

Hall of the House of Representatives
83rd General Assembly - Regular Session, 2001
Amendment Form

Subtitle of House Bill No. 2531

"AN ACT TO CREATE AN ARKANSAS FAIR HOUSING COMMISSION AND TO
PROVIDE PROCEDURES FOR THE INVESTIGATION AND REMEDIATION OF UNFAIR
HOUSING PRACTICES."

Amendment No. 1 to House Bill No. 2531.

Amend House Bill No. 2531 as originally introduced:

Add Representatives J. Elliott, Ledbetter, W. Walker, Lewellen, Broadway, Eason, Goss, Salmon, T. Steele, Prater, Lendall, Weaver, White, Willis, Oglesby, Verkamp, M. Smith, D. Elliott, Altes, Hathorn, Thomas, Files, C. Johnson, Hunt, Clemons, Rackley, Jacobs as cosponsors of the bill

AND

Add Senators B. Walker, Riggs, Argue, Beebe, Fitch, B. Johnson, Mahony, J. Jeffress, Simes, Bisbee, Baker, DeLay, Gullett, P. Malone, Wilkins, Wilkinson, Webb, Critcher as cosponsors of the bill

AND

Page 1, delete lines 28 and 29 and substitute the following:
"and declared to be a civil right provided the provisions of this act of 2001 shall become effective after the statutes and regulations required"

AND

Page 2, line 10, delete "an individual" and substitute "a person"

AND

Page 2, line 11 delete "Section 18 of"

AND

Page 2, delete line 22 and substitute the following:
"(7) "Disability" shall, throughout this act be interpreted identically to the term "handicap" within federal laws, regulations, cases, directives and administrative rulings and positions on subject matter similar

to the purposes of this act and means a person:"

AND

Page 2, line 30, delete "Di sabled" and substitute "Di sabi l i t y"

AND

Page 2, delete line 34 and substitute the following:
"prohibited under Sections 11-17 and Section 45 of this act;"

AND

Page 3, line 23 delete "and"

AND

Page 3, delete line 28 and substitute the following:
"respondents under Section 18(f) of this act; and
(15) "To rent" includes to lease, to sublease, to let and otherwise to
grant for a consideration the right to occupy premises not owned by the
occupant."

AND

Delete SECTION 4 in its entirety and substitute the following:

"SECTION 4. Creation - Members.

(a) There is created the Arkansas Fair Housing Commission.

(b) The commission shall consist of thirteen (13) voting members, to
be selected as follows: Seven (7) appointed by the Governor, Three (3)
appointed by the Speaker of the House of Representatives and Three (3)
appointed by the President of the Senate Pro Tempore, as set forth in this
act, for terms of four (4) years, except for the initial commissioners, whose
terms shall be determined as set forth in section 4(f) of this act, whose
terms begin on January 1 and end on December 31 of the fourth (4th) year or
when their respective successors are appointed and qualified.

(1)(A)(i) One (1) member shall have been a licensed real estate
broker or licensed real estate salesperson engaged in the practice of
residential real estate sales for not less than five (5) years prior to their
nomination.

(ii) One (1) member shall have been a licensed real
estate broker or licensed real estate salesperson engaged in the practice of
multi-family real estate property management for not less than five (5) years
prior to their nomination.

(iii) One (1) member shall have been a licensed real
estate broker or licensed real estate salesperson engaged in the practice of
real estate for not less than five (5) years prior to their nomination.

(B) The Governor shall appoint members to fill vacancies
for the two (2) members to represent subdivisions (b)(1)(A)(i) and
(b)(1)(A)(ii) from a list of four (4) nominees submitted by the Arkansas
Realtors Association and a member to fill a vacancy for the one (1) member to
represent subdivision (b)(1)(A)(iii) not involving nominees from the Arkansas

Realtors Association.

(2)(A) One (1) member shall have been a licensed homebuilder engaged in the homebuilding business for not less than five (5) years.

(B) The Governor shall appoint a member to fill a vacancy for the member to represent subdivision (b)(2)(A) from a list of four (4) nominees submitted by the Arkansas Homebuilders Association.

(3)(A) One (1) member shall have been a mortgage broker employed for not less than five (5) years by a registered mortgage loan company or loan broker.

(B) The Governor shall appoint a member to fill a vacancy for the member to represent subdivision (b)(3)(A) from a list of four (4) nominees submitted by the Arkansas Mortgage Bankers Association.

(4)(A) One (1) member shall have been a banker engaged in the banking business for not less than five (5) years.

(B) The Governor shall appoint a member to fill a vacancy for the member to represent subdivision (b)(4)(A) from a list of four (4) nominees jointly submitted by the Arkansas Community Bankers and the Arkansas Bankers Association.

(5)(A)(i) Seven (7) members shall represent consumers and shall not be actively engaged in or retired from the business of real estate, homebuilding, mortgage lending or banking, being comprised of one (1) member who shall be appointed by the Governor to represent persons meeting the definition of "disability" in this act from a list of four (4) nominees submitted by the Governor's Commission on People with Disabilities.

(ii) Three (3) of the members to be appointed pursuant to this subdivision (b)(5)(A) shall be appointed by the Speaker of the House of Representatives, one (1) member who shall be a fair housing attorney or advocate with at least five (5) years of experience in advocacy for fair housing issues.

(iii) Three (3) of the members to be appointed pursuant to this subdivision (b)(5)(A) shall be appointed by the President of the Senate Pro Tempore, one (1) member who shall be sixty (60) years of age or older who shall represent the elderly.

(B) A minimum of four (4) appointments shall be made pursuant to subdivision (b)(5)(A) shall be given to persons protected under Sections 11 through 17 of this act.

(c) All members shall be full voting members of the commission.

(d)(1) Members of the commission appointed by the Governor shall at all times include one (1) member from each Arkansas congressional district.

(2) Members appointed by the President Pro Tempore of the Senate shall be chosen from Arkansas congressional districts rotating in order with the initial commissioners being chosen from districts (1) and two (2).

(3) Members appointed by the Speaker of the House of Representatives shall be chosen from congressional districts rotating in order with the initial members being chosen from districts three (3) and four (4).

(e) The commission shall elect a chairperson from its membership.

(f) The commission shall meet at least once each month.

(g)(1) The members of the commission shall serve four-year terms, except that the initial appointees shall serve staggered terms determined by a procedure established by the commission so that six (6) serve a two-year term and seven (7) serve a four-year term.

(2) No member may serve more than two (2) four-year terms.

(h) Each commissioner may receive expense reimbursement and stipends in accordance with § 25-16-905."

AND

Page 5, delete line 15 and substitute the following:

"(b) The commission shall receive, initiate, investigate, seek to conciliate,"

AND

Page 5, delete lines 32 through 34 and substitute the following:

"the request of a party shall be paid for by that party or, if a party is unable to pay the fees, by the commission."

AND

Page 6, line 7, delete "11-17" and substitute "11, 13, 14 and 15"

AND

Page 6, line 8 delete "two (2)"

AND

Page 8, delete lines 6 through 8 and substitute the following:

"(1) Provided under any state program that the director determines is specifically designed and operated to assist elderly persons, as defined in any state program, or provided under any federal program that the Secretary of the United States Department of Housing and Urban Development determines is specifically designed and operated to assist elderly persons, as defined in any federal program;"

AND

Page 9, line 24 delete "handicap" and substitute "disability"

AND

Page 10, delete line 21 and substitute the following:

"is in fact so available."

AND

Page 11, delete lines 24 through 32 in their entirety

AND

Page 11, line 33, delete "(3)" and substitute "(2)"

AND

Page 12, line 1, delete "(4)" and substitute "(3)"

AND

Page 12, line 23, delete "(c)(4)" and substitute "(c)(3)"

AND

Page 12, line 24, delete "(c)(4)" and substitute "(c)(3)"

AND

Page 13, delete line 28 and substitute the following:
"regulations promulgated by the commission which shall not require that the complaint be notarized."

AND

Page 14, delete line 5 and substitute the following:
"(3) Not later than the tenth day after the filing of"

AND

Page 14, delete line 14 and substitute the following:
"(a) Not later than tenth day after receipt of the notice"

AND

Page 14, delete line 21 and substitute the following:
"regulations promulgated by the commission which shall not require that the complaint be notarized."

AND

Page 14, delete lines 27 and 28 and substitute the following:
"section, shall commence an investigation within thirty (30) days of receiving the complaint and shall complete the investigation no later than the one hundredth (100th) day after the complaint is filed, and shall dispose of all"

AND

Page 14, line 29 and 30, delete "the first anniversary" and substitute "one year"

AND

Page 14, delete line 34 and substitute the following:
"delay.
(c) If the director is unable to begin an investigation within the time periods prescribed in subsection (a) of this section, the director shall

notify the complainant and the respondent in writing of the reasons for the delay.

(d) If the director is unable to dispose of all administrative proceedings related to the investigation of a complaint within one (1) year after the complaint is filed, the director shall notify the complainant and the respondent in writing of the reasons for the delay."

AND

Page 15, delete line 31 and substitute the following:

"(f) No statements or"

AND

Page 16, delete lines 6 and 7 and substitute the following:

"at any time following the filing of a complaint that prompt judicial action is necessary to carry out the purposes of this act, and after consultation with the office of the Attorney General, the director may authorize"

AND

Page 16, delete lines 13 and 14 and substitute the following:

"shall promptly take any action deemed appropriate."

AND

Page 16, delete line 34 and substitute the following:

"determine, based on the facts and after consultation with the office of the Attorney General, whether reasonable cause exists to believe"

AND

Page 17, delete line 22 and substitute the following:

"(b) Not later than the tenth day after the director issues a"

AND

Page 17, delete line 34 and substitute the following:

"and use law or ordinance, the director shall not issue a charge, but shall immediately refer the matter to the Attorney General for appropriate action."

AND

Page 18, delete lines 5 and 6 and substitute the following:

"(b) The director shall disclose each dismissal under this section both to the public and to all affected parties."

AND

Page 18, line 23, delete "twentieth (20th)" and substitute "tenth"

AND

Page 18, delete line 29 and 30 and substitute the following:
"the Arkansas Fair Housing Commission shall authorize and the Attorney General shall file and maintain, on behalf"

AND

Page 18, delete line 34 and substitute the following:
"(b) If the commission determines, as under Section 22 of this act, and after consultation with the office of the Attorney General, "

AND

Page 18, line 36, delete "file" and substitute "commence"

AND

Page 19, delete line 11 and substitute the following:
"(a) If a timely election to commence a civil action is not made under Section 30 of this act, the"

AND

Page 19, delete lines 25 through 28 in their entirety

AND

Page 20, line 2, delete "Ten thousand dollars (\$10,000)" and substitute "Eleven thousand dollars (\$11,000)"

AND

Page 20, line 6, delete "twenty-five thousand dollars (\$25,000)" and substitute "twenty-seven thousand five hundred dollars (\$25,000)"

AND

Page 20, lines 10 and 11, delete "fifty thousand dollars (\$50,000)" and substitute "fifty-five thousand dollars (\$55,000)"

AND

Page 20, delete line 21 and substitute the following:
"(d) In addition to all other penalties set forth"

AND

Page 21, delete line 21 and substitute the following:
"than two (2) years after the occurrence or the termination"

AND

Page 21, line 27 delete "heari ng" and substitute "proceedi ng"

AND

Page 21, delete line 29 and substitute the following:
"practi ce."

AND

Page 22, delete lines 5 through 7 and substitute the following:
"(e) If a timely election was not made under Section 30, or an administrative hearing has begun considering a charge issued by the commission, an aggrieved person may not file a civil action under this section with respect to the alleged"

AND

Page 24, delete lines 13 through 34 and substitute the following:
"It is unlawful to coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of having exercised or enjoyed, or on account of having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by Section 7, 11, 12, 13, 14, 15, 16, or 17 of this act."

AND

Page 27, delete line 9 and substitute the following:
"(2) Any administrative or civil penalty levied and collected"

AND

Page 27, line 13 add the following new section:
"SECTION 49. Violations - bodily injury - penalties.
(a) It is unlawful for a person, whether or not acting under color of law, by force or threat of force, to willfully injure, intimidate or interfere with, or attempt to injure, intimidate or interfere with:
(1) Any person because of his or her race, color, religion, sex, disability, as defined in Section 3 of this act, familial status, as defined in Section 3 of this act, or national origin or because the person is or has been selling, purchasing, renting, financing, occupying or contracting or negotiating for the sale purchase, rental, financing, or occupation of any dwelling, or applying for or participating in any service, organizations, or facility relating to the business of selling or renting dwelling;
(2) Any person because he or she is or has been, or in order to intimidate the person or any other person or any class of persons from:
(A) Participating, without discrimination on account of race, color, religions, sex, disability, as defined in Section 3 of this act, familial status, as defined in Section 3 of this act, or national origin, in any of the activities, services, organizations or facilities described in

subdivision (a)(1) of this section; or

(B) Affording any person or class of persons opportunity or protection so to participate; or

(3) Any citizen because he or she is or has been, or in order to discourage the citizen or any other citizen from lawfully aiding or encouraging other persons to participate, without discrimination on account of race, color, religion, sex, disability, as defined in Section 3 of this act, familial status, as defined in Section 3 of this act, or national origin, in any of the activities, services, organizations or facilities described in subdivision (a)(1) of this section, or participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to so participate.

(b) A violation of this section is a Class A misdemeanor.

(c) For any violation of this act, the available penalties shall be solely as set forth in this act."

The Amendment was read
By: Representative Jones
MF/RTK - 040320010859
RTK410

Chief Clerk