *than one-half of the individual's support, for at least 180 days immediately preceding an alleged action*
 114 *that if proven true would constitute unlawful discrimination under this chapter.*

115 **§ 2.2-3902. Construction of chapter; other programs to aid persons with disabilities, minors,**
 116 **and the elderly.**

117 The provisions of this chapter shall be construed liberally for the accomplishment of its policies.

118 Conduct that violates any Virginia or federal statute or regulation governing discrimination on the
 119 basis of race, color, religion, sex, sexual orientation, gender identity, marital status, pregnancy, childbirth
 120 or related medical conditions including lactation, age, *military* status as a ~~veteran~~, or national origin is
 121 an unlawful discriminatory practice under this chapter.

122 Nothing in this chapter shall prohibit or alter any program, service, facility, school, or privilege that
 123 is afforded, oriented, or restricted to a person because of disability or age from continuing to habilitate,
 124 rehabilitate, or accommodate that person.

125 In addition, nothing in this chapter shall be construed to affect any governmental program, law or
 126 activity differentiating between persons on the basis of age over the age of 18 years (i) where the
 127 differentiation is reasonably necessary to normal operation or the activity is based upon reasonable
 128 factors other than age or (ii) where the program, law or activity constitutes a legitimate exercise of
 129 powers of the Commonwealth for the general health, safety and welfare of the population at large.

130 Complaints filed with the Division of Human Rights of the Department of Law (the Division) in
 131 accordance with § 2.2-520 alleging unlawful discriminatory practice under a Virginia statute that is
 132 enforced by a Virginia agency shall be referred to that agency. The Division may investigate complaints
 133 alleging an unlawful discriminatory practice under a federal statute or regulation and attempt to resolve
 134 it through conciliation. Unsolved complaints shall thereafter be referred to the federal agency with
 135 jurisdiction over the complaint. Upon such referral, the Division shall have no further jurisdiction over
 136 the complaint. The Division shall have no jurisdiction over any complaint filed under a local ordinance
 137 adopted pursuant to § 15.2-965.

138 **§ 2.2-3904. Nondiscrimination in places of public accommodation; definitions.**

139 A. As used in this section, ~~unless the context requires a different meaning:~~

140 "Age" means being an individual who is at least 18 years of age.

141 "Place of public accommodation" means all places or businesses offering or holding out to the
 142 general public goods, services, privileges, facilities, advantages, or accommodations.

143 B. It is an unlawful discriminatory practice for any person, including the owner, lessee, proprietor,
 144 manager, superintendent, agent, or employee of any place of public accommodation, to refuse, withhold
 145 from, or deny any individual, or to attempt to refuse, withhold from, or deny any individual, directly or
 146 indirectly, any of the accommodations, advantages, facilities, services, or privileges made available in
 147 any place of public accommodation, or to segregate or discriminate against any such person in the use
 148 thereof, or to publish, circulate, issue, display, post, or mail, either directly or indirectly, any
 149 communication, notice, or advertisement to the effect that any of the accommodations, advantages,
 150 facilities, privileges, or services of any such place shall be refused, withheld from, or denied to any
 151 individual on the basis of race, color, religion, national origin, sex, pregnancy, childbirth or related
 152 medical conditions, age, sexual orientation, gender identity, marital status, disability, or *military* status as
 153 a ~~veteran~~.

154 C. The provisions of this section shall not apply to a private club, a place of accommodation owned
 155 by or operated on behalf of a religious corporation, association, or society that is not in fact open to the
 156 public, or any other establishment that is not in fact open to the public.

157 D. The provisions of this section shall not prohibit (i) discrimination against individuals who are less
 158 than 18 years of age or (ii) the provision of special benefits, incentives, discounts, or promotions by
 159 public or private programs to assist persons who are 50 years of age or older.

160 E. The provisions of this section shall not supersede or interfere with any state law or local
 161 ordinance that prohibits a person under the age of 21 from entering a place of public accommodation.

162 **§ 2.2-3905. Nondiscrimination in employment; definitions; exceptions.**

163 A. As used in this section:

164 "Age" means being an individual who is at least 40 years of age.

165 "Employee" means an individual employed by an employer.

166 "Employer" means a person employing 15 or more employees for each working day in each of 20 or
 167 more calendar weeks in the current or preceding calendar year, and any agent of such a person.
 168 However, (i) for purposes of unlawful discharge under subdivision B 1 on the basis of race, color,
 169 religion, national origin, *military* status as a ~~veteran~~, sex, sexual orientation, gender identity, marital
 170 status, pregnancy, or childbirth or related medical conditions including lactation, "employer" means any
 171 employer employing more than five persons and (ii) for purposes of unlawful discharge under
 172 subdivision B 1 on the basis of age, "employer" means any employer employing more than five but
 173 fewer than 20 persons.

174 "Employment agency" means any person, or an agent of such person, regularly undertaking with or
 175 without compensation to procure employees for an employer or to procure for employees opportunities
 176 to work for an employer.

177 "Joint apprenticeship committee" means the same as that term is defined in § 40.1-120.

178 "Labor organization" means an organization engaged in an industry, or an agent of such organization,

179 that exists for the purpose, in whole or in part, of dealing with employers on behalf of employees
180 concerning grievances, labor disputes, wages, rates of pay, hours, or other terms or conditions of
181 employment. "Labor organization" includes employee representation committees, groups, or associations
182 in which employees participate.

183 "Lactation" means a condition that may result in the feeding of a child directly from the breast or the
184 expressing of milk from the breast.

185 B. It is an unlawful employment practice for:

186 1. An employer to:

187 a. Fail or refuse to hire, discharge, or otherwise discriminate against any individual with respect to
188 such individual's compensation, terms, conditions, or privileges of employment because of such
189 individual's race, color, religion, sex, sexual orientation, gender identity, marital status, pregnancy,
190 childbirth or related medical conditions including lactation, age, *military* status as a ~~veteran~~, or national
191 origin; or

192 b. Limit, segregate, or classify employees or applicants for employment in any way that would
193 deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect an
194 individual's status as an employee, because of such individual's race, color, religion, sex, sexual
195 orientation, gender identity, marital status, pregnancy, childbirth or related medical conditions including
196 lactation, age, *military* status as a ~~veteran~~, or national origin.

197 2. An employment agency to:

198 a. Fail or refuse to refer for employment, or otherwise discriminate against, any individual because of
199 such individual's race, color, religion, sex, sexual orientation, gender identity, marital status, pregnancy,
200 childbirth or related medical conditions, age, *military* status as a ~~veteran~~, or national origin; or

201 b. Classify or refer for employment any individual on the basis of such individual's race, color,
202 religion, sex, sexual orientation, gender identity, marital status, pregnancy, childbirth or related medical
203 conditions, age, *military* status as a ~~veteran~~, or national origin.

204 3. A labor organization to:

205 a. Exclude or expel from its membership, or otherwise discriminate against, any individual because
206 of such individual's race, color, religion, sex, sexual orientation, gender identity, marital status,
207 pregnancy, childbirth or related medical conditions, age, *military* status as a ~~veteran~~, or national origin;

208 b. Limit, segregate, or classify its membership or applicants for membership, or classify or fail to or
209 refuse to refer for employment any individual, in any way that would deprive or tend to deprive such
210 individual of employment opportunities, or would limit such employment opportunities or otherwise
211 adversely affect an individual's status as an employee or as an applicant for employment, because of
212 such individual's race, color, religion, sex, sexual orientation, gender identity, marital status, pregnancy,
213 childbirth or related medical conditions, age, *military* status as a ~~veteran~~, or national origin; or

214 c. Cause or attempt to cause an employer to discriminate against an individual in violation of
215 subdivisions a or b.

216 4. An employer, labor organization, or joint apprenticeship committee to discriminate against any
217 individual in any program to provide apprenticeship or other training program on the basis of such
218 individual's race, color, religion, sex, sexual orientation, gender identity, pregnancy, childbirth or related
219 medical conditions, age, *military* status as a ~~veteran~~, or national origin.

220 5. An employer, in connection with the selection or referral of applicants or candidates for
221 employment or promotion, to adjust the scores of, use different cutoff scores for, or otherwise alter the
222 results of employment-related tests on the basis of race, color, religion, sex, sexual orientation, gender
223 identity, marital status, pregnancy, childbirth or related medical conditions, age, *military* status as a
224 ~~veteran~~, or national origin.

225 6. Except as otherwise provided in this chapter, an employer to use race, color, religion, sex, sexual
226 orientation, gender identity, marital status, pregnancy, childbirth or related medical conditions, age,
227 *military* status as a ~~veteran~~, or national origin as a motivating factor for any employment practice, even
228 though other factors also motivate the practice.

229 7. (i) An employer to discriminate against any employees or applicants for employment, (ii) an
230 employment agency or a joint apprenticeship committee controlling an apprenticeship or other training
231 program to discriminate against any individual, or (iii) a labor organization to discriminate against any
232 member thereof or applicant for membership because such individual has opposed any practice made an
233 unlawful employment practice by this chapter or because such individual has made a charge, testified,
234 assisted, or participated in any manner in an investigation, proceeding, or hearing under this chapter.

235 8. An employer, labor organization, employment agency, or joint apprenticeship committee
236 controlling an apprenticeship or other training program to print or publish, or cause to be printed or
237 published, any notice or advertisement relating to (i) employment by such an employer, (ii) membership
238 in or any classification or referral for employment by such a labor organization, (iii) any classification or
239 referral for employment by such an employment agency, or (iv) admission to, or employment in, any
240 program established to provide apprenticeship or other training by such a joint apprenticeship committee

241 that indicates any preference, limitation, specification, or discrimination based on race, color, religion,
242 sex, sexual orientation, gender identity, marital status, pregnancy, childbirth or related medical
243 conditions, age, *military* status as a ~~veteran~~, or national origin, except that such a notice or
244 advertisement may indicate a preference, limitation, specification, or discrimination based on religion,
245 sex, age, or national origin when religion, sex, age, or national origin is a bona fide occupational
246 qualification for employment.

247 C. Notwithstanding any other provision of this chapter, it is not an unlawful employment practice:

248 1. For (i) an employer to hire and employ employees; (ii) an employment agency to classify, or refer
249 for employment, any individual; (iii) a labor organization to classify its membership or to classify or
250 refer for employment any individual; or (iv) an employer, labor organization, or joint apprenticeship
251 committee to admit or employ any individual in any apprenticeship or other training program on the
252 basis of such individual's religion, sex, or age in those certain instances where religion, sex, or age is a
253 bona fide occupational qualification reasonably necessary to the normal operation of that particular
254 employer, employment agency, labor organization, or joint apprenticeship committee;

255 2. For an elementary or secondary school or institution of higher education to hire and employ
256 employees of a particular religion if such elementary or secondary school or institution of higher
257 education is, in whole or in substantial part, owned, supported, controlled, or managed by a particular
258 religion or by a particular religious corporation, association, or society or if the curriculum of such
259 elementary or secondary school or institution of higher education is directed toward the propagation of a
260 particular religion;

261 3. For an employer to apply different standards of compensation, or different terms, conditions, or
262 privileges of employment, pursuant to a bona fide seniority or merit system, or a system that measures
263 earnings by quantity or quality of production, or to employees who work in different locations, provided
264 that such differences are not the result of an intention to discriminate because of race, color, religion,
265 sex, sexual orientation, gender identity, marital status, pregnancy, childbirth or related medical
266 conditions, age, *military* status as a ~~veteran~~, or national origin;

267 4. For an employer to give and to act upon the results of any professionally developed ability test,
268 provided that such test, its administration, or an action upon the results is not designed, intended, or
269 used to discriminate because of race, color, religion, sex, sexual orientation, gender identity, marital
270 status, pregnancy, childbirth or related medical conditions, age, *military* status as a ~~veteran~~, or national
271 origin;

272 5. For an employer to provide reasonable accommodations related to pregnancy, childbirth or related
273 medical conditions, and lactation, when such accommodations are requested by the employee; or

274 6. For an employer to condition employment or premises access based upon citizenship where the
275 employer is subject to any requirement imposed in the interest of the national security of the United
276 States under any security program in effect pursuant to or administered under any statute or regulation
277 of the federal government or any executive order of the President of the United States.

278 D. Nothing in this chapter shall be construed to require any employer, employment agency, labor
279 organization, or joint apprenticeship committee to grant preferential treatment to any individual or to any
280 group because of such individual's or group's race, color, religion, sex, sexual orientation, gender
281 identity, marital status, pregnancy, childbirth or related medical conditions, age, *military* status as a
282 ~~veteran~~, or national origin on account of an imbalance that may exist with respect to the total number or
283 percentage of persons of any race, color, religion, sex, sexual orientation, gender identity, marital status,
284 pregnancy, childbirth or related medical conditions, age, *military* status as a ~~veteran~~, or national origin
285 employed by any employer, referred or classified for employment by any employment agency or labor
286 organization, admitted to membership or classified by any labor organization, or admitted to or
287 employed in any apprenticeship or other training program, in comparison with the total number or
288 percentage of persons of such race, color, religion, sex, sexual orientation, gender identity, marital status,
289 pregnancy, childbirth or related medical conditions, age, *military* status as a ~~veteran~~, or national origin in
290 any community.

291 E. The provisions of this section shall not apply to the employment of individuals of a particular
292 religion by a religious corporation, association, educational institution, or society to perform work
293 associated with its activities.

294 **§ 15.2-853. Commission on human rights; human rights ordinance.**

295 A county may enact an ordinance prohibiting discrimination in housing, real estate transactions,
296 employment, public accommodations, credit, and education on the basis of race, color, religion, sex,
297 pregnancy, childbirth or related medical conditions, national origin, *military* status as a ~~veteran~~, age,
298 marital status, sexual orientation, gender identity, or disability. The board may enact an ordinance
299 establishing a local commission on human rights that shall have the following powers and duties:

- 300 1. To promote policies to ensure that all persons be afforded equal opportunity;
- 301 2. To serve as an agency for receiving, investigating, holding hearings, processing, and assisting in

302 the voluntary resolution of complaints regarding discriminatory practices occurring within the county;

303 3. With the approval of the county attorney, to seek, through appropriate enforcement authorities,
304 prevention of or relief from a violation of any ordinance prohibiting discrimination; and

305 4. To exercise such other powers and duties as provided in this article. However, the commission
306 shall have no power itself to issue subpoenas, award damages, or grant injunctive relief.

307 For the purposes of this article, "person", *unless the context requires otherwise:*

308 "*Military status*" means status as (i) an active military service member who performs full-time duty
309 in the Armed Forces of the United States, or a reserve component thereof, including the United States
310 National Guard and the Virginia National Guard, (ii) a veteran who was an active military service
311 member discharged or released therefrom under conditions other than dishonorable, or (iii) a spouse or
312 child of an active military service member or veteran, or an individual of any relationship to an active
313 military service member or veteran where the active military service member or veteran provided more
314 than one-half of the individual's support, for at least 180 days immediately preceding an alleged action
315 that if proven true would constitute unlawful discrimination under a local ordinance enacted pursuant to
316 this section.

317 "*Person*" means one or more individuals, labor unions, partnerships, corporations, associations, legal
318 representatives, mutual companies, joint-stock companies, trusts, or unincorporated organizations.

319 **§ 15.2-854. Investigations.**

320 Whenever the commission on human rights has a reasonable cause to believe that any person has
321 engaged in, or is engaging in, any violation of a county ordinance that prohibits discrimination due to
322 race, color, religion, sex, pregnancy, childbirth or related medical conditions, national origin, *military*
323 *status as a veteran*, age, marital status, sexual orientation, gender identity, or disability, and, after making
324 a good faith effort to obtain the data, information, and attendance of witnesses necessary to determine
325 whether such violation has occurred, is unable to obtain such data, information, or attendance, it may
326 request the county attorney to petition the judge of the general district court for its jurisdiction for a
327 subpoena against any such person refusing to produce such data and information or refusing to appear as
328 a witness, and the judge of such court may, upon good cause shown, cause the subpoena to be issued.
329 Any witness subpoena issued under this section shall include a statement that any statements made will
330 be under oath and that the respondent or other witness is entitled to be represented by an attorney. Any
331 person failing to comply with a subpoena issued under this section shall be subject to punishment for
332 contempt by the court issuing the subpoena. Any person so subpoenaed may apply to the judge who
333 issued a subpoena to quash it.

334 **§ 15.2-965. Human rights ordinances and commissions.**

335 A. Any locality may enact an ordinance, not inconsistent with nor more stringent than any applicable
336 state law, prohibiting discrimination in housing, employment, public accommodations, credit, and
337 education on the basis of race, color, religion, sex, pregnancy, childbirth or related medical conditions,
338 national origin, *military status as a veteran*, age, marital status, sexual orientation, gender identity, or
339 disability.

340 B. The locality may enact an ordinance establishing a local commission on human rights that shall
341 have the powers and duties granted by the Virginia Human Rights Act (§ 2.2-3900 et seq.).

342 C. As used in this section:

343 "*Gender identity*" means the gender-related identity, appearance, or other gender-related
344 characteristics of an individual, without regard to the individual's designated sex at birth.

345 "*Military status*" means status as (i) an active military service member who performs full-time duty
346 in the Armed Forces of the United States, or a reserve component thereof, including the United States
347 National Guard and the Virginia National Guard, (ii) a veteran who was an active military service
348 member discharged or released therefrom under conditions other than dishonorable, or (iii) a spouse or
349 child of an active military service member or veteran, or an individual of any relationship to an active
350 military service member or veteran where the active military service member or veteran provided more
351 than one-half of the individual's support, for at least 180 days immediately preceding an alleged action
352 that if proven true would constitute unlawful discrimination under a local ordinance enacted pursuant to
353 this section.

354 "*Sexual orientation*" means a person's actual or perceived heterosexuality, bisexuality, or
355 homosexuality.

356 **§ 15.2-1500.1. Employment discrimination prohibited; sexual orientation or gender identity.**

357 A. As used in this section, "*age*" article, *unless the context requires a different meaning:*

358 "*Age*" means being an individual who is at least 40 years of age.

359 "*Military status*" means status as (i) an active military service member who performs full-time duty
360 in the Armed Forces of the United States, or a reserve component thereof, including the United States
361 National Guard and the Virginia National Guard, (ii) a veteran who was an active military service
362 member discharged or released therefrom under conditions other than dishonorable, or (iii) a spouse or
363 child of an active military service member or veteran, or an individual of any relationship to an active

364 *military service member or veteran where the active military service member or veteran provided more*
365 *than one-half of the individual's support, for at least 180 days immediately preceding an alleged action*
366 *that if proven true would constitute unlawful discrimination under this article.*

367 B. No department, office, board, commission, agency, or instrumentality of local government shall
368 discriminate in employment on the basis of race, color, religion, national origin, sex, pregnancy,
369 childbirth or related medical conditions, age, marital status, disability, sexual orientation, gender identity,
370 or *military status as a veteran.*

371 C. The provisions of this section shall not prohibit (i) discrimination in employment on the basis of
372 sex or age in those instances when sex or age is a bona fide occupational qualification for employment
373 or (ii) providing preference in employment to veterans.

374 **§ 15.2-1507. Provision of grievance procedure; training programs.**

375 A. If a local governing body fails to adopt a grievance procedure required by § 15.2-1506 or fails to
376 certify it as provided in this section, the local governing body shall be deemed to have adopted a
377 grievance procedure that is consistent with the provisions of Chapter 30 (§ 2.2-3000 et seq.) of Title 2.2
378 and any regulations adopted pursuant thereto for so long as the locality remains in noncompliance. The
379 locality shall provide its employees with copies of the applicable grievance procedure upon request. The
380 term "grievance" as used herein shall not be interpreted to mean negotiations of wages, salaries, or
381 fringe benefits.

382 Each grievance procedure, and each amendment thereto, in order to comply with this section, shall
383 be certified in writing to be in compliance by the city, town, or county attorney, and the chief
384 administrative officer of the locality, and such certification filed with the clerk of the circuit court
385 having jurisdiction in the locality in which the procedure is to apply. Local government grievance
386 procedures in effect as of July 1, 1991, shall remain in full force and effect for 90 days thereafter,
387 unless certified and filed as provided above within a shorter time period.

388 Each grievance procedure shall include the following components and features:

389 1. Definition of grievance. A grievance shall be a complaint or dispute by an employee relating to
390 his employment, including (i) disciplinary actions, including dismissals, disciplinary demotions, and
391 suspensions, provided that dismissals shall be grievable whenever resulting from formal discipline or
392 unsatisfactory job performance; (ii) the application of personnel policies, procedures, rules, and
393 regulations, including the application of policies involving matters referred to in clause (iii) of
394 subdivision 2; (iii) discrimination on the basis of race, color, creed, religion, political affiliation, age,
395 disability, national origin, sex, marital status, pregnancy, childbirth or related medical conditions, sexual
396 orientation, gender identity, or *military status as a veteran*; and (iv) acts of retaliation as the result of the
397 use of or participation in the grievance procedure or because the employee has complied with any law
398 of the United States or of the Commonwealth, has reported any violation of such law to a governmental
399 authority, has sought any change in law before the Congress of the United States or the General
400 Assembly, or has reported an incidence of fraud, abuse, or gross mismanagement. For the purposes of
401 clause (iv), there shall be a rebuttable presumption that increasing the penalty that is the subject of the
402 grievance at any level of the grievance shall be an act of retaliation.

403 2. Local government responsibilities. Local governments shall retain the exclusive right to manage
404 the affairs and operations of government. Accordingly, the following complaints are nongrievable: (i)
405 establishment and revision of wages or salaries, position classification, or general benefits; (ii) work
406 activity accepted by the employee as a condition of employment or work activity that may reasonably be
407 expected to be a part of the job content; (iii) the contents of ordinances, statutes, or established
408 personnel policies, procedures, rules, and regulations; (iv) failure to promote except where the employee
409 can show that established promotional policies or procedures were not followed or applied fairly; (v) the
410 methods, means, and personnel by which work activities are to be carried on; (vi) except where such
411 action affects an employee who has been reinstated within the previous six months as the result of the
412 final determination of a grievance, termination, layoff, demotion, or suspension from duties because of
413 lack of work, reduction in work force, or job abolition; (vii) the hiring, promotion, transfer, assignment,
414 and retention of employees within the local government; and (viii) the relief of employees from duties
415 of the local government in emergencies. In any grievance brought under the exception to clause (vi), the
416 action shall be upheld upon a showing by the local government that (a) there was a valid business
417 reason for the action and (b) the employee was notified of the reason in writing prior to the effective
418 date of the action.

419 3. Coverage of personnel.

420 a. Unless otherwise provided by law, all nonprobationary local government permanent full-time and
421 part-time employees are eligible to file grievances with the following exceptions:

422 (1) Appointees of elected groups or individuals;

423 (2) Officials and employees who by charter or other law serve at the will or pleasure of an
424 appointing authority;

- 425 (3) Deputies and executive assistants to the chief administrative officer of a locality;
426 (4) Agency heads or chief executive officers of government operations;
427 (5) Employees whose terms of employment are limited by law;
428 (6) Temporary, limited term, and seasonal employees;
429 (7) Law-enforcement officers as defined in Chapter 5 (§ 9.1-500 et seq.) of Title 9.1 whose
430 grievance is subject to the provisions of Chapter 5 (§ 9.1-500 et seq.) of Title 9.1 and who have elected
431 to proceed pursuant to those provisions in the resolution of their grievance, or any other employee
432 electing to proceed pursuant to any other existing procedure in the resolution of his grievance.
- 433 b. Notwithstanding the exceptions set forth in subdivision a, local governments, at their sole
434 discretion, may voluntarily include employees in any of the excepted categories within the coverage of
435 their grievance procedures.
- 436 c. The chief administrative officer of each local government, or his designee, shall determine the
437 officers and employees excluded from the grievance procedure, and shall be responsible for maintaining
438 an up-to-date list of the affected positions.
- 439 4. Grievance procedure availability and coverage for employees of community services boards,
440 redevelopment and housing authorities, and regional housing authorities. Employees of community
441 services boards, redevelopment and housing authorities created pursuant to § 36-4, and regional housing
442 authorities created pursuant to § 36-40 shall be included in (i) a local governing body's grievance
443 procedure or personnel system, if agreed to by the department, board, or authority and the locality or (ii)
444 a grievance procedure established and administered by the department, board, or authority that is
445 consistent with the provisions of Chapter 30 (§ 2.2-3000 et seq.) of Title 2.2 and any regulations
446 promulgated pursuant thereto. If a department, board, or authority fails to establish a grievance
447 procedure pursuant to clause (i) or (ii), it shall be deemed to have adopted a grievance procedure that is
448 consistent with the provisions of Chapter 30 (§ 2.2-3000 et seq.) of Title 2.2 and any regulations
449 adopted pursuant thereto for so long as it remains in noncompliance.
- 450 5. General requirements for procedures.
- 451 a. Each grievance procedure shall include not more than four steps for airing complaints at
452 successively higher levels of local government management and a final step providing for a panel
453 hearing or a hearing before an administrative hearing officer upon the agreement of both parties.
- 454 b. Grievance procedures shall prescribe reasonable and specific time limitations for the grievant to
455 submit an initial complaint and to appeal each decision through the steps of the grievance procedure.
- 456 c. Nothing contained in this section shall prohibit a local government from granting its employees
457 rights greater than those contained herein, provided that such grant does not exceed or violate the
458 general law or public policy of the Commonwealth.
- 459 6. Time periods.
- 460 a. It is intended that speedy attention to employee grievances be promoted, consistent with the ability
461 of the parties to prepare for a fair consideration of the issues of concern.
- 462 b. The time for submitting an initial complaint shall not be less than 20 calendar days after the event
463 giving rise to the grievance, but local governments may, at their option, allow a longer time period.
- 464 c. Limits for steps after initial presentation of grievance shall be the same or greater for the grievant
465 than the time that is allowed for local government response in each comparable situation.
- 466 d. Time frames may be extended by mutual agreement of the local government and the grievant.
- 467 7. Compliance.
- 468 a. After the initial filing of a written grievance, failure of either party to comply with all substantial
469 procedural requirements of the grievance procedure, including the panel or administrative hearing,
470 without just cause shall result in a decision in favor of the other party on any grievable issue, provided
471 the party not in compliance fails to correct the noncompliance within five workdays of receipt of written
472 notification by the other party of the compliance violation. Such written notification by the grievant shall
473 be made to the chief administrative officer, or his designee.
- 474 b. The chief administrative officer, or his designee, at his option, may require a clear written
475 explanation of the basis for just cause extensions or exceptions. The chief administrative officer, or his
476 designee, shall determine compliance issues. Compliance determinations made by the chief
477 administrative officer shall be subject to judicial review by filing petition with the circuit court within
478 30 days of the compliance determination.
- 479 8. Management steps.
- 480 a. The first step shall provide for an informal, initial processing of employee complaints by the
481 immediate supervisor through a nonwritten, discussion format.
- 482 b. Management steps shall provide for a review with higher levels of local government authority
483 following the employee's reduction to writing of the grievance and the relief requested on forms
484 supplied by the local government. Personal face-to-face meetings are required at all of these steps.
- 485 c. With the exception of the final management step, the only persons who may normally be present
486 in the management step meetings are the grievant, the appropriate local government official at the level

487 at which the grievance is being heard, and appropriate witnesses for each side. Witnesses shall be
488 present only while actually providing testimony. At the final management step, the grievant, at his
489 option, may have present a representative of his choice. If the grievant is represented by legal counsel,
490 local government likewise has the option of being represented by counsel.

491 9. Qualification for panel or administrative hearing.

492 a. Decisions regarding grievability and access to the procedure shall be made by the chief
493 administrative officer of the local government, or his designee, at any time prior to the panel hearing, at
494 the request of the local government or grievant, within 10 calendar days of the request. No city, town,
495 or county attorney, or attorney for the Commonwealth, shall be authorized to decide the question of
496 grievability. A copy of the ruling shall be sent to the grievant. Decisions of the chief administrative
497 officer of the local government, or his designee, may be appealed to the circuit court having jurisdiction
498 in the locality in which the grievant is employed for a hearing on the issue of whether the grievance
499 qualifies for a panel hearing. Proceedings for review of the decision of the chief administrative officer or
500 his designee shall be instituted by the grievant by filing a notice of appeal with the chief administrative
501 officer within 10 calendar days from the date of receipt of the decision and giving a copy thereof to all
502 other parties. Within 10 calendar days thereafter, the chief administrative officer or his designee shall
503 transmit to the clerk of the court to which the appeal is taken: a copy of the decision of the chief
504 administrative officer, a copy of the notice of appeal, and the exhibits. A list of the evidence furnished
505 to the court shall also be furnished to the grievant. The failure of the chief administrative officer or his
506 designee to transmit the record shall not prejudice the rights of the grievant. The court, on motion of the
507 grievant, may issue a writ of certiorari requiring the chief administrative officer to transmit the record on
508 or before a certain date.

509 b. Within 30 days of receipt of such records by the clerk, the court, sitting without a jury, shall hear
510 the appeal on the record transmitted by the chief administrative officer or his designee and such
511 additional evidence as may be necessary to resolve any controversy as to the correctness of the record.
512 The court, in its discretion, may receive such other evidence as the ends of justice require. The court
513 may affirm the decision of the chief administrative officer or his designee, or may reverse or modify the
514 decision. The decision of the court shall be rendered no later than the fifteenth day from the date of the
515 conclusion of the hearing. The decision of the court is final and is not appealable.

516 10. Final hearings.

517 a. Qualifying grievances shall advance to either a panel hearing or a hearing before an administrative
518 hearing officer, as set forth in the locality's grievance procedure, as described below:

519 (1) If the grievance procedure adopted by the local governing body provides that the final step shall
520 be an impartial panel hearing, the panel may, with the exception of those local governments covered by
521 subdivision a (2), consist of one member appointed by the grievant, one member appointed by the
522 agency head and a third member selected by the first two. In the event that agreement cannot be reached
523 as to the final panel member, the chief judge of the circuit court of the jurisdiction wherein the dispute
524 arose shall select the third panel member. The panel shall not be composed of any persons having direct
525 involvement with the grievance being heard by the panel, or with the complaint or dispute giving rise to
526 the grievance. Managers who are in a direct line of supervision of a grievant, persons residing in the
527 same household as the grievant and the following relatives of a participant in the grievance process or a
528 participant's spouse are prohibited from serving as panel members: spouse, parent, child, descendants of
529 a child, sibling, niece, nephew and first cousin. No attorney having direct involvement with the subject
530 matter of the grievance, nor a partner, associate, employee or co-employee of the attorney shall serve as
531 a panel member.

532 (2) If the grievance procedure adopted by the local governing body provides for the final step to be
533 an impartial panel hearing, local governments may retain the panel composition method previously
534 approved by the Department of Human Resource Management and in effect as of the enactment of this
535 statute. Modifications to the panel composition method shall be permitted with regard to the size of the
536 panel and the terms of office for panel members, so long as the basic integrity and independence of
537 panels are maintained. As used in this section, the term "panel" shall include all bodies designated and
538 authorized to make final and binding decisions.

539 (3) When a local government elects to use an administrative hearing officer rather than a
540 three-person panel for the final step in the grievance procedure, the administrative hearing officer shall
541 be appointed by the Executive Secretary of the Supreme Court of Virginia. The appointment shall be
542 made from the list of administrative hearing officers maintained by the Executive Secretary pursuant to
543 § 2.2-4024 and shall be made from the appropriate geographical region on a rotating basis. In the
544 alternative, the local government may request the appointment of an administrative hearing officer from
545 the Department of Human Resource Management. If a local government elects to use an administrative
546 hearing officer, it shall bear the expense of such officer's services.

547 (4) When the local government uses a panel in the final step of the procedure, there shall be a

548 chairperson of the panel and, when panels are composed of three persons (one each selected by the
549 respective parties and the third from an impartial source), the third member shall be the chairperson.

550 (5) Both the grievant and the respondent may call upon appropriate witnesses and be represented by
551 legal counsel or other representatives at the hearing. Such representatives may examine, cross-examine,
552 question and present evidence on behalf of the grievant or respondent before the panel or hearing officer
553 without being in violation of the provisions of § 54.1-3904.

554 (6) The decision of the panel or hearing officer shall be final and binding and shall be consistent
555 with provisions of law and written policy.

556 (7) The question of whether the relief granted by a panel or hearing officer is consistent with written
557 policy shall be determined by the chief administrative officer of the local government, or his designee,
558 unless such person has a direct personal involvement with the event or events giving rise to the
559 grievance, in which case the decision shall be made by the attorney for the Commonwealth of the
560 jurisdiction in which the grievance is pending.

561 b. Rules for panel and administrative hearings.

562 Unless otherwise provided by law, local governments shall adopt rules for the conduct of panel or
563 administrative hearings as a part of their grievance procedures, or shall adopt separate rules for such
564 hearings. Rules that are promulgated shall include the following provisions:

565 (1) That neither the panels nor the hearing officer have authority to formulate policies or procedures
566 or to alter existing policies or procedures;

567 (2) That panels and the hearing officer have the discretion to determine the propriety of attendance at
568 the hearing of persons not having a direct interest in the hearing, and, at the request of either party, the
569 hearing shall be private;

570 (3) That the local government provide the panel or hearing officer with copies of the grievance
571 record prior to the hearing, and provide the grievant with a list of the documents furnished to the panel
572 or hearing officer, and the grievant and his attorney, at least 10 days prior to the scheduled hearing,
573 shall be allowed access to and copies of all relevant files intended to be used in the grievance
574 proceeding;

575 (4) That panels and hearing officers have the authority to determine the admissibility of evidence
576 without regard to the burden of proof, or the order of presentation of evidence, so long as a full and
577 equal opportunity is afforded to all parties for the presentation of their evidence;

578 (5) That all evidence be presented in the presence of the panel or hearing officer and the parties,
579 except by mutual consent of the parties;

580 (6) That documents, exhibits and lists of witnesses be exchanged between the parties or hearing
581 officer in advance of the hearing;

582 (7) That the majority decision of the panel or the decision of the hearing officer, acting within the
583 scope of its or his authority, be final, subject to existing policies, procedures and law;

584 (8) That the panel or hearing officer's decision be provided within a specified time to all parties; and

585 (9) Such other provisions as may facilitate fair and expeditious hearings, with the understanding that
586 the hearings are not intended to be conducted like proceedings in courts, and that rules of evidence do
587 not necessarily apply.

588 11. Implementation of final hearing decisions.

589 Either party may petition the circuit court having jurisdiction in the locality in which the grievant is
590 employed for an order requiring implementation of the hearing decision.

591 B. Notwithstanding the contrary provisions of this section, a final hearing decision rendered under
592 the provisions of this section that would result in the reinstatement of any employee of a sheriff's office
593 who has been terminated for cause may be reviewed by the circuit court for the locality upon the
594 petition of the locality. The review of the circuit court shall be limited to the question of whether the
595 decision of the panel or hearing officer was consistent with provisions of law and written policy.

596 **§ 15.2-1604. Appointment of deputies and employment of employees; discriminatory practices**
597 **by certain officers; civil penalty.**

598 A. It shall be an unlawful employment practice for a constitutional officer:

599 1. To fail or refuse to appoint or hire or to discharge any individual, or otherwise to discriminate
600 against any individual with respect to his compensation, terms, conditions, or privileges of appointment
601 or employment, because of such individual's race, color, religion, sex, age, marital status, pregnancy,
602 childbirth or related medical conditions, sexual orientation, gender identity, national origin, or *military*
603 status as a ~~veteran~~; or

604 2. To limit, segregate, or classify his appointees, employees, or applicants for appointment or
605 employment in any way that would deprive or tend to deprive any individual of employment
606 opportunities or otherwise adversely affect his status as an employee, because of the individual's race,
607 color, religion, sex, age, marital status, pregnancy, childbirth or related medical conditions, sexual
608 orientation, gender identity, national origin, or *military* status as a ~~veteran~~.

609 B. Nothing in this section shall be construed to make it an unlawful employment practice for a

610 constitutional officer to hire or appoint an individual on the basis of his sex or age in those instances
611 where sex or age is a bona fide occupational qualification reasonably necessary to the normal operation
612 of that particular office. The provisions of this section shall not apply to policy-making positions,
613 confidential or personal staff positions, or undercover positions.

614 C. With regard to notices and advertisements:

615 1. Every constitutional officer shall, prior to hiring any employee, advertise such employment
616 position in a newspaper having general circulation or a state or local government job placement service
617 in such constitutional officer's locality except where the vacancy is to be used (i) as a placement
618 opportunity for appointees or employees affected by layoff, (ii) as a transfer opportunity or demotion for
619 an incumbent, (iii) to fill positions that have been advertised within the past 120 days, (iv) to fill
620 positions to be filled by appointees or employees returning from leave with or without pay, (v) to fill
621 temporary positions, temporary employees being those employees hired to work on special projects that
622 have durations of three months or less, or (vi) to fill policy-making positions, confidential or personal
623 staff positions, or special, sensitive law-enforcement positions normally regarded as undercover work.

624 2. No constitutional officer shall print or publish or cause to be printed or published any notice or
625 advertisement relating to employment by such constitutional officer indicating any preference, limitation,
626 specification, or discrimination, based on sex or national origin, except that such notice or advertisement
627 may indicate a preference, limitation, specification, or discrimination based on sex or age when sex or
628 age is a bona fide occupational qualification for employment.

629 D. Complaints regarding violations of subsection A may be made to the Division of Human Rights
630 of the Department of Law. The Division shall have the authority to exercise its powers as provided in
631 Article 4 (§ 2.2-520 et seq.) of Chapter 5 of Title 2.2.

632 E. Any constitutional officer who willfully violates the provisions of subsection C shall be subject to
633 a civil penalty not to exceed \$2,000.

634 F. As used in this section, "military status" means status as (i) an active military service member
635 who performs full-time duty in the Armed Forces of the United States, or a reserve component thereof,
636 including the United States National Guard and the Virginia National Guard, (ii) a veteran who was an
637 active military service member discharged or released therefrom under conditions other than
638 dishonorable, or (iii) a spouse or child of an active military service member or veteran, or an individual
639 of any relationship to an active military service member or veteran where the active military service
640 member or veteran provided more than one-half of the individual's support, for at least 180 days
641 immediately preceding an alleged action that if proven true would constitute unlawful discrimination
642 under this section.

643 **§ 22.1-295.2. Employment discrimination prohibited.**

644 A. For the purposes of As used in this section, "age":

645 "Age" means being an individual who is at least 40 years of age.

646 "Military status" means status as (i) an active military service member who performs full-time duty
647 in the Armed Forces of the United States, or a reserve component thereof, including the United States
648 National Guard and the Virginia National Guard, (ii) a veteran who was an active military service
649 member discharged or released therefrom under conditions other than dishonorable, or (iii) a spouse or
650 child of an active military service member or veteran, or an individual of any relationship to an active
651 military service member or veteran where the active military service member or veteran provided more
652 than one-half of the individual's support, for at least 180 days immediately preceding an alleged action
653 that if proven true would constitute unlawful discrimination under this section.

654 B. No school board or any agent or employee thereof shall discriminate in employment on the basis
655 of race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, age,
656 marital status, disability, sexual orientation, gender identity, or military status as a veteran.

657 C. The provisions of this section shall not prohibit (i) discrimination in employment on the basis of
658 sex or age in those instances when sex or age is a bona fide occupational qualification for employment
659 or (ii) providing preference in employment to veterans.

660 **§ 22.1-306. Definitions.**

661 As used in this article, unless the context requires a different meaning:

662 "Business day" means any day that the relevant school board office is open.

663 "Day" means calendar days unless a different meaning is clearly expressed in this article. Whenever
664 the last day for performing an act required by this article falls on a Saturday, Sunday, or legal holiday,
665 the act may be performed on the next day that is not a Saturday, Sunday, or legal holiday.

666 "Dismissal" means the dismissal of any teacher during the term of such teacher's contract.

667 "Grievance" means a complaint or dispute by a teacher relating to his employment, including (i)
668 disciplinary action including dismissal; (ii) the application or interpretation of (a) personnel policies, (b)
669 procedures, (c) rules and regulations, (d) ordinances, and (e) statutes; (iii) acts of reprisal against a
670 teacher for filing or processing a grievance, participating as a witness in any step, meeting, or hearing

671 relating to a grievance, or serving as a member of a fact-finding panel; and (iv) complaints of
 672 discrimination on the basis of race, color, creed, religion, political affiliation, disability, age, national
 673 origin, sex, pregnancy, childbirth or related medical conditions, marital status, sexual orientation, gender
 674 identity, or *military status as a veteran*. Each school board shall have the exclusive right to manage the
 675 affairs and operations of the school division. Accordingly, the term "grievance" shall not include a
 676 complaint or dispute by a teacher relating to ~~(1)~~ (a) establishment and revision of wages or salaries,
 677 position classifications, or general benefits; ~~(2)~~ (b) suspension of a teacher or nonrenewal of the contract
 678 of a teacher who has not achieved continuing contract status; ~~(3)~~ (c) the establishment or contents of
 679 ordinances, statutes, or personnel policies, procedures, rules, and regulations; ~~(4)~~ (d) failure to promote;
 680 ~~(5)~~ (e) discharge, layoff, or suspension from duties because of decrease in enrollment, decrease in
 681 enrollment or abolition of a particular subject, or insufficient funding; ~~(6)~~ (f) hiring, transfer, assignment,
 682 and retention of teachers within the school division; ~~(7)~~ (g) suspension from duties in emergencies; ~~(8)~~
 683 (h) the methods, means, and personnel by which the school division's operations are to be carried on; or
 684 ~~(9)~~ (i) coaching or extracurricular activity sponsorship.

685 While these management rights are reserved to the school board, failure to apply, where applicable,
 686 the rules, regulations, policies, or procedures as written or established by the school board is grievable.

687 "*Military status*" means status as (i) an active military service member who performs full-time duty
 688 in the Armed Forces of the United States, or a reserve component thereof, including the United States
 689 National Guard and the Virginia National Guard, (ii) a veteran who was an active military service
 690 member discharged or released therefrom under conditions other than dishonorable, or (iii) a spouse or
 691 child of an active military service member or veteran, or an individual of any relationship to an active
 692 military service member or veteran where the active military service member or veteran provided more
 693 than one-half of the individual's support, for at least 180 days immediately preceding an alleged action
 694 that if proven true would constitute unlawful discrimination.

695 **§ 36-96.1. Declaration of policy.**

696 A. This chapter shall be known and referred to as the Virginia Fair Housing Law.

697 B. It is the policy of the Commonwealth of Virginia to provide for fair housing throughout the
 698 Commonwealth, to all its citizens, regardless of race, color, religion, national origin, sex, elderliness,
 699 familial status, source of funds, sexual orientation, gender identity, *military status as a veteran*, or
 700 disability, and to that end to prohibit discriminatory practices with respect to residential housing by any
 701 person or group of persons, in order that the peace, health, safety, prosperity, and general welfare of all
 702 the inhabitants of the Commonwealth may be protected and ensured. This law shall be deemed an
 703 exercise of the police power of the Commonwealth of Virginia for the protection of the people of the
 704 Commonwealth.

705 **§ 36-96.1:1. Definitions.**

706 For the purposes of this chapter, unless the context clearly indicates otherwise requires a different
 707 meaning:

708 "Aggrieved person" means any person who (i) claims to have been injured by a discriminatory
 709 housing practice or (ii) believes that such person will be injured by a discriminatory housing practice
 710 that is about to occur.

711 "Assistance animal" means an animal that works, provides assistance, or performs tasks for the
 712 benefit of a person with a disability, or provides emotional support that alleviates one or more identified
 713 symptoms or effects of a person's disability. Assistance animals perform many disability-related
 714 functions, including guiding individuals who are blind or have low vision, alerting individuals who are
 715 deaf or hard of hearing to sounds, providing protection or rescue assistance, pulling a wheelchair,
 716 fetching items, alerting persons to impending seizures, or providing emotional support to persons with
 717 disabilities who have a disability-related need for such support. An assistance animal is not required to
 718 be individually trained or certified. While dogs are the most common type of assistance animal, other
 719 animals can also be assistance animals. An assistance animal is not a pet.

720 "Complainant" means a person, including the Fair Housing Board, who files a complaint under
 721 § 36-96.9.

722 "Conciliation" means the attempted resolution of issues raised by a complainant, or by the
 723 investigation of such complaint, through informal negotiations involving the aggrieved person, the
 724 respondent, their respective authorized representatives and the Fair Housing Board.

725 "Conciliation agreement" means a written agreement setting forth the resolution of the issues in
 726 conciliation.

727 "Disability" means, with respect to a person, (i) a physical or mental impairment that substantially
 728 limits one or more of such person's major life activities; (ii) a record of having such an impairment; or
 729 (iii) being regarded as having such an impairment. The term does not include current, illegal use of or
 730 addiction to a controlled substance as defined in Virginia or federal law. For the purposes of this
 731 chapter, the terms "disability" and "handicap" shall be interchangeable.

732 "Discriminatory housing practices" means an act that is unlawful under § 36-96.3, 36-96.4, 36-96.5,

733 or 36-96.6.

734 "Dwelling" means any building, structure, or portion thereof, that is occupied as, or designated or
735 intended for occupancy as, a residence by one or more families, and any vacant land that is offered for
736 sale or lease for the construction or location thereon of any such building, structure, or portion thereof.

737 "Elderliness" means an individual who has attained his fifty-fifth birthday.

738 "Familial status" means one or more individuals who have not attained the age of 18 years being
739 domiciled with (i) a parent or other person having legal custody of such individual or individuals or (ii)
740 the designee of such parent or other person having custody with the written permission of such parent or
741 other person. The term "familial status" also includes any person who is pregnant or is in the process of
742 securing legal custody of any individual who has not attained the age of 18 years. For purposes of this
743 section, "in the process of securing legal custody" means having filed an appropriate petition to obtain
744 legal custody of such minor in a court of competent jurisdiction.

745 "Family" includes a single individual, whether male or female.

746 "Lending institution" includes any bank, savings institution, credit union, insurance company or
747 mortgage lender.

748 "Major life activities" includes any the following functions: caring for oneself, performing manual
749 tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

750 "*Military status*" means status as (i) an active military service member who performs full-time duty
751 in the Armed Forces of the United States, or a reserve component thereof, including the United States
752 National Guard and the Virginia National Guard, (ii) a veteran who was an active military service
753 member discharged or released therefrom under conditions other than dishonorable, or (iii) a spouse or
754 child of an active military service member or veteran, or an individual of any relationship to an active
755 military service member or veteran where the active military service member or veteran provided more
756 than one-half of the individual's support, for at least 180 days immediately preceding an alleged action
757 that if proven true would constitute unlawful discrimination under this chapter.

758 "Person" means one or more individuals, whether male or female, corporations, partnerships,
759 associations, labor organizations, fair housing organizations, civil rights organizations, organizations,
760 governmental entities, legal representatives, mutual companies, joint stock companies, trusts,
761 unincorporated organizations, trustees, trustees in bankruptcy, receivers and fiduciaries.

762 "Physical or mental impairment" includes any of the following: (i) any physiological disorder or
763 condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body
764 systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs;
765 cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; or endocrine or (ii)
766 any mental or psychological disorder, such as an intellectual or developmental disability, organic brain
767 syndrome, emotional or mental illness, or specific learning disability. "Physical or mental impairment"
768 includes such diseases and conditions as orthopedic, visual, speech, and hearing impairments; cerebral
769 palsy; autism; epilepsy; muscular dystrophy; multiple sclerosis; cancer; heart disease; diabetes; human
770 immunodeficiency virus infection; intellectual and developmental disabilities; emotional illness; drug
771 addiction other than addiction caused by current, illegal use of a controlled substance; and alcoholism.

772 "Respondent" means any person or other entity alleged to have violated the provisions of this
773 chapter, as stated in a complaint filed under the provisions of this chapter and any other person joined
774 pursuant to the provisions of § 36-96.9.

775 "Restrictive covenant" means any specification in any instrument affecting title to real property that
776 purports to limit the use, occupancy, transfer, rental, or lease of any dwelling because of race, color,
777 religion, national origin, sex, elderliness, familial status, sexual orientation, gender identity, *military*
778 status as a *veteran*, or disability.

779 "Source of funds" means any source that lawfully provides funds to or on behalf of a renter or buyer
780 of housing, including any assistance, benefit, or subsidy program, whether such program is administered
781 by a governmental or nongovernmental entity.

782 "To rent" means to lease, to sublease, to let, or otherwise to grant for consideration the right to
783 occupy premises not owned by the occupant.

784 **§ 36-96.2. Exemptions.**

785 A. Except as provided in subdivision A 3 of § 36-96.3 and subsections A, B, and C of § 36-96.6,
786 this chapter shall not apply to any single-family house sold or rented by an owner, provided that such
787 private individual does not own more than three single-family houses at any one time. In the case of the
788 sale of any single-family house by a private individual-owner not residing in the house at the time of
789 the sale or who was not the most recent resident of the house prior to sale, the exemption granted shall
790 apply only with respect to one such sale within any 24-month period, provided that such bona fide
791 private individual owner does not own any interest in, nor is there owned or reserved on his behalf,
792 under any express or voluntary agreement, title to or any right to all or a portion of the proceeds from
793 the sale or rental of, more than three such single-family houses at any one time. The sale or rental of

794 any such single-family house shall be exempt from the application of this chapter only if the house is
795 sold or rented (i) without the use in any manner of the sales or rental facilities or the sales or rental
796 services of any real estate broker, agent, salesperson, or of the facilities or the services of any person in
797 the business of selling or renting dwellings, or of any employee, independent contractor, or agent of any
798 broker, agent, salesperson, or person and (ii) without the publication, posting, or mailing, after notice, of
799 any advertisement or written notice in violation of this chapter. However, nothing herein shall prohibit
800 the use of attorneys, escrow agents, abstractors, title companies, and other professional assistance as
801 necessary to perfect or transfer the title. This exemption shall not apply to or inure to the benefit of any
802 licensee of the Real Estate Board or regulant of the Fair Housing Board, regardless of whether the
803 licensee is acting in his personal or professional capacity.

804 B. Except for subdivision A 3 of § 36-96.3, this chapter shall not apply to rooms or units in
805 dwellings containing living quarters occupied or intended to be occupied by no more than four families
806 living independently of each other, if the owner actually maintains and occupies one of such living
807 quarters as his residence.

808 C. Nothing in this chapter shall prohibit a religious organization, association or society, or any
809 nonprofit institution or organization operated, supervised, or controlled by or in conjunction with a
810 religious organization, association, or society, from limiting the sale, rental, or occupancy of dwellings
811 that it owns or operates for other than a commercial purpose to persons of the same religion, or from
812 giving preferences to such persons, unless membership in such religion is restricted on account of race,
813 color, national origin, sex, elderliness, familial status, sexual orientation, gender identity, *military* status
814 as a ~~veteran~~, or disability. Nor shall anything in this chapter apply to a private membership club not in
815 fact open to the public, which as an incident to its primary purpose or purposes provides lodging that it
816 owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such
817 lodgings to its members or from giving preference to its members. Nor, where matters of personal
818 privacy are involved, shall anything in this chapter be construed to prohibit any private, state-owned, or
819 state-supported educational institution, hospital, nursing home, or religious or correctional institution
820 from requiring that persons of both sexes not occupy any single-family residence or room or unit of
821 dwellings or other buildings, or restrooms in such room or unit in dwellings or other buildings, which it
822 owns or operates.

823 D. Nothing in this chapter prohibits conduct against a person because such person has been convicted
824 by any court of competent jurisdiction of the illegal manufacture or distribution of a controlled
825 substance as defined in federal law.

826 E. It shall not be unlawful under this chapter for any owner to deny or limit the rental of housing to
827 persons who pose a clear and present threat of substantial harm to others or to the dwelling itself.

828 F. A rental application may require disclosure by the applicant of any criminal convictions and the
829 owner or managing agent may require as a condition of acceptance of the rental application that
830 applicant consent in writing to a criminal record check to verify the disclosures made by applicant in the
831 rental application. The owner or managing agent may collect from the applicant moneys to reimburse
832 the owner or managing agent for the exact amount of the out-of-pocket costs for such criminal record
833 checks. Nothing in this chapter shall require an owner or managing agent to rent a dwelling to an
834 individual who, based on a prior record of criminal convictions involving harm to persons or property,
835 would constitute a clear and present threat to the health or safety of other individuals.

836 G. Nothing in this chapter limits the applicability of any reasonable local, state or federal restriction
837 regarding the maximum number of occupants permitted to occupy a dwelling. Owners or managing
838 agents of dwellings may develop and implement reasonable occupancy and safety standards based on
839 factors such as the number and size of sleeping areas or bedrooms and overall size of a dwelling unit so
840 long as the standards do not violate local, state or federal restrictions. Nothing in this chapter prohibits
841 the rental application or similar document from requiring information concerning the number, ages, sex
842 and familial relationship of the applicants and the dwelling's intended occupants.

843 H. Nothing in this chapter shall prohibit a landlord from considering evidence of an applicant's status
844 as a victim of family abuse, as defined in § 16.1-228, to mitigate any adverse effect of an otherwise
845 qualified applicant's application pursuant to subsection D of § 55.1-1203.

846 I. Nothing in this chapter shall prohibit an owner or an owner's managing agent from denying or
847 limiting the rental or occupancy of a rental dwelling unit to a person because of such person's source of
848 funds, provided that such owner does not own more than four rental dwelling units in the
849 Commonwealth at the time of the alleged discriminatory housing practice. However, if an owner,
850 whether individually or through a business entity, owns more than a 10 percent interest in more than
851 four rental dwelling units in the Commonwealth at the time of the alleged discriminatory housing
852 practice, the exemption provided in this subsection shall not apply.

853 J. It shall not be unlawful under this chapter for an owner or an owner's managing agent to deny or
854 limit a person's rental or occupancy of a rental dwelling unit based on the person's source of funds for
855 that unit if such source is not approved within 15 days of the person's submission of the request for

856 tenancy approval.

857 **§ 36-96.3. Unlawful discriminatory housing practices.**

858 A. It shall be an unlawful discriminatory housing practice for any person to:

859 1. Refuse to sell or rent after the making of a bona fide offer or refuse to negotiate for the sale or
860 rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color,
861 religion, national origin, sex, elderliness, source of funds, familial status, sexual orientation, gender
862 identity, or *military* status as a ~~veteran~~;

863 2. Discriminate against any person in the terms, conditions, or privileges of sale or rental of a
864 dwelling, or in the provision of services or facilities in the connection therewith to any person because
865 of race, color, religion, national origin, sex, elderliness, source of funds, familial status, sexual
866 orientation, gender identity, or *military* status as a ~~veteran~~;

867 3. Make, print, or publish, or cause to be made, printed, or published any notice, statement, or
868 advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or
869 discrimination or an intention to make any such preference, limitation, or discrimination on the basis of
870 race, color, religion, national origin, sex, elderliness, familial status, source of funds, sexual orientation,
871 gender identity, *military* status as a ~~veteran~~, or disability. The use of words or symbols associated with a
872 particular religion, national origin, sex, or race shall be prima facie evidence of an illegal preference
873 under this chapter that shall not be overcome by a general disclaimer. However, reference alone to
874 places of worship, including churches, synagogues, temples, or mosques, in any such notice, statement,
875 or advertisement shall not be prima facie evidence of an illegal preference;

876 4. Represent to any person because of race, color, religion, national origin, sex, elderliness, familial
877 status, source of funds, sexual orientation, gender identity, *military* status as a ~~veteran~~, or disability that
878 any dwelling is not available for inspection, sale, or rental when such dwelling is in fact so available;

879 5. Deny any person access to membership in or participation in any multiple listing service, real
880 estate brokers' organization, or other service, organization, or facility relating to the business of selling
881 or renting dwellings or discriminate against such person in the terms or conditions of such access,
882 membership, or participation because of race, color, religion, national origin, sex, elderliness, familial
883 status, source of funds, sexual orientation, gender identity, *military* status as a ~~veteran~~, or disability;

884 6. Include in any transfer, sale, rental, or lease of housing any restrictive covenant that discriminates
885 because of race, color, religion, national origin, sex, elderliness, familial status, source of funds, sexual
886 orientation, gender identity, *military* status as a ~~veteran~~, or disability or for any person to honor or
887 exercise, or attempt to honor or exercise, any such discriminatory covenant pertaining to housing;

888 7. Induce or attempt to induce to sell or rent any dwelling by representations regarding the entry or
889 prospective entry into the neighborhood of a person or persons of a particular race, color, religion,
890 national origin, sex, elderliness, familial status, source of funds, sexual orientation, gender identity,
891 *military* status as a ~~veteran~~, or disability;

892 8. Refuse to sell or rent, or refuse to negotiate for the sale or rental of, or otherwise discriminate or
893 make unavailable or deny a dwelling because of a disability of (i) the buyer or renter; (ii) a person
894 residing in or intending to reside in that dwelling after it is so sold, rented, or made available; or (iii)
895 any person associated with the buyer or renter; or

896 9. Discriminate against any person in the terms, conditions, or privileges of sale or rental of a
897 dwelling, or in the provision of services or facilities in connection therewith because of a disability of
898 (i) that person; (ii) a person residing in or intending to reside in that dwelling after it was so sold,
899 rented, or made available; or (iii) any person associated with that buyer or renter.

900 B. For the purposes of this section, discrimination includes (i) a refusal to permit, at the expense of
901 the disabled person, reasonable modifications of existing premises occupied or to be occupied by any
902 person if such modifications may be necessary to afford such person full enjoyment of the premises;
903 except that, in the case of a rental, the landlord may, where it is reasonable to do so, condition
904 permission for a modification on the renter's agreeing to restore the interior of the premises to the
905 condition that existed before the modification, reasonable wear and tear excepted; (ii) a refusal to make
906 reasonable accommodations in rules, practices, policies, or services when such accommodations may be
907 necessary to afford such person equal opportunity to use and enjoy a dwelling; or (iii) in connection
908 with the design and construction of covered multi-family dwellings for first occupancy after March 13,
909 1991, a failure to design and construct dwellings in such a manner that:

910 1. The public use and common use areas of the dwellings are readily accessible to and usable by
911 disabled persons;

912 2. All the doors designed to allow passage into and within all premises are sufficiently wide to allow
913 passage by disabled persons in wheelchairs; and

914 3. All premises within covered multi-family dwelling units contain an accessible route into and
915 through the dwelling; light switches, electrical outlets, thermostats, and other environmental controls are
916 in accessible locations; there are reinforcements in the bathroom walls to allow later installation of grab

917 bars; and there are usable kitchens and bathrooms such that an individual in a wheelchair can maneuver
918 about the space. As used in this subdivision, the term "covered multi-family dwellings" means buildings
919 consisting of four or more units if such buildings have one or more elevators and ground floor units in
920 other buildings consisting of four or more units.

921 C. Compliance with the appropriate requirements of the American National Standards for Building
922 and Facilities (commonly cited as "ANSI A117.1") or with any other standards adopted as part of
923 regulations promulgated by HUD providing accessibility and usability for physically disabled people
924 shall be deemed to satisfy the requirements of subdivision B 3.

925 D. Nothing in this chapter shall be construed to invalidate or limit any Virginia law or regulation
926 that requires dwellings to be designed and constructed in a manner that affords disabled persons greater
927 access than is required by this chapter.

928 **§ 36-96.4. Discrimination in residential real estate-related transactions; unlawful practices by**
929 **lenders, insurers, appraisers, etc.; deposit of state funds in such institutions.**

930 A. It is unlawful for any person or other entity, including any lending institution, whose business
931 includes engaging in residential real estate-related transactions to discriminate against any person in
932 making available such a transaction, or in the terms or conditions of such a transaction, or in the manner
933 of providing such a transaction, because of race, color, religion, national origin, sex, elderliness, familial
934 status, sexual orientation, gender identity, *military* status as a ~~veteran~~, or disability. It is not unlawful,
935 however, for any person or other entity whose business includes engaging in residential real estate
936 transactions to require any applicant to qualify financially for the loan or loans for which such person is
937 making application.

938 B. As used in this section, the term "residential real estate-related transaction" means any of the
939 following:

940 1. The making or purchasing of loans or providing other financial assistance (i) for purchasing,
941 constructing, improving, repairing, or maintaining a dwelling or (ii) secured by residential real estate; or

942 2. The selling, brokering, insuring, or appraising of residential real property. However, nothing in this
943 chapter shall prohibit a person engaged in the business of furnishing appraisals of real property to take
944 into consideration factors other than race, color, religion, national origin, sex, elderliness, familial status,
945 sexual orientation, gender identity, *military* status as a ~~veteran~~, or disability.

946 C. It shall be unlawful for any state, county, city, or municipal treasurer or governmental official
947 whose responsibility it is to account for, to invest, or manage public funds to deposit or cause to be
948 deposited any public funds in any lending institution provided for herein which is found to be
949 committing discriminatory practices, where such findings were upheld by any court of competent
950 jurisdiction. Upon such a court's judicial enforcement of any order to restrain a practice of such lending
951 institution or for said institution to cease or desist in a discriminatory practice, the appropriate fiscal
952 officer or treasurer of the Commonwealth or any political subdivision thereof which has funds deposited
953 in any lending institution which is practicing discrimination, as set forth herein, shall take immediate
954 steps to have the said funds withdrawn and redeposited in another lending institution. If for reasons of
955 sound economic management, this action will result in a financial loss to the Commonwealth or any of
956 its political subdivisions, the action may be deferred for a period not longer than one year. If the lending
957 institution in question has corrected its discriminatory practices, any prohibition set forth in this section
958 shall not apply.

959 **§ 36-96.6. Certain restrictive covenants void; instruments containing such covenants.**

960 A. Any restrictive covenant and any related reversionary interest, purporting to restrict occupancy or
961 ownership of property on the basis of race, color, religion, national origin, sex, elderliness, familial
962 status, sexual orientation, gender identity, *military* status as a ~~veteran~~, or disability, whether heretofore or
963 hereafter included in an instrument affecting the title to real or leasehold property, are declared to be
964 void and contrary to the public policy of the Commonwealth.

965 B. Any person who is asked to accept a document affecting title to real or leasehold property may
966 decline to accept the same if it includes such a covenant or reversionary interest until the covenant or
967 reversionary interest has been removed from the document. Refusal to accept delivery of an instrument
968 for this reason shall not be deemed a breach of a contract to purchase, lease, mortgage, or otherwise
969 deal with such property.

970 C. No person shall solicit or accept compensation of any kind for the release or removal of any
971 covenant or reversionary interest described in subsection A. Any person violating this subsection shall be
972 liable to any person injured thereby in an amount equal to the greater of three times the compensation
973 solicited or received, or \$500, plus reasonable attorney fees and costs incurred.

974 D. A family care home, foster home, or group home in which individuals with physical disabilities,
975 mental illness, intellectual disability, or developmental disability reside, with one or more resident
976 counselors or other staff persons, shall be considered for all purposes residential occupancy by a single
977 family when construing any restrictive covenant which purports to restrict occupancy or ownership of
978 real or leasehold property to members of a single family or to residential use or structure.

979 **§ 55.1-1208. Prohibited provisions in rental agreements.**
980 A. A rental agreement shall not contain provisions that the tenant:
981 1. Agrees to waive or forgo rights or remedies under this chapter;
982 2. Agrees to waive or forgo rights or remedies pertaining to the 120-day conversion or rehabilitation
983 notice required in the Virginia Condominium Act (§ 55.1-1900 et seq.) or the Virginia Real Estate
984 Cooperative Act (§ 55.1-2100 et seq.) or under § 55.1-1410;
985 3. Authorizes any person to confess judgment on a claim arising out of the rental agreement;
986 4. Agrees to pay the landlord's attorney fees except as provided in this chapter;
987 5. Agrees to the exculpation or limitation of any liability of the landlord to the tenant arising under
988 law or to indemnify the landlord for that liability or any associated costs;
989 6. Agrees as a condition of tenancy in public housing to a prohibition or restriction of any lawful
990 possession of a firearm within individual dwelling units unless required by federal law or regulation; ~~or~~
991 7. Agrees to both the payment of a security deposit and the provision of a bond or commercial
992 insurance policy purchased by the tenant to secure the performance of the terms and conditions of a
993 rental agreement, if the total of the security deposit and the bond or insurance coverage exceeds the
994 amount of two months' periodic rent; *or*
995 8. *Agrees to waive or forgo rights or remedies under the Servicemembers Civil Relief Act, 50 U.S.C.*
996 *§ 3901 et seq.*
997 B. Any provision prohibited by subsection A that is included in a rental agreement is unenforceable.
998 If a landlord brings an action to enforce any such provision, the tenant may recover actual damages
999 sustained by him and reasonable attorney fees.

1000 **§ 55.1-1310. Sale or lease of manufactured home by manufactured home owner.**
1001 A. *For purposes of this section:*
1002 *"Military status" means status as (i) an active military service member who performs full-time duty*
1003 *in the Armed Forces of the United States, or a reserve component thereof, including the United States*
1004 *National Guard and the Virginia National Guard, (ii) a veteran who was an active military service*
1005 *member discharged or released therefrom under conditions other than dishonorable, or (iii) a spouse or*
1006 *child of an active military service member or veteran, or an individual of any relationship to an active*
1007 *military service member or veteran where the active military service member or veteran provided more*
1008 *than one-half of the individual's support, for at least 180 days immediately preceding an alleged action*
1009 *that if proven true would constitute unlawful discrimination under this section.*
1010 B. No landlord shall unreasonably refuse or restrict the sale or rental of a manufactured home located
1011 in his manufactured home park by a tenant. No landlord shall prohibit the manufactured home owner
1012 from placing a "for sale" sign on or in the owner's home except that the size, placement, and character
1013 of all signs are subject to the rules and regulations of the manufactured home park. Prior to selling or
1014 leasing the manufactured home, the tenant shall give notice to the landlord, including the name of the
1015 prospective vendee or lessee if the prospective vendee or lessee intends to occupy the manufactured
1016 home in that manufactured home park. The landlord shall have the burden of proving that his refusal or
1017 restriction regarding the sale or rental of a manufactured home was reasonable. The refusal or restriction
1018 of the sale or rental of a manufactured home exclusively or predominantly based on the age of the home
1019 shall be considered unreasonable. Any refusal or restriction based on race, color, religion, national
1020 origin, *military status as a veteran*, familial status, marital status, elderliness, disability, sexual
1021 orientation, gender identity, sex, or pregnancy, childbirth or related medical conditions shall be
1022 conclusively presumed to be unreasonable.