

SENATE FILE NO. SF0132

Wyoming Fair Housing Act.

Sponsored by: Senator(s) Scott and Representative(s)
Stubson and Walters

A BILL

for

1 AN ACT relating to housing discrimination; defining
2 prohibited practices; providing for conciliation and
3 hearings; providing penalties; and providing for an
4 effective date.

5

6 *Be It Enacted by the Legislature of the State of Wyoming:*

7

8 **Section 1.** W.S. 40-26-101 through 40-26-145 are
9 created to read:

10

11

ARTICLE 26

12

WYOMING FAIR HOUSING ACT

13

14

40-26-101. Short title.

15

1 This act may be cited as the "Wyoming Fair Housing Act."

2

3 **40-26-102. Definitions.**

4

5 (a) As used in this act:

6

7 (i) "Aggrieved person" includes any person who
8 claims to have been injured by a discriminatory housing
9 practice or believes that the person will be injured by a
10 discriminatory housing practice that is about to occur;

11

12 (ii) "Complainant" means a person, including the
13 enforcing authority that files a complaint under W.S.
14 40-26-118;

15

16 (iii) "Conciliation" means the informal
17 negotiations among an aggrieved person, the respondent, and
18 the enforcing authority to resolve issues raised by a
19 complaint or by the investigation of the complaint;

20

21 (iv) "Conciliation agreement" means a written
22 agreement resolving the issues in conciliation;

23

1 (v) "Disability" means a mental or physical
2 impairment that substantially limits at least one (1) major
3 life activity, a record of this impairment, or being
4 regarded as having this impairment. The term does not
5 include current illegal use or addiction to any drug or
6 illegal or federally controlled substance and does not
7 apply to an individual because of an individual's sexual
8 orientation or because that individual is a transvestite;

9

10 (vi) "Discriminatory housing practice" means an
11 act prohibited by W.S. 40-26-103 through 40-26-109 or
12 conduct that is an offense under W.S. 40-26-145;

13

14 (vii) "Dwelling" means any structure or part of
15 a structure that is occupied as, or designed or intended
16 for occupancy as, a residence by one (1) or more families
17 or vacant land that is offered for sale or lease for the
18 construction or location of a structure or part of a
19 structure as previously described. "Dwelling" includes a
20 lot leased for the purpose of placing on the lot a
21 transportable home as defined in W.S. 31-1-101(a)(xxiv);

22

1 (viii) "Enforcing authority" means a Wyoming
2 state agency or nonprofit incorporated in Wyoming that has
3 been accepted as an enforcing authority for Wyoming by the
4 department of housing and urban development;

5
6 (ix) "Familial status" means one (1) or more
7 minors being domiciled with a parent or another person
8 having legal custody of the minor or minors, or the
9 designee of the parent or other person having such custody
10 with the written permission of the parent or other person.
11 The protections afforded against discrimination on the
12 basis of familial status apply to any person who is
13 pregnant or is in the process of securing legal custody of
14 any minor;

15
16 (x) "Family" includes a single individual;

17
18 (xi) "Respondent" means a person accused of a
19 violation of this chapter in a complaint of discriminatory
20 housing practice or a person identified as an additional or
21 substitute respondent under W.S. 40-26-121 or an agent of
22 an additional or substitute respondent;

23

1 (xii) "To rent" includes to lease, sublease, or
2 let, or to grant in any other manner, for a consideration,
3 the right to occupy premises not owned by the occupant.
4

5 **40-26-103. Sale or rental.**
6

7 (a) A person may not refuse to sell or rent, after
8 the making of a bona fide offer, refuse to negotiate for
9 the sale or rental of, or in any other manner make
10 unavailable or deny a dwelling to an individual because of
11 race, color, religion, sex, disability, familial status, or
12 national origin.
13

14 (b) A person may not discriminate against an
15 individual in the terms, conditions, or privileges of sale
16 or rental of a dwelling or in providing services or
17 facilities in connection with a sale or rental of a
18 dwelling because of race, color, religion, sex, disability,
19 familial status or national origin.
20

21 (c) This section does not prohibit discrimination
22 against an individual because the individual has been
23 convicted under federal law or the law of any state of the

1 illegal manufacture or distribution of a controlled
2 substance.

3

4 **40-26-104. Publication.**

5

6 A person may not make, print or publish or effect the
7 making, printing or publishing of a notice, statement or
8 advertisement that is about the sale or rental of a
9 dwelling and that indicates any preference, limitation or
10 discrimination or the intention to make a preference,
11 limitation or discrimination because of race, color,
12 religion, sex, disability, familial status or national
13 origin.

14

15 **40-26-105. Inspection.**

16

17 A person may not represent to an individual because of
18 race, color, religion, sex, disability, familial status or
19 national origin that a dwelling is not available for
20 inspection for sale or rental when the dwelling is
21 available for inspection.

22

23 **40-26-106. Entry into neighborhood.**

1

2 A person may not, for profit, induce or attempt to induce
3 another to sell or rent a dwelling by representations
4 regarding the entry or prospective entry into a
5 neighborhood of an individual of a particular race, color,
6 religion, sex, disability, familial status or national
7 origin.

8

9 **40-26-107. Disability.**

10

11 (a) A person may not discriminate in the sale or
12 rental of, or make unavailable or deny, a dwelling to any
13 buyer or renter because of a disability of:

14

15 (i) The buyer or renter;

16

17 (ii) An individual residing in or intending to
18 reside in that dwelling after it is sold, rented, or made
19 available; or

20

21 (iii) Any individual associated with the buyer
22 or renter.

23

1 (b) A person may not discriminate against an
2 individual in the terms, conditions or privileges of sale
3 or rental of a dwelling or in the provision of services or
4 facilities in connection with the dwelling because of a
5 disability of:

6

7 (i) That individual;

8

9 (ii) An individual residing in or intending to
10 reside in that dwelling after it is sold, rented, or made
11 available; or

12

13 (iii) Any individual associated with that
14 individual.

15

16 (c) In this section, discrimination includes:

17

18 (i) A refusal to permit, at the expense of the
19 individual having a disability, a reasonable modification
20 of existing premises occupied or to be occupied by the
21 individual if the modification may be necessary to afford
22 the individual full enjoyment of the premises, except that,
23 in the case of a rental, the landlord may condition, when

1 it is reasonable to do so, permission for a modification on
2 the renter agreeing to restore the interior of the premises
3 to the condition that existed before the modification,
4 reasonable wear and tear excepted;

5

6 (ii) A refusal to make a reasonable
7 accommodation in rules, policies, practices or services if
8 the accommodation may be necessary to afford the individual
9 equal opportunity to use and enjoy a dwelling; or

10

11 (iii) The failure to design and construct a
12 covered multifamily dwelling in a manner that allows the
13 public use and common use portions of the dwellings to be
14 readily accessible to and usable by individuals having a
15 disability, that allows all doors designed to allow passage
16 into and within all premises within the dwellings to be
17 sufficiently wide to allow passage by an individual who has
18 a disability and who is in a wheelchair, and that provides
19 all premises within the dwellings contain the following
20 features of adaptive design:

21

22 (A) An accessible route into and throughout
23 the dwelling;

1

2 (B) Light switches, electrical outlets,
3 thermostats, and other environmental controls in accessible
4 locations;

5

6 (C) Reinforcements in bathroom walls to
7 allow later installation of grab bars; and

8

9 (D) Kitchens and bathrooms that are usable
10 and have sufficient space in which an individual in a
11 wheelchair can maneuver.

12

13 (d) Compliance with the appropriate requirements of
14 the American national standard for buildings and facilities
15 providing accessibility and usability for individuals
16 having physical disabilities, as that standard exists on
17 July 1, 2015, satisfies the requirements of adaptive design
18 in paragraph (c)(iii) of this section.

19

20 (e) The adaptive design requirements of subparagraph
21 (c)(iii)(A) of this section do not apply to a building the
22 first occupancy of which occurred on or before March 13,
23 1991.

1

2 (f) This section does not require a dwelling to be
3 made available to an individual whose tenancy would
4 constitute a direct threat to the health or safety of other
5 individuals whose tenancy would result in substantial
6 physical damage to the property of others.

7

8 (g) Covered multifamily dwellings are buildings
9 consisting of four (4) or more units if the buildings have
10 one (1) or more elevators and ground floor units in other
11 buildings consisting of four (4) or more units.

12

13 **40-26-108. Residential real estate related**
14 **transaction.**

15

16 A person whose business includes engaging in residential
17 real estate related transactions may not discriminate
18 against an individual in making a real estate related
19 transaction available or in the terms or conditions of a
20 real estate related transaction because of race, color,
21 religion, sex, disability, familial status or national
22 origin. A residential real estate related transaction is
23 the selling, brokering or appraising of residential real

1 property or the making or purchasing of loans or the
2 provision of other financial assistance to purchase,
3 construct, improve, repair, maintain a dwelling, or to
4 secure residential real estate. Nothing in this section
5 prohibits a person engaged in the business of furnishing
6 appraisals of real property to take into consideration
7 factors other than race, color, religion, sex, disability,
8 familial status or national origin.

9

10 **40-26-109. Brokerage services.**

11

12 A person may not deny an individual access to, or
13 membership or participation in, a multiple-listing service,
14 real estate brokers' organization, or other service,
15 organization or facility relating to the business of
16 selling or renting dwellings, or discriminate against an
17 individual in the terms or conditions of access, membership
18 or participation in the organization, service or facility
19 because of race, color, religion, sex, disability, familial
20 status or national origin.

21

22 **40-26-110. Sales and rentals exempted.**

23

1 (a) W.S. 40-26-103 through 40-26-109 do not apply to
2 the sale or rental of a single family house sold or rented
3 by the owner if the owner does not own more than three (3)
4 single family houses at any one (1) time or own any
5 interest in, nor is there owned or reserved on the person's
6 behalf, under any express or voluntary agreement, title to
7 or any right to any part of the proceeds from the sale or
8 rental of more than three (3) single family houses at any
9 one (1) time. In addition, the house must be sold or
10 rented without the use of the sales or rental facilities or
11 services of a licensed real estate broker, agent or of a
12 person in the business of selling or renting dwellings, or
13 of an employee or agent of any such broker, agent, or
14 person; or the publication, posting or mailing of a notice,
15 statement or advertisement prohibited by W.S. 40-26-104.
16 The exemption provided in this subsection applies only to
17 one (1) sale or rental in a twenty-four (24) month period,
18 if the owner was not the most recent resident of the house
19 at the time of the sale or rental. For the purposes of
20 this subsection, a person is in the business of selling or
21 renting dwellings if the person:

22

1 (i) Within the preceding twelve (12) months, has
2 participated as principal in three (3) or more transactions
3 involving the sale or rental of any dwelling or any
4 interest in a dwelling; or

5
6 (ii) Within the preceding twelve (12) months,
7 has participated as agent, other than in the sale of the
8 person's own personal residence, in providing sales or
9 rental facilities or sales or rental services in two (2) or
10 more transactions involving the sale or rental of any
11 dwelling or any interest in a dwelling; or

12
13 (iii) Is the owner of any dwelling designed or
14 intended for occupancy by, or occupied by, five (5) or more
15 families.

16
17 (b) W.S. 40-26-103 and 40-26-105 through 40-26-109 do
18 not apply to the sale or rental of the rooms or units in a
19 dwelling containing living quarters occupied by or intended
20 to be occupied by not more than four (4) families living
21 independently of each other, if the owner maintains and
22 occupies one (1) of the living quarters as the owner's
23 residence.

1

2 **40-26-111. Religious organization, private club, and**
3 **appraisal exemption.**

4

5 (a) This chapter does not prohibit a religious
6 organization, association or society or a nonprofit
7 institution or organization operated, supervised or
8 controlled by or in conjunction with a religious
9 organization, association or society from limiting the
10 sale, rental or occupancy of dwellings that it owns or
11 operates for other than a commercial purpose to individuals
12 of the same religion or giving preference to persons of the
13 same religion, unless membership in the religion is
14 restricted because of race, color or national origin.

15

16 (b) This chapter does not prohibit a private club
17 that is not in fact open to the public and that, as an
18 incident to its primary purpose, provides lodging that it
19 owns or operates for other than a commercial purpose from
20 limiting the rental or occupancy of the lodging to its
21 members or from giving preference to its members, unless
22 membership in the club is restricted because of race, color
23 or national origin.

1

2 (c) This chapter does not prohibit a person engaged
3 in the business of furnishing appraisals of real property
4 from considering in those appraisals factors other than
5 race, color, religion, sex, disability, familial status or
6 national origin.

7

8 **40-26-112. Housing for elderly exempted.**

9

10 (a) The provisions of this chapter relating to
11 familial status and age do not apply to housing that the
12 secretary of housing and urban development determines is
13 specifically designed and operated to assist elderly
14 individuals under a federal program; the enforcing
15 authority determines is specifically designed and operated
16 to assist elderly individuals under a state program; is
17 intended for, and solely occupied by, individuals sixty-two
18 (62) years of age or older; or is intended and operated for
19 occupancy by at least one (1) individual fifty-five (55)
20 years of age or older for each unit as determined by
21 enforcing authority rules. In determining whether housing
22 qualifies as housing for elderly because it is intended and
23 operated for occupancy by at least one (1) individual

1 fifty-five (55) years of age or older for each unit, the
2 enforcing authority shall adopt rules that require at least
3 the following factors:

4

5 (i) That at least eighty percent (80%) of the
6 units are occupied by at least one (1) individual
7 fifty-five (55) years of age or older per unit; and

8

9 (ii) The publication of, and adherence to,
10 policies and procedures which demonstrate an intent by the
11 owner or manager to provide housing for individuals
12 fifty-five (55) years of age or older.

13

14 (b) Housing may not be considered to be in violation
15 of the requirements for housing for elderly under this
16 section by reason of:

17

18 (i) Individuals residing in the housing as of
19 July 1, 2015, who do not meet the age requirements of this
20 section, provided that new occupants of the housing meet
21 the age requirements; or

22

1 (ii) Unoccupied units, provided that the units
2 are reserved for occupancy by individuals who meet the age
3 requirements of this section.

4
5 **40-26-113. Effect on other law.**

6
7 (a) This chapter does not affect a reasonable local
8 or state restriction on the maximum number of occupants
9 permitted to occupy a dwelling or a restriction relating to
10 health or safety standards.

11
12 (b) This chapter does not affect a requirement of
13 nondiscrimination in any other state or federal law.

14
15 **40-26-114. Duties and powers of enforcing authority.**

16
17 The enforcing authority shall administer this chapter. The
18 enforcing authority may adopt rules necessary to implement
19 this chapter, but substantive rules adopted by the
20 enforcing authority shall impose obligations, rights and
21 remedies that are the same as are provided in federal fair
22 housing regulations. Within the limits of legislative
23 appropriations, the enforcing authority shall foster

1 prevention of discrimination under this chapter through
2 education for the public, landlords, publishers, real
3 estate licensees, lenders and sellers on the rights and
4 responsibilities provided under this chapter and ways to
5 respect those protected rights. The enforcing authority
6 shall emphasize conciliation to resolve complaints.

7

8 **40-26-115. Complaints.**

9

10 As provided by W.S. 40-26-118 through 40-26-135, the
11 enforcing authority shall receive, investigate, seek to
12 conciliate and act on complaints alleging violations of
13 this chapter.

14

15 **40-26-116. Cooperation with other entities.**

16

17 The enforcing authority shall cooperate with and may
18 provide technical and other assistance to federal, state,
19 local and other public or private entities that are
20 designing or operating programs to prevent or eliminate
21 discriminatory housing practices.

22

1 **40-26-117. Gifts and grants; fair housing fund;**
2 **continuing appropriation.**

3

4 The enforcing authority may accept grants from the federal
5 government for administering this chapter. Grants received
6 shall be deposited with the state treasurer in an account
7 created for the fair housing act. Monies deposited into
8 the account are to be appropriated to the enforcing
9 authority on a continuing basis for the purposes of
10 administering this chapter.

11

12 **40-26-118. Complaint.**

13

14 (a) The enforcing authority shall investigate
15 complaints of alleged discriminatory housing practices. An
16 aggrieved person may file a complaint with the enforcing
17 authority alleging the discriminatory housing practice.
18 The enforcing authority may file a complaint. A complaint
19 shall be in writing and shall contain such information and
20 be in such form as prescribed by the enforcing authority.
21 A complaint shall be filed on or before the first
22 anniversary of the date the alleged discriminatory housing

1 practice occurs or terminates, whichever is later. A
2 complaint may be amended at any time.

3

4 (b) On the filing of a complaint, the enforcing
5 authority shall give the aggrieved person notice that the
6 complaint has been received, advise the aggrieved person of
7 the time limits and choice of forums under this chapter,
8 and not later than the tenth day after the date of the
9 filing of the complaint or the identification of an
10 additional or substitute respondent under W.S. 40-26-121,
11 serve on each respondent a notice identifying the alleged
12 discriminatory housing practice and advising the respondent
13 of the procedural rights and obligations of a respondent
14 under this chapter and a copy of the original complaint.

15

16 **40-26-119. Answer.**

17

18 (a) Not later than the tenth day after the date of
19 receipt of the notice and copy of the complaint under W.S.
20 40-26-118(b), a respondent may file an answer to the
21 complaint. An answer shall be in writing, under oath, and
22 in the form prescribed by the enforcing authority.

23

1 (b) An answer may be amended at any time. An answer
2 does not inhibit the investigation of a complaint.

3

4 **40-26-120. Investigation.**

5

6 (a) If the federal government has referred a
7 complaint to the enforcing authority or has deferred
8 jurisdiction over the subject matter of the complaint to
9 the enforcing authority, the enforcing authority shall
10 investigate the allegations set forth in the complaint.

11

12 (b) The enforcing authority shall investigate all
13 complaints and, except as provided by subsection (c) of
14 this section, shall complete an investigation not later
15 than the hundredth day after the date the complaint is
16 filed or, if it is impracticable to complete the
17 investigation within the one hundred (100) day period,
18 shall dispose of all administrative proceedings related to
19 the investigation not later than the first anniversary
20 after the date the complaint is filed.

21

22 (c) If the enforcing authority is unable to complete
23 an investigation within the time periods prescribed by

1 subsection (b) of this section, the enforcing authority
2 shall notify the complainant and the respondent in writing
3 of the reasons for the delay.

4

5 **40-26-121. Additional or substitute respondent.**

6

7 The enforcing authority may join a person not named in the
8 complaint as an additional or substitute respondent if
9 during the investigation the enforcing authority determines
10 that the person is alleged to be engaged, to have engaged,
11 or to be about to engage in the discriminatory housing
12 practice upon which the complaint is based. In addition to
13 the information required in the notice under W.S.
14 40-26-118(b), the enforcing authority shall include in a
15 notice to a respondent joined under this section the
16 reasons for the determination that the person is properly
17 joined as a respondent.

18

19 **40-26-122. Conciliation.**

20

21 The enforcing authority shall, during the period beginning
22 with the filing of a complaint and ending with the filing
23 of a charge or a dismissal by the enforcing authority, to

1 the extent feasible, engage in conciliation with respect to
2 the complaint. A conciliation agreement between a
3 respondent and the complainant is subject to enforcing
4 authority approval. A conciliation agreement may provide
5 for binding arbitration or another method of dispute
6 resolution. Dispute resolution that results from a
7 conciliation agreement may authorize appropriate relief,
8 including monetary relief.

9

10 **40-26-123. Temporary or preliminary relief.**

11

12 The enforcing authority may authorize a claim for relief
13 for temporary or preliminary relief pending the final
14 disposition of a complaint, if the enforcing authority
15 concludes after the filing of the complaint that prompt
16 judicial action is necessary to carry out the purposes of
17 this chapter. On receipt of the enforcing authority's
18 authorization, the attorney general shall promptly file the
19 claim. A temporary restraining order or other order
20 granting preliminary or temporary relief under this section
21 is governed by the applicable statutes and the Wyoming
22 Rules of Civil Procedure. The filing of a claim for relief
23 under this section does not affect the initiation or

1 continuation of administrative proceedings under W.S.
2 40-26-131.

3

4 **40-26-124. Investigative report.**

5

6 The enforcing authority shall prepare a final investigative
7 report, including the names of and dates of contacts with
8 witnesses, a summary of correspondence and other contacts
9 with the aggrieved person and the respondent showing the
10 dates of the correspondence and contacts, a summary
11 description of other pertinent records, a summary of
12 witness statements, and answers to interrogatories. A
13 final report under this section may be amended if
14 additional evidence is discovered.

15

16 **40-26-125. Reasonable cause determination.**

17

18 (a) The enforcing authority shall determine from the
19 facts whether reasonable cause exists to believe that a
20 discriminatory housing practice has occurred or is about to
21 occur. The enforcing authority shall make this
22 determination not later than the one hundredth day after
23 the date a complaint is filed unless making the

1 determination is impracticable, or the enforcing authority
2 approves a conciliation agreement relating to the
3 complaint.

4

5 (b) If making the determination within the period is
6 impracticable, the enforcing authority shall give in
7 writing to the complainant and the respondent the reasons
8 for the delay. If the enforcing authority determines that
9 reasonable cause exists to believe that a discriminatory
10 housing practice has occurred or is about to occur, the
11 enforcing authority shall, except as provided by W.S.
12 40-26-127, immediately issue a charge on behalf of the
13 aggrieved person.

14

15 **40-26-126. Charge.**

16

17 (a) A charge issued under W.S. 40-26-125 shall
18 consist of a short and plain statement of the facts on
19 which the enforcing authority finds reasonable cause to
20 believe that a discriminatory housing practice has occurred
21 or is about to occur, shall be based on the final
22 investigative report, and is not limited to the facts or
23 grounds alleged in the complaint.

1

2 (b) Within three (3) days after issuing a charge, the
3 enforcing authority shall send a copy of the charge with
4 information about the election under W.S. 40-26-130 to each
5 respondent and each aggrieved person on whose behalf the
6 complaint was filed.

7

8 (c) The enforcing authority shall include with a
9 charge sent to a respondent a notice of the opportunity for
10 a hearing under W.S. 40-26-131.

11

12 **40-26-127. Land use law.**

13

14 If the enforcing authority determines that the matter
15 involves the legality of a state or local zoning or other
16 land use law or ordinance, the enforcing authority may
17 issue a charge and proceed with the appropriate action.

18

19 **40-26-128. Dismissal.**

20

21 If the enforcing authority determines that no reasonable
22 cause exists to believe that a discriminatory housing
23 practice that is the subject of a complaint has occurred or

1 is about to occur, the enforcing authority shall promptly
2 dismiss the complaint. The enforcing authority shall make
3 public disclosure of each dismissal.

4

5 **40-26-129. Pending civil trial.**

6

7 The enforcing authority may not issue a charge alleging a
8 discriminatory housing practice after the beginning of the
9 trial of a civil action commenced by the aggrieved party
10 under federal or state law seeking relief with respect to
11 that discriminatory housing practice.

12

13 **40-26-130. Election of judicial determination.**

14

15 A complainant, a respondent, or an aggrieved person on
16 whose behalf a complaint was filed may elect to have the
17 claims asserted in the charge decided in a civil action as
18 provided by W.S. 40-26-136. The election shall be made not
19 later than the twentieth day after the date the person
20 having the election receives service under W.S.
21 40-26-126(b) or, in the case of the enforcing authority,
22 not later than the twentieth day after the date the charge
23 is issued. The person making the election shall give

1 notice to the enforcing authority and to all other
2 complainants and respondents to whom the charge relates.

3

4 **40-26-131. Administrative hearing.**

5

6 If a timely election is not made under W.S. 40-26-130, the
7 enforcing authority shall provide for a hearing on the
8 charge. A hearing under this section on an alleged
9 discriminatory housing practice may not continue after the
10 beginning of the trial of a claim for relief commenced by
11 the aggrieved person under federal or state law seeking
12 relief with respect to the discriminatory housing practice.

13

14 **40-26-132. Administrative penalties.**

15

16 (a) If the enforcing authority determines at a
17 hearing under W.S. 40-26-131 that a respondent has engaged
18 in or is about to engage in a discriminatory housing
19 practice, the enforcing authority may order the appropriate
20 relief, including actual damages, reasonable attorney's
21 fees, court costs and other injunctive or equitable relief.

22

1 (b) To vindicate the public's interest, the enforcing
2 authority may assess a civil penalty against the respondent
3 in an amount that does not exceed:

4

5 (i) Eleven thousand dollars (\$11,000.00) if the
6 respondent has been found by order of the enforcing
7 authority or a court to have committed a prior
8 discriminatory housing practice; or

9

10 (ii) Except as provided by subsection (c) of
11 this section, twenty-seven thousand dollars (\$27,000.00) if
12 the respondent has been found by order of the enforcing
13 authority or a court to have committed one (1) other
14 discriminatory housing practice during the five (5) year
15 period ending on the date of the filing of the charges and
16 fifty-five thousand dollars (\$55,000.00) if the respondent
17 has been found by the enforcing authority or a court to
18 have committed two (2) or more discriminatory housing
19 practices during the seven (7) year period ending on the
20 date of filing of the charge.

21

22 (c) If the acts constituting the discriminatory
23 housing practice that is the object of the charge are

1 committed by the same individual who has previously been
2 found to have committed acts constituting a discriminatory
3 housing practice, the civil penalties in subsection (b) of
4 this section may be imposed without regard to the period of
5 time within which any other discriminatory housing practice
6 occurred.

7

8 (d) The enforcing agency shall sue to recover a civil
9 penalty due under this section. Funds collected under this
10 section shall be paid to the state treasurer for deposit in
11 the common school fund in the county in which the offense
12 occurred.

13

14 **40-26-133. Effect of enforcing authority order.**

15

16 An enforcing authority order under W.S. 40-26-132 does not
17 affect a contract, sale, encumbrance or lease that is
18 consummated before the enforcing authority issues the order
19 and involves a bona fide purchaser, encumbrancer or tenant
20 who did not have actual notice of the charge filed under
21 this chapter.

22

23 **40-26-134. Licensed or regulated business.**

1

2 If the enforcing authority issues an order with respect to
3 a discriminatory housing practice that occurs in the course
4 of a business subject to a licensing or regulation by a
5 governmental agency, the enforcing authority, not later
6 than the thirtieth day after the date the order is issued,
7 shall send copies of the findings and the order to the
8 governmental agency and recommend to the governmental
9 agency appropriate disciplinary action.

10

11 **40-26-135. Order in preceding five years.**

12

13 If the enforcing authority issues an order against a
14 respondent against whom another order was issued within the
15 preceding five (5) years under W.S. 40-26-133, the
16 enforcing authority shall send a copy of each order to the
17 attorney general.

18

19 **40-26-136. Attorney general action for enforcement.**

20

21 If a timely election is made under W.S. 40-26-130, the
22 attorney general shall file not later than the thirtieth
23 day after the date of the election a claim for relief

1 seeking relief on behalf of the aggrieved person in a
2 district court. Venue for an action is in the county in
3 which the alleged discriminatory housing practice occurred
4 or is about to occur. An aggrieved person may intervene in
5 the action. If the court finds that a discriminatory
6 housing practice has occurred or is about to occur, the
7 court may grant as relief any relief that a court may grant
8 in a civil action under W.S. 40-26-129 through 40-26-143.
9 If monetary relief is sought for the benefit of an
10 aggrieved person who does not intervene in the civil
11 action, the court may not award the monetary relief if that
12 aggrieved person has not complied with discovery orders
13 entered by the court.

14

15 **40-26-137. Pattern or practice case; penalties.**

16

17 (a) The attorney general may file a claim for relief
18 in district court for appropriate relief if the enforcing
19 authority has reasonable cause to believe that a person is
20 engaged in a pattern or practice of resistance to the full
21 enjoyment of a right granted under this chapter or a person
22 has been denied a right granted by this chapter and that
23 denial raises an issue of general public importance.

1

2 (b) In an action under this section, the court may:

3

4 (i) Award preventive relief, including a
5 permanent or temporary injunction, restraining order, or
6 other order against the person responsible for a violation
7 of this chapter as necessary to assure the full enjoyment
8 of the rights granted by this chapter;

9

10 (ii) Award other appropriate relief, including
11 monetary damages, reasonable attorney's fees, and court
12 costs; and

13

14 (iii) To vindicate the public interest, assess a
15 civil penalty against the respondent in an amount that does
16 not exceed fifty thousand dollars (\$50,000.00) for a first
17 violation and one hundred thousand dollars (\$100,000.00)
18 for a second or subsequent violation.

19

20 (c) A person may intervene in an action under this
21 section if the person is a person aggrieved by the
22 discriminatory housing practice or a party to a

1 conciliation agreement concerning the discriminatory
2 housing practice.

3

4 **40-26-138. Subpoena enforcement.**

5

6 The attorney general, on behalf of the enforcing authority
7 or another party at whose request a subpoena is issued
8 under this chapter, may enforce the subpoena in appropriate
9 proceedings in district court.

10

11 **40-26-139. Civil action.**

12

13 (a) An aggrieved person may file a civil action in
14 district court not later than the second year after the
15 date of the occurrence or the termination of an alleged
16 discriminatory housing practice or the breach of a
17 conciliation agreement entered under this chapter,
18 whichever occurs last, to obtain appropriate relief with
19 respect to the discriminatory housing practice or breach.

20

21 (b) The two (2) year period does not include any time
22 during which an administrative hearing under this chapter
23 is pending with respect to a complaint or charge under this

1 chapter based on the discriminatory housing practice. This
2 subsection does not apply to actions arising from the
3 breach of a conciliation agreement.

4

5 (c) An aggrieved person may file a claim for relief
6 whether a complaint has been filed under W.S. 40-26-118 and
7 without regard to the status of any complaint filed under
8 that section.

9

10 (d) If the enforcing authority has obtained a
11 conciliation agreement with the consent of an aggrieved
12 person, the aggrieved person may not file a claim for
13 relief with respect to the alleged discriminatory housing
14 practice that forms the basis of the complaint except to
15 enforce the terms of the agreement.

16

17 (e) An aggrieved person may not file a claim for
18 relief with respect to an alleged discriminatory housing
19 practice that forms the basis of a charge issued by the
20 enforcing authority if the enforcing authority has begun a
21 hearing on the record under this chapter with respect to
22 the charge.

23

1 **40-26-140. Relief granted.**

2

3 If the court finds that a discriminatory housing practice
4 has occurred or is about to occur, the court may award to
5 the plaintiff actual and punitive damages, reasonable
6 attorney's fees, court costs, and subject to W.S.
7 40-26-142, a permanent or temporary injunction, temporary
8 restraining order, or other order, including an order
9 enjoining the defendant from engaging in the practice or
10 ordering appropriate affirmative action.

11

12 **40-26-141. Effect of relief granted.**

13

14 Relief granted under W.S. 40-26-139 through 40-26-143 does
15 not affect a contract, sale, encumbrance or lease that is
16 consummated before the granting of the relief and involves
17 a bona fide purchaser, encumbrancer or tenant who did not
18 have actual notice of the filing of a complaint or civil
19 action under this chapter.

20

21 **40-26-142. Intervention by attorney general.**

22

1 The attorney general may intervene in an action under W.S.
2 40-26-139 through 40-26-143 if the attorney general
3 certifies that the case is of general public importance.
4 The attorney general may obtain the same relief as is
5 available to the attorney general under W.S. 40-26-137(b).

6

7 **40-26-143. Prevailing party.**

8

9 A court in an action brought under this chapter or the
10 enforcing authority in an administrative hearing under W.S.
11 40-26-131 may award reasonable attorney's fees to the
12 prevailing party and assess court costs against the
13 nonprevailing party.

14

15 **40-26-144. Intimidation or interference; penalty.**

16

17 (a) A person commits an offense if the person,
18 without regard to whether the person is acting under color
19 of law, by force or threat of force, intentionally
20 intimidates or interferes with an individual:

21

22 (i) Because of the individual's race, color,
23 religion, sex, disability, age, familial status, national

1 origin or status with respect to marriage or public
2 assistance and because the individual is or has been
3 selling, purchasing, renting, financing, occupying or
4 contracting or negotiating for the sale, purchase, rental,
5 financing or occupation of any dwelling or applying for or
6 participating in a service, organization or facility
7 relating to the business of selling or renting dwellings;
8 or
9

10 (ii) Because the individual is or has been or to
11 intimidate the individual from:
12

13 (A) Participating, without discrimination
14 because of race, color, religion, sex, disability, familial
15 status or national origin in an activity, service,
16 organization or facility described by paragraph (i) of this
17 subsection;
18

19 (B) Affording another individual
20 opportunity or protection to so participate; or
21

22 (C) Lawfully aiding or encouraging other
23 individuals to participate, without discrimination because

1 of race, color, religion, sex, disability, familial status
2 or national origin, or status with respect to marriage or
3 public assistance, in an activity, service, organization,
4 or facility described in paragraph (i) of this subsection.

5

6 (b) It is a discriminatory practice to coerce,
7 intimidate, threaten or interfere with any individual in
8 the exercise or enjoyment of, or on account of the
9 individual having exercised or enjoyed, or on account of
10 the individual having aided or encouraged any other
11 individual in the exercise or enjoyment of, any right
12 granted or protected by this chapter.

13

14 (c) An offense under subsection (a) or (b) of this
15 section is a misdemeanor.

16

17 **40-26-145. Records exempt.**

18

19 A complaint filed with the enforcing authority under W.S.
20 40-26-118 is an open record. Information obtained during
21 an investigation conducted by the enforcing authority under
22 this chapter can be used in any judicial proceedings or
23 administrative hearing relating to the complaint under this

1 chapter or before the administrative closure of a complaint
2 by the enforcing authority. The enforcing authority may
3 disclose to the complainant or the respondent, or
4 representatives of the complainant or respondent,
5 information obtained during an investigation if deemed
6 necessary by the enforcing authority for securing an
7 appropriate resolution of a complaint. The enforcing
8 authority may disclose information obtained during an
9 investigation to a federal agency if necessary for the
10 processing of complaints under an agreement with the
11 agency. Individually identifiable health information
12 obtained during an investigation may not be disclosed by
13 the enforcing authority except to a federal agency if
14 necessary for the processing of complaints under an
15 agreement with the agency. Statements made or actions
16 taken during conciliation efforts relating to a complaint
17 under this chapter may not be disclosed by the enforcing
18 authority, except to a federal agency if necessary for the
19 processing of complaints under an agreement with the
20 agency, and may not be used as evidence in a subsequent
21 proceeding under this chapter without the written consent
22 of the parties to the conciliation. A conciliation
23 agreement is an open record unless the complainant and

1 respondent agree that it is not and the enforcing authority
2 determines that disclosure is not necessary to further the
3 purposes of this chapter.

4

5 **Section 2.** This act is effective July 1, 2015.

6

7

(END)