

House Bill 768

By: Representatives Scott of the 76th, Williams of the 168th, Jackson of the 64th, Schofield of the 60th, Beasley-Teague of the 65th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Part 4 of Article 3 of Chapter 2 of Title 38 of the Official Code of Georgia
2 Annotated, relating to rights, privileges, and prohibitions regarding military personnel, so as
3 to provide that it is against public policy to discriminate in housing based upon a person's
4 status as a current or former member of the armed forces of the United States; to provide for
5 definitions; to provide for remedies and penalties; to provide for related matters; to repeal
6 conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Part 4 of Article 3 of Chapter 2 of Title 38 of the Official Code of Georgia Annotated,
10 relating to rights, privileges, and prohibitions regarding military personnel, is amended by
11 adding a new Code section to read as follows:

12 "38-2-285.

13 (a) As used in this Code section, the term:

14 (1) 'Armed forces of the United States' means the regular, reserve, or National Guard
15 component of the United States armed forces and the United States Coast Guard.

16 (2) 'Discrimination in housing' means refusal to sell, rent, or lease housing
17 accommodations to any person currently serving in the armed forces of the United States
18 or any former member of the armed forces of the United States. The term also includes
19 refusing to negotiate for the sale, rental, or lease of housing accommodations; making a
20 representation that a housing accommodation is not available for inspection, sale, or
21 rental when such housing accommodation is in fact so available; and the denial or
22 withholding of housing accommodations in any other manner based upon such person's
23 status as a current or former member of the armed forces of the United States.

24 (3) 'Housing accommodation' means any building, structure, or portion thereof that is
25 occupied or intended for occupancy as a residence by one or more families, or any vacant

26 land that is offered for sale or lease for the construction thereon of any building, structure,
27 or portion thereof that is intended to be so occupied.

28 (b) The General Assembly finds and declares that housing for current and former members
29 of the armed forces of the United States is of critical importance and that protection of such
30 persons from discrimination in housing is a priority of this state.

31 (c) It is hereby declared that discrimination in housing accommodations against current
32 and former members of the armed forces of the United States is against the public policy
33 of this state.

34 (d) Any person subjected to discrimination in housing accommodations based upon such
35 person's status as a current or former member of the armed forces of the United States shall
36 have a private right of action against any person who engages in such discrimination. If
37 the person discriminated against based upon the person's status as a current or former
38 member of the armed forces of the United States prevails in an action under this Code
39 section, the person shall be entitled to attorney fees and all expenses of litigation in
40 bringing such action.

41 (e) It shall be unlawful for:

42 (1) The owner of any housing accommodations to discriminate against or harass any
43 person in housing accommodations based upon such person's status as a current or former
44 member of the armed forces of the United States;

45 (2) The owner of any housing accommodations to make any oral or written inquiry as
46 to the status of a person with regard to the person's current or former membership in the
47 armed forces of the United States;

48 (3) Any person, bank, mortgage company, or other financial institution that provides
49 financial assistance for the purchase, remodeling, or construction of housing
50 accommodations to discriminate in the terms, conditions, or privileges relating to the
51 obtaining or use of such financial assistance based upon the borrower's status as a
52 member or former member of the armed forces of the United States;

53 (4) The owner of any housing accommodations to harass, evict, or otherwise
54 discriminate against any person in the sale or rental of housing accommodations when
55 the owner's dominant purpose is retaliation against a person who has opposed practices
56 that are unlawful under this Code section, informed law enforcement or other government
57 agencies of practices believed to be unlawful under this Code section, has testified or
58 assisted in any proceeding under this Code section, or has aided or encouraged a person
59 to exercise or enjoy the rights secured under this Code section;

60 (5) Any person to aid, abet, incite, compel, or coerce the doing of any act or practice
61 declared unlawful under this Code section or to attempt to do so;

62 (6) Any person or organization or entity whose business involves real estate transactions
63 to discriminate against any other person based upon such other person's status as a current
64 or former member of the armed forces of the United States in making available a
65 transaction or in the terms and conditions of a transaction;

66 (7) Any person or organization or entity to deny any other person access to, membership
67 in, or participation in a multiple listing service, a real estate brokerage organization, or
68 other similar service based upon such other person's status as a member or former
69 member of the armed forces of the United States; or

70 (8) Any person to otherwise make unavailable or deny a housing accommodation to any
71 other person based upon discrimination due to such other person's membership or former
72 membership in the armed forces of the United States.

73 (f) A violation of subsection (e) of this Code section shall be a misdemeanor of a high and
74 aggravated nature."

75 **SECTION 2.**

76 All laws and parts of laws in conflict with this Act are repealed.