

SENATE BILL NO. 1410

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on General Laws

on February 11, 2021)

(Patron Prior to Substitute--Senator Bell)

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.

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) a member of the uniformed forces, as defined in 10 U.S.C. § 101(a)(5), of the United States or a reserve component thereof named under 10 U.S.C. § 10101, (ii) a veteran as defined in 38 U.S.C. § 101(2), or (iii) a dependent as defined in 50 U.S.C. § 3911(4) except that the support provided by the service member to the individual shall have been provided 180 days immediately preceding an alleged action that if proven true would constitute unlawful discrimination under this section instead of 180 days immediately preceding an application for relief under 50 U.S.C. Chapter 50.

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,

27 pregnancy, childbirth or related medical conditions, age, marital status, disability, sexual orientation,
28 gender identity, or military status ~~as a veteran~~.

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

32 **§ 2.2-3004. Grievances qualifying for a grievance hearing; grievance hearing generally.**

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

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

50 C. Complaints relating solely to the following issues shall not proceed to a hearing: (i)
51 establishment and revision of wages, salaries, position classifications, or general benefits; (ii) work
52 activity accepted by the employee as a condition of employment or which may reasonably be expected to
53 be a part of the job content; (iii) contents of ordinances, statutes or established personnel policies,

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

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

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

71 **§ 2.2-3900. Short title; declaration of policy.**

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

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

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

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

- 81 3. Preserve the public safety, health, and general welfare;
- 82 4. Further the interests, rights, and privileges of individuals within the Commonwealth; and
- 83 5. Protect citizens of the Commonwealth against unfounded charges of unlawful discrimination.

84 **§ 2.2-3901. Definitions.**

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

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

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

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

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

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

104 "Military status" means status as (i) a member of the uniformed forces, as defined in 10 U.S.C. §
 105 101(a)(5), of the United States or a reserve component thereof named under 10 U.S.C. § 10101, (ii) a
 106 veteran as defined in 38 U.S.C. § 101(2), or (iii) a dependent as defined in 50 U.S.C. § 3911(4) except
 107 that the support provided by the service member to the individual shall have been provided 180 days

108 immediately preceding an alleged action that if proven true would constitute unlawful discrimination
109 under this section instead of 180 days immediately preceding an application for relief under 50 U.S.C.
110 Chapter 50.

111 **§ 2.2-3902. Construction of chapter; other programs to aid persons with disabilities, minors,**
112 **and the elderly.**

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

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

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

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

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

134 **§ 2.2-3904. Nondiscrimination in places of public accommodation; definitions.**

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

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

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

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

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

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

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

157 **§ 2.2-3905. Nondiscrimination in employment; definitions; exceptions.**

158 A. As used in this section:

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

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

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

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

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

173 "Labor organization" means an organization engaged in an industry, or an agent of such
174 organization, that exists for the purpose, in whole or in part, of dealing with employers on behalf of
175 employees concerning grievances, labor disputes, wages, rates of pay, hours, or other terms or conditions
176 of employment. "Labor organization" includes employee representation committees, groups, or
177 associations in which employees participate.

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

180 B. It is an unlawful employment practice for:

181 1. An employer to:

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

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

192 2. An employment agency to:

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

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

199 3. A labor organization to:

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

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

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

211 4. An employer, labor organization, or joint apprenticeship committee to discriminate against any
212 individual in any program to provide apprenticeship or other training program on the basis of such

213 individual's race, color, religion, sex, sexual orientation, gender identity, pregnancy, childbirth or related
214 medical conditions, age, military status-as-a-veteran, or national origin.

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

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

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

230 8. An employer, labor organization, employment agency, or joint apprenticeship committee
231 controlling an apprenticeship or other training program to print or publish, or cause to be printed or
232 published, any notice or advertisement relating to (i) employment by such an employer, (ii) membership
233 in or any classification or referral for employment by such a labor organization, (iii) any classification or
234 referral for employment by such an employment agency, or (iv) admission to, or employment in, any
235 program established to provide apprenticeship or other training by such a joint apprenticeship committee
236 that indicates any preference, limitation, specification, or discrimination based on race, color, religion,
237 sex, sexual orientation, gender identity, marital status, pregnancy, childbirth or related medical conditions,
238 age, military status-as-a-veteran, or national origin, except that such a notice or advertisement may indicate

239 a preference, limitation, specification, or discrimination based on religion, sex, age, or national origin
240 when religion, sex, age, or national origin is a bona fide occupational qualification for employment.

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

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

249 2. For an elementary or secondary school or institution of higher education to hire and employ
250 employees of a particular religion if such elementary or secondary school or institution of higher education
251 is, in whole or in substantial part, owned, supported, controlled, or managed by a particular religion or by
252 a particular religious corporation, association, or society or if the curriculum of such elementary or
253 secondary school or institution of higher education is directed toward the propagation of a particular
254 religion;

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

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

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

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

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

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

286 **§ 15.2-853. Commission on human rights; human rights ordinance.**

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

- 292 1. To promote policies to ensure that all persons be afforded equal opportunity;
- 293 2. To serve as an agency for receiving, investigating, holding hearings, processing, and assisting
- 294 in the voluntary resolution of complaints regarding discriminatory practices occurring within the county;
- 295 3. With the approval of the county attorney, to seek, through appropriate enforcement authorities,
- 296 prevention of or relief from a violation of any ordinance prohibiting discrimination; and
- 297 4. To exercise such other powers and duties as provided in this article. However, the commission
- 298 shall have no power itself to issue subpoenas, award damages, or grant injunctive relief.

299 For the purposes of this article, ~~"person"~~, unless the context requires otherwise:

300 "Military status" means status as (i) a member of the uniformed forces, as defined in 10 U.S.C. §

301 101(a)(5), of the United States or a reserve component thereof named under 10 U.S.C. § 10101, (ii) a

302 veteran as defined in 38 U.S.C. § 101(2), or (iii) a dependent as defined in 50 U.S.C. § 3911(4) except

303 that the support provided by the service member to the individual shall have been provided 180 days

304 immediately preceding an alleged action that if proven true would constitute unlawful discrimination

305 under this section instead of 180 days immediately preceding an application for relief under 50 U.S.C.

306 Chapter 50.

307 "Person" means one or more individuals, labor unions, partnerships, corporations, associations,

308 legal representatives, mutual companies, joint-stock companies, trusts, or unincorporated organizations.

309 **§ 15.2-854. Investigations.**

310 Whenever the commission on human rights has a reasonable cause to believe that any person has

311 engaged in, or is engaging in, any violation of a county ordinance that prohibits discrimination due to race,

312 color, religion, sex, pregnancy, childbirth or related medical conditions, national origin, military status ~~as~~

313 ~~a veteran~~, age, marital status, sexual orientation, gender identity, or disability, and, after making a good

314 faith effort to obtain the data, information, and attendance of witnesses necessary to determine whether

315 such violation has occurred, is unable to obtain such data, information, or attendance, it may request the

316 county attorney to petition the judge of the general district court for its jurisdiction for a subpoena against

317 any such person refusing to produce such data and information or refusing to appear as a witness, and the

318 judge of such court may, upon good cause shown, cause the subpoena to be issued. Any witness subpoena

319 issued under this section shall include a statement that any statements made will be under oath and that
320 the respondent or other witness is entitled to be represented by an attorney. Any person failing to comply
321 with a subpoena issued under this section shall be subject to punishment for contempt by the court issuing
322 the subpoena. Any person so subpoenaed may apply to the judge who issued a subpoena to quash it.

323 **§ 15.2-965. Human rights ordinances and commissions.**

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

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

331 C. As used in this section:

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

334 "Military status" means status as (i) a member of the uniformed forces, as defined in 10 U.S.C. §
335 101(a)(5), of the United States or a reserve component thereof named under 10 U.S.C. § 10101, (ii) a
336 veteran as defined in 38 U.S.C. § 101(2), or (iii) a dependent as defined in 50 U.S.C. § 3911(4) except
337 that the support provided by the service member to the individual shall have been provided 180 days
338 immediately preceding an alleged action that if proven true would constitute unlawful discrimination
339 under this section instead of 180 days immediately preceding an application for relief under 50 U.S.C.
340 Chapter 50.

341 "Sexual orientation" means a person's actual or perceived heterosexuality, bisexuality, or
342 homosexuality.

343 **§ 15.2-1500.1. Employment discrimination prohibited; sexual orientation or gender identity.**

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

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

346 "Military status" means status as (i) a member of the uniformed forces, as defined in 10 U.S.C. §
347 101(a)(5), of the United States or a reserve component thereof named under 10 U.S.C. § 10101, (ii) a
348 veteran as defined in 38 U.S.C. § 101(2), or (iii) a dependent as defined in 50 U.S.C. § 3911(4) except
349 that the support provided by the service member to the individual shall have been provided 180 days
350 immediately preceding an alleged action that if proven true would constitute unlawful discrimination
351 under this section instead of 180 days immediately preceding an application for relief under 50 U.S.C.
352 Chapter 50.

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

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

360 **§ 15.2-1507. Provision of grievance procedure; training programs.**

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

368 Each grievance procedure, and each amendment thereto, in order to comply with this section, shall
369 be certified in writing to be in compliance by the city, town, or county attorney, and the chief
370 administrative officer of the locality, and such certification filed with the clerk of the circuit court having
371 jurisdiction in the locality in which the procedure is to apply. Local government grievance procedures in

372 effect as of July 1, 1991, shall remain in full force and effect for 90 days thereafter, unless certified and
373 filed as provided above within a shorter time period.

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

375 1. Definition of grievance. A grievance shall be a complaint or dispute by an employee relating to
376 his employment, including (i) disciplinary actions, including dismissals, disciplinary demotions, and
377 suspensions, provided that dismissals shall be grievable whenever resulting from formal discipline or
378 unsatisfactory job performance; (ii) the application of personnel policies, procedures, rules, and
379 regulations, including the application of policies involving matters referred to in clause (iii) of subdivision
380 2; (iii) discrimination on the basis of race, color, creed, religion, political affiliation, age, disability,
381 national origin, sex, marital status, pregnancy, childbirth or related medical conditions, sexual orientation,
382 gender identity, or military status ~~as a veteran~~; and (iv) acts of retaliation as the result of the use of or
383 participation in the grievance procedure or because the employee has complied with any law of the United
384 States or of the Commonwealth, has reported any violation of such law to a governmental authority, has
385 sought any change in law before the Congress of the United States or the General Assembly, or has
386 reported an incidence of fraud, abuse, or gross mismanagement. For the purposes of clause (iv), there shall
387 be a rebuttable presumption that increasing the penalty that is the subject of the grievance at any level of
388 the grievance shall be an act of retaliation.

389 2. Local government responsibilities. Local governments shall retain the exclusive right to manage
390 the affairs and operations of government. Accordingly, the following complaints are nongrievable: (i)
391 establishment and revision of wages or salaries, position classification, or general benefits; (ii) work
392 activity accepted by the employee as a condition of employment or work activity that may reasonably be
393 expected to be a part of the job content; (iii) the contents of ordinances, statutes, or established personnel
394 policies, procedures, rules, and regulations; (iv) failure to promote except where the employee can show
395 that established promotional policies or procedures were not followed or applied fairly; (v) the methods,
396 means, and personnel by which work activities are to be carried on; (vi) except where such action affects
397 an employee who has been reinstated within the previous six months as the result of the final determination
398 of a grievance, termination, layoff, demotion, or suspension from duties because of lack of work, reduction

399 in work force, or job abolition; (vii) the hiring, promotion, transfer, assignment, and retention of
400 employees within the local government; and (viii) the relief of employees from duties of the local
401 government in emergencies. In any grievance brought under the exception to clause (vi), the action shall
402 be upheld upon a showing by the local government that (a) there was a valid business reason for the action
403 and (b) the employee was notified of the reason in writing prior to the effective date of the action.

404 3. Coverage of personnel.

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

- 407 (1) Appointees of elected groups or individuals;
- 408 (2) Officials and employees who by charter or other law serve at the will or pleasure of an
409 appointing authority;
- 410 (3) Deputies and executive assistants to the chief administrative officer of a locality;
- 411 (4) Agency heads or chief executive officers of government operations;
- 412 (5) Employees whose terms of employment are limited by law;
- 413 (6) Temporary, limited term, and seasonal employees;
- 414 (7) Law-enforcement officers as defined in Chapter 5 (§ 9.1-500 et seq.) of Title 9.1 whose
415 grievance is subject to the provisions of Chapter 5 (§ 9.1-500 et seq.) of Title 9.1 and who have elected to
416 proceed pursuant to those provisions in the resolution of their grievance, or any other employee electing
417 to proceed pursuant to any other existing procedure in the resolution of his grievance.

418 b. Notwithstanding the exceptions set forth in subdivision a, local governments, at their sole
419 discretion, may voluntarily include employees in any of the excepted categories within the coverage of
420 their grievance procedures.

421 c. The chief administrative officer of each local government, or his designee, shall determine the
422 officers and employees excluded from the grievance procedure, and shall be responsible for maintaining
423 an up-to-date list of the affected positions.

424 4. Grievance procedure availability and coverage for employees of community services boards,
425 redevelopment and housing authorities, and regional housing authorities. Employees of community

426 services boards, redevelopment and housing authorities created pursuant to § 36-4, and regional housing
427 authorities created pursuant to § 36-40 shall be included in (i) a local governing body's grievance
428 procedure or personnel system, if agreed to by the department, board, or authority and the locality or (ii)
429 a grievance procedure established and administered by the department, board, or authority that is
430 consistent with the provisions of Chapter 30 (§ 2.2-3000 et seq.) of Title 2.2 and any regulations
431 promulgated pursuant thereto. If a department, board, or authority fails to establish a grievance procedure
432 pursuant to clause (i) or (ii), it shall be deemed to have adopted a grievance procedure that is consistent
433 with the provisions of Chapter 30 (§ 2.2-3000 et seq.) of Title 2.2 and any regulations adopted pursuant
434 thereto for so long as it remains in noncompliance.

435 5. General requirements for procedures.

436 a. Each grievance procedure shall include not more than four steps for airing complaints at
437 successively higher levels of local government management and a final step providing for a panel hearing
438 or a hearing before an administrative hearing officer upon the agreement of both parties.

439 b. Grievance procedures shall prescribe reasonable and specific time limitations for the grievant
440 to submit an initial complaint and to appeal each decision through the steps of the grievance procedure.

441 c. Nothing contained in this section shall prohibit a local government from granting its employees
442 rights greater than those contained herein, provided that such grant does not exceed or violate the general
443 law or public policy of the Commonwealth.

444 6. Time periods.

445 a. It is intended that speedy attention to employee grievances be promoted, consistent with the
446 ability of the parties to prepare for a fair consideration of the issues of concern.

447 b. The time for submitting an initial complaint shall not be less than 20 calendar days after the
448 event giving rise to the grievance, but local governments may, at their option, allow a longer time period.

449 c. Limits for steps after initial presentation of grievance shall be the same or greater for the grievant
450 than the time that is allowed for local government response in each comparable situation.

451 d. Time frames may be extended by mutual agreement of the local government and the grievant.

452 7. Compliance.

453 a. After the initial filing of a written grievance, failure of either party to comply with all substantial
454 procedural requirements of the grievance procedure, including the panel or administrative hearing, without
455 just cause shall result in a decision in favor of the other party on any grievable issue, provided the party
456 not in compliance fails to correct the noncompliance within five workdays of receipt of written notification
457 by the other party of the compliance violation. Such written notification by the grievant shall be made to
458 the chief administrative officer, or his designee.

459 b. The chief administrative officer, or his designee, at his option, may require a clear written
460 explanation of the basis for just cause extensions or exceptions. The chief administrative officer, or his
461 designee, shall determine compliance issues. Compliance determinations made by the chief administrative
462 officer shall be subject to judicial review by filing petition with the circuit court within 30 days of the
463 compliance determination.

464 8. Management steps.

465 a. The first step shall provide for an informal, initial processing of employee complaints by the
466 immediate supervisor through a nonwritten, discussion format.

467 b. Management steps shall provide for a review with higher levels of local government authority
468 following the employee's reduction to writing of the grievance and the relief requested on forms supplied
469 by the local government. Personal face-to-face meetings are required at all of these steps.

470 c. With the exception of the final management step, the only persons who may normally be present
471 in the management step meetings are the grievant, the appropriate local government official at the level at
472 which the grievance is being heard, and appropriate witnesses for each side. Witnesses shall be present
473 only while actually providing testimony. At the final management step, the grievant, at his option, may
474 have present a representative of his choice. If the grievant is represented by legal counsel, local
475 government likewise has the option of being represented by counsel.

476 9. Qualification for panel or administrative hearing.

477 a. Decisions regarding grievability and access to the procedure shall be made by the chief
478 administrative officer of the local government, or his designee, at any time prior to the panel hearing, at
479 the request of the local government or grievant, within 10 calendar days of the request. No city, town, or

480 county attorney, or attorney for the Commonwealth, shall be authorized to decide the question of
481 grievability. A copy of the ruling shall be sent to the grievant. Decisions of the chief administrative officer
482 of the local government, or his designee, may be appealed to the circuit court having jurisdiction in the
483 locality in which the grievant is employed for a hearing on the issue of whether the grievance qualifies for
484 a panel hearing. Proceedings for review of the decision of the chief administrative officer or his designee
485 shall be instituted by the grievant by filing a notice of appeal with the chief administrative officer within
486 10 calendar days from the date of receipt of the decision and giving a copy thereof to all other parties.
487 Within 10 calendar days thereafter, the chief administrative officer or his designee shall transmit to the
488 clerk of the court to which the appeal is taken: a copy of the decision of the chief administrative officer, a
489 copy of the notice of appeal, and the exhibits. A list of the evidence furnished to the court shall also be
490 furnished to the grievant. The failure of the chief administrative officer or his designee to transmit the
491 record shall not prejudice the rights of the grievant. The court, on motion of the grievant, may issue a writ
492 of certiorari requiring the chief administrative officer to transmit the record on or before a certain date.

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

500 10. Final hearings.

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

503 (1) If the grievance procedure adopted by the local governing body provides that the final step
504 shall be an impartial panel hearing, the panel may, with the exception of those local governments covered
505 by subdivision a (2), consist of one member appointed by the grievant, one member appointed by the
506 agency head and a third member selected by the first two. In the event that agreement cannot be reached

507 as to the final panel member, the chief judge of the circuit court of the jurisdiction wherein the dispute
508 arose shall select the third panel member. The panel shall not be composed of any persons having direct
509 involvement with the grievance being heard by the panel, or with the complaint or dispute giving rise to
510 the grievance. Managers who are in a direct line of supervision of a grievant, persons residing in the same
511 household as the grievant and the following relatives of a participant in the grievance process or a
512 participant's spouse are prohibited from serving as panel members: spouse, parent, child, descendants of
513 a child, sibling, niece, nephew and first cousin. No attorney having direct involvement with the subject
514 matter of the grievance, nor a partner, associate, employee or co-employee of the attorney shall serve as a
515 panel member.

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

523 (3) When a local government elects to use an administrative hearing officer rather than a three-
524 person panel for the final step in the grievance procedure, the administrative hearing officer shall be
525 appointed by the Executive Secretary of the Supreme Court of Virginia. The appointment shall be made
526 from the list of administrative hearing officers maintained by the Executive Secretary pursuant to § 2.2-
527 4024 and shall be made from the appropriate geographical region on a rotating basis. In the alternative,
528 the local government may request the appointment of an administrative hearing officer from the
529 Department of Human Resource Management. If a local government elects to use an administrative
530 hearing officer, it shall bear the expense of such officer's services.

531 (4) When the local government uses a panel in the final step of the procedure, there shall be a
532 chairperson of the panel and, when panels are composed of three persons (one each selected by the
533 respective parties and the third from an impartial source), the third member shall be the chairperson.

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

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

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

545 b. Rules for panel and administrative hearings.

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

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

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

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

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

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

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

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

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

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

572 11. Implementation of final hearing decisions.

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

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

580 **§ 15.2-1604. Appointment of deputies and employment of employees; discriminatory**
581 **practices by certain officers; civil penalty.**

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

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

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

593 B. Nothing in this section shall be construed to make it an unlawful employment practice for a
594 constitutional officer to hire or appoint an individual on the basis of his sex or age in those instances where
595 sex or age is a bona fide occupational qualification reasonably necessary to the normal operation of that
596 particular office. The provisions of this section shall not apply to policy-making positions, confidential or
597 personal staff positions, or undercover positions.

598 C. With regard to notices and advertisements:

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

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

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

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

618 F. As used in this section, "military status" means status as (i) a member of the uniformed forces,
619 as defined in 10 U.S.C. § 101(a)(5), of the United States or a reserve component thereof named under 10
620 U.S.C. § 10101, (ii) a veteran as defined in 38 U.S.C. § 101(2), or (iii) a dependent as defined in 50 U.S.C.
621 § 3911(4) except that the support provided by the service member to the individual shall have been
622 provided 180 days immediately preceding an alleged action that if proven true would constitute unlawful
623 discrimination under this section instead of 180 days immediately preceding an application for relief under
624 50 U.S.C. Chapter 50.

625 **§ 22.1-295.2. Employment discrimination prohibited.**

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

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

628 "Military status" means status as (i) a member of the uniformed forces, as defined in 10 U.S.C. §
629 101(a)(5), of the United States or a reserve component thereof named under 10 U.S.C. § 10101, (ii) a
630 veteran as defined in 38 U.S.C. § 101(2), or (iii) a dependent as defined in 50 U.S.C. § 3911(4) except
631 that the support provided by the service member to the individual shall have been provided 180 days
632 immediately preceding an alleged action that if proven true would constitute unlawful discrimination
633 under this section instead of 180 days immediately preceding an application for relief under 50 U.S.C.
634 Chapter 50.

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

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

641 **§ 22.1-306. Definitions.**

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

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

644 "Day" means calendar days unless a different meaning is clearly expressed in this article.

645 Whenever the last day for performing an act required by this article falls on a Saturday, Sunday, or legal
646 holiday, the act may be performed on the next day that is not a Saturday, Sunday, or legal holiday.

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

648 "Grievance" means a complaint or dispute by a teacher relating to his employment, including (i)
649 disciplinary action including dismissal; (ii) the application or interpretation of (a) personnel policies, (b)
650 procedures, (c) rules and regulations, (d) ordinances, and (e) statutes; (iii) acts of reprisal against a teacher
651 for filing or processing a grievance, participating as a witness in any step, meeting, or hearing relating to
652 a grievance, or serving as a member of a fact-finding panel; and (iv) complaints of discrimination on the
653 basis of race, color, creed, religion, political affiliation, disability, age, national origin, sex, pregnancy,
654 childbirth or related medical conditions, marital status, sexual orientation, gender identity, or military
655 ~~status as a veteran~~. Each school board shall have the exclusive right to manage the affairs and operations
656 of the school division. Accordingly, the term "grievance" shall not include a complaint or dispute by a
657 teacher relating to ~~(1)~~ (a) establishment and revision of wages or salaries, position classifications, or
658 general benefits; ~~(2)~~ (b) suspension of a teacher or nonrenewal of the contract of a teacher who has not
659 achieved continuing contract status; ~~(3)~~ (c) the establishment or contents of ordinances, statutes, or
660 personnel policies, procedures, rules, and regulations; ~~(4)~~ (d) failure to promote; ~~(5)~~ (e) discharge, layoff,
661 or suspension from duties because of decrease in enrollment, decrease in enrollment or abolition of a
662 particular subject, or insufficient funding; ~~(6)~~ (f) hiring, transfer, assignment, and retention of teachers
663 within the school division; ~~(7)~~ (g) suspension from duties in emergencies; ~~(8)~~ (h) the methods, means, and

664 personnel by which the school division's operations are to be carried on; or ~~(9)~~ (i) coaching or
665 extracurricular activity sponsorship.

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

668 "Military status" means status as (i) a member of the uniformed forces, as defined in 10 U.S.C. §
669 101(a)(5), of the United States or a reserve component thereof named under 10 U.S.C. § 10101, (ii) a
670 veteran as defined in 38 U.S.C. § 101(2), or (iii) a dependent as defined in 50 U.S.C. § 3911(4) except
671 that the support provided by the service member to the individual shall have been provided 180 days
672 immediately preceding an alleged action that if proven true would constitute unlawful discrimination
673 under this section instead of 180 days immediately preceding an application for relief under 50 U.S.C.
674 Chapter 50.

675 **§ 36-96.1. Declaration of policy.**

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

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

685 **§ 36-96.1:1. Definitions.**

686 For the purposes of this chapter, unless the context ~~clearly indicates otherwise~~ requires a different
687 meaning:

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

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

700 "Complainant" means a person, including the Fair Housing Board, who files a complaint under §
701 36-96.9.

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

705 "Conciliation agreement" means a written agreement setting forth the resolution of the issues in
706 conciliation.

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

712 "Discriminatory housing practices" means an act that is unlawful under § 36-96.3, 36-96.4, 36-
713 96.5, or 36-96.6.

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

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

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

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

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

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

730 "Military status" means status as (i) a member of the uniformed forces, as defined in 10 U.S.C. §
731 101(a)(5), of the United States or a reserve component thereof named under 10 U.S.C. § 10101, (ii) a
732 veteran as defined in 38 U.S.C. § 101(2), or (iii) a dependent as defined in 50 U.S.C. § 3911(4) except
733 that the support provided by the service member to the individual shall have been provided 180 days
734 immediately preceding an alleged action that if proven true would constitute unlawful discrimination
735 under this section instead of 180 days immediately preceding an application for relief under 50 U.S.C.
736 Chapter 50.

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

741 "Physical or mental impairment" includes any of the following: (i) any physiological disorder or
742 condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body
743 systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs;
744 cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; or endocrine or (ii)

745 any mental or psychological disorder, such as an intellectual or developmental disability, organic brain
746 syndrome, emotional or mental illness, or specific learning disability. "Physical or mental impairment"
747 includes such diseases and conditions as orthopedic, visual, speech, and hearing impairments; cerebral
748 palsy; autism; epilepsy; muscular dystrophy; multiple sclerosis; cancer; heart disease; diabetes; human
749 immunodeficiency virus infection; intellectual and developmental disabilities; emotional illness; drug
750 addiction other than addiction caused by current, illegal use of a controlled substance; and alcoholism.

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

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

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

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

763 § 36-96.2. Exemptions.

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

772 rental of, more than three such single-family houses at any one time. The sale or rental of any such single-
773 family house shall be exempt from the application of this chapter only if the house is sold or rented (i)
774 without the use in any manner of the sales or rental facilities or the sales or rental services of any real
775 estate broker, agent, salesperson, or of the facilities or the services of any person in the business of selling
776 or renting dwellings, or of any employee, independent contractor, or agent of any broker, agent,
777 salesperson, or person and (ii) without the publication, posting, or mailing, after notice, of any
778 advertisement or written notice in violation of this chapter. However, nothing herein shall prohibit the use
779 of attorneys, escrow agents, abstractors, title companies, and other professional assistance as necessary to
780 perfect or transfer the title. This exemption shall not apply to or inure to the benefit of any licensee of the
781 Real Estate Board or regulant of the Fair Housing Board, regardless of whether the licensee is acting in
782 his personal or professional capacity.

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

787 C. Nothing in this chapter shall prohibit a religious organization, association or society, or any
788 nonprofit institution or organization operated, supervised, or controlled by or in conjunction with a
789 religious organization, association, or society, from limiting the sale, rental, or occupancy of dwellings
790 that it owns or operates for other than a commercial purpose to persons of the same religion, or from
791 giving preferences to such persons, unless membership in such religion is restricted on account of race,
792 color, national origin, sex, elderliness, familial status, sexual orientation, gender identity, military status
793 ~~as a veteran~~, or disability. Nor shall anything in this chapter apply to a private membership club not in fact
794 open to the public, which as an incident to its primary purpose or purposes provides lodging that it owns
795 or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings
796 to its members or from giving preference to its members. Nor, where matters of personal privacy are
797 involved, shall anything in this chapter be construed to prohibit any private, state-owned, or state-
798 supported educational institution, hospital, nursing home, or religious or correctional institution from

799 requiring that persons of both sexes not occupy any single-family residence or room or unit of dwellings
800 or other buildings, or restrooms in such room or unit in dwellings or other buildings, which it owns or
801 operates.

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

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

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

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

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

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

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

836 **§ 36-96.3. Unlawful discriminatory housing practices.**

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

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

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

846 3. Make, print, or publish, or cause to be made, printed, or published any notice, statement, or
847 advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or
848 discrimination or an intention to make any such preference, limitation, or discrimination on the basis of
849 race, color, religion, national origin, sex, elderliness, familial status, source of funds, sexual orientation,
850 gender identity, military status ~~as a veteran~~, or disability. The use of words or symbols associated with a
851 particular religion, national origin, sex, or race shall be prima facie evidence of an illegal preference under

852 this chapter that shall not be overcome by a general disclaimer. However, reference alone to places of
853 worship, including churches, synagogues, temples, or mosques, in any such notice, statement, or
854 advertisement shall not be prima facie evidence of an illegal preference;

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

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

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

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

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

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

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

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

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

893 3. All premises within covered multi-family dwelling units contain an accessible route into and
894 through the dwelling; light switches, electrical outlets, thermostats, and other environmental controls are
895 in accessible locations; there are reinforcements in the bathroom walls to allow later installation of grab
896 bars; and there are usable kitchens and bathrooms such that an individual in a wheelchair can maneuver
897 about the space. As used in this subdivision, the term "covered multi-family dwellings" means buildings
898 consisting of four or more units if such buildings have one or more elevators and ground floor units in
899 other buildings consisting of four or more units.

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

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

907 **§ 36-96.4. Discrimination in residential real estate-related transactions; unlawful practices**
908 **by lenders, insurers, appraisers, etc.; deposit of state funds in such institutions.**

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

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

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

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

925 C. It shall be unlawful for any state, county, city, or municipal treasurer or governmental official
926 whose responsibility it is to account for, to invest, or manage public funds to deposit or cause to be
927 deposited any public funds in any lending institution provided for herein which is found to be committing
928 discriminatory practices, where such findings were upheld by any court of competent jurisdiction. Upon
929 such a court's judicial enforcement of any order to restrain a practice of such lending institution or for said
930 institution to cease or desist in a discriminatory practice, the appropriate fiscal officer or treasurer of the

931 Commonwealth or any political subdivision thereof which has funds deposited in any lending institution
932 which is practicing discrimination, as set forth herein, shall take immediate steps to have the said funds
933 withdrawn and redeposited in another lending institution. If for reasons of sound economic management,
934 this action will result in a financial loss to the Commonwealth or any of its political subdivisions, the
935 action may be deferred for a period not longer than one year. If the lending institution in question has
936 corrected its discriminatory practices, any prohibition set forth in this section shall not apply.

937 **§ 36-96.6. Certain restrictive covenants void; instruments containing such covenants.**

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

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

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

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

957 **§ 55.1-1208. Prohibited provisions in rental agreements.**

- 958 A. A rental agreement shall not contain provisions that the tenant:
- 959 1. Agrees to waive or forgo rights or remedies under this chapter;
- 960 2. Agrees to waive or forgo rights or remedies pertaining to the 120-day conversion or
- 961 rehabilitation notice required in the Virginia Condominium Act (§ 55.1-1900 et seq.) or the Virginia Real
- 962 Estate Cooperative Act (§ 55.1-2100 et seq.) or under § 55.1-1410;
- 963 3. Authorizes any person to confess judgment on a claim arising out of the rental agreement;
- 964 4. Agrees to pay the landlord's attorney fees except as provided in this chapter;
- 965 5. Agrees to the exculpation or limitation of any liability of the landlord to the tenant arising under
- 966 law or to indemnify the landlord for that liability or any associated costs;
- 967 6. Agrees as a condition of tenancy in public housing to a prohibition or restriction of any lawful
- 968 possession of a firearm within individual dwelling units unless required by federal law or regulation; ~~or~~
- 969 7. Agrees to both the payment of a security deposit and the provision of a bond or commercial
- 970 insurance policy purchased by the tenant to secure the performance of the terms and conditions of a rental
- 971 agreement, if the total of the security deposit and the bond or insurance coverage exceeds the amount of
- 972 two months' periodic rent; or
- 973 8. Agrees to waive remedies or rights under the Servicemembers Civil Relief Act, 50 U.S.C. §
- 974 3901 et seq., prior to the occurrence of a dispute between landlord and tenant. Execution of leases shall
- 975 not be contingent upon the execution of a waiver of rights under the Servicemembers Civil Relief Act;
- 976 however, upon the occurrence of any dispute, the landlord and tenant may execute a waiver of such rights
- 977 and remedies as to that dispute in order to facilitate a resolution.

978 B. Any provision prohibited by subsection A that is included in a rental agreement is

979 unenforceable. If a landlord brings an action to enforce any such provision, the tenant may recover actual

980 damages sustained by him and reasonable attorney fees.

981 **§ 55.1-1310. Sale or lease of manufactured home by manufactured home owner.**

982 A. For purposes of this section, "military status" means status as (i) a member of the uniformed

983 forces, as defined in 10 U.S.C. § 101(a)(5), of the United States or a reserve component thereof named

984 under 10 U.S.C. § 10101, (ii) a veteran as defined in 38 U.S.C. § 101(2), or (iii) a dependent as defined in

985 50 U.S.C. § 3911(4) except that the support provided by the service member to the individual shall have
986 been provided 180 days immediately preceding an alleged action that if proven true would constitute
987 unlawful discrimination under this section instead of 180 days immediately preceding an application for
988 relief under 50 U.S.C. Chapter 50.

989 B. No landlord shall unreasonably refuse or restrict the sale or rental of a manufactured home
990 located in his manufactured home park by a tenant. No landlord shall prohibit the manufactured home
991 owner from placing a "for sale" sign on or in the owner's home except that the size, placement, and
992 character of all signs are subject to the rules and regulations of the manufactured home park. Prior to
993 selling or leasing the manufactured home, the tenant shall give notice to the landlord, including the name
994 of the prospective vendee or lessee if the prospective vendee or lessee intends to occupy the manufactured
995 home in that manufactured home park. The landlord shall have the burden of proving that his refusal or
996 restriction regarding the sale or rental of a manufactured home was reasonable. The refusal or restriction
997 of the sale or rental of a manufactured home exclusively or predominantly based on the age of the home
998 shall be considered unreasonable. Any refusal or restriction based on race, color, religion, national origin,
999 military status as a veteran, familial status, marital status, elderliness, disability, sexual orientation, gender
1000 identity, sex, or pregnancy, childbirth or related medical conditions shall be conclusively presumed to be
1001 unreasonable.

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