STATE OF OKLAHOMA

1st Session of the 43rd Legislature (1991)

SENATE BILL NO. 204 BY: MILES-LaGRANGE of the SENATE

and

McCORKELL of the HOUSE

AS INTRODUCEDAN ACT RELATING TO DEFINITIONS AND GENERAL PROVISIONS; AMENDING 25 O.S. 1981, SECTION 1101, AS AMENDED BY SECTION 1, CHAPTER 165, O.S.L. 1985 (25 O.S. SUPP. 1990, SECTION 1101), WHICH RELATES TO THE PURPOSE OF CIVIL RIGHTS ACTS IN OKLAHOMA; MODIFYING PURPOSE; AMENDING SECTION 1, CHAPTER 289, O.S.L. 1985 (25 O.S. SUPP. 1990, SECTION 1451), WHICH RELATES TO DEFINITIONS; MODIFYING, ADDING, AND DELETING CERTAIN DEFINITIONS; AMENDING SECTION 2, CHAPTER 289, O.S.L. 1985 (25 O.S. SUPP. 1990, SECTION 1452), WHICH RELATES TO DISCRIMINATORY HOUSING PRACTICES; MODIFYING AND ADDING CERTAIN PROHIBITIONS; PROVIDING CERTAIN EXEMPTIONS; LIMITING SCOPE OF ACT; AMENDING SECTION 3, CHAPTER 289, O.S.L. 1985 (25 O.S. SUPP. 1990, SECTION 1453), WHICH RELATES TO CERTAIN EXEMPT PRACTICES RELATING TO HOUSING DISCRIMINATION; DELETING AND ADDING CERTAIN EXEMPTIONS; AMENDING 25 O.S. 1981, SECTION 1501, AS LAST AMENDED BY SECTION 3, CHAPTER 353, O.S.L. 1989 (25 O.S. SUPP. 1990, SECTION 1501), WHICH RELATES TO POWERS OF THE HUMAN RIGHTS COMMISSION; ADDING CERTAIN DUTIES OF SUCH COMMISSION; AMENDING 25 O.S. 1981, SECTION 1502, WHICH RELATES TO PROCEEDINGS AFTER CERTAIN DISCRIMINATION COMPLAINTS; EXEMPTING CERTAIN PERSONS AGGRIEVED BY

CERTAIN PRACTICES UNDER CERTAIN CONDITIONS; AMENDING SECTION 4, CHAPTER 289, O.S.L. 1985 (25 O.S. SUPP. 1990, SECTION 1502.1), WHICH RELATES TO TEMPORARY INJUNCTIONS AND RESTRAINING ORDERS; REQUIRING SECTION TO BE SUBJECT TO CERTAIN PROVISIONS; PROVIDING FOR THE ADMINISTRATIVE ENFORCEMENT OF HOUSING DISCRIMINATION COMPLAINTS; PROVIDING RIGHTS AND PROCEDURES FOR INVESTIGATIONS, FILING, AND AMENDING OF COMPLAINTS AND NOTICE; PROVIDING FOR ANSWERS FOR SUCH COMPLAINTS AND PROCEDURES RELATED THERETO; REQUIRING CERTAIN INVESTIGATIONS; PROVIDING CERTAIN TIME LIMITATIONS RELATING TO SUCH INVESTIGATIONS; REQUIRING CERTAIN NOTICE FOR CERTAIN DELAYS IN SUCH INVESTIGATIONS; PROVIDING FOR THE JOINDER OF ADDITIONAL OR SUBSTITUTE RESPONDENTS, AND PROCEDURES RELATED THERETO; AUTHORIZING CONCILIATION; PROVIDING FOR CERTAIN RIGHTS, PROHIBITIONS, AND PROCEDURES RELATED TO SUCH CONCILIATION; PROVIDING FOR CERTAIN TEMPORARY AND PRELIMINARY RELIEF, AND RIGHTS AND PROCEDURES RELATED TO SUCH RELIEF; REQUIRING CERTAIN INVESTIGATIVE REPORTS; SPECIFYING CONTENTS OF SUCH REPORTS; AUTHORIZING AMENDMENTS TO SUCH REPORTS; PROVIDING FOR CERTAIN REASONABLE CAUSE DETERMINATIONS, AND CONDITIONS, RIGHTS, AND PROCEDURES RELATED THERETO; PROVIDING EXEMPTIONS FROM SUCH DETERMINATIONS; REQUIRING NOTICE FOR DELAY IN SUCH DETERMINATIONS; SPECIFYING CERTAIN CHARGES AND PROCEDURES RELATED THERETO; REQUIRING THE COMMISSION TO REFER CERTAIN LAND USE MATTERS; REQUIRING CERTAIN DISMISSALS; REQUIRING PUBLIC DISCLOSURE OF SUCH DISMISSAL; PROHIBITING THE ISSUANCE OF CERTAIN CHARGES UNDER CERTAIN CONDITIONS; AUTHORIZING THE ELECTION OF CERTAIN PARTIES FOR JUDICIAL DETERMINATIONS; PROVIDING FOR RIGHTS AND PROCEDURES RELATED TO SUCH ELECTION; REQUIRING THE ATTORNEY GENERAL TO FILE CERTAIN CIVIL ACTIONS UNDER CERTAIN CONDITIONS; PROVIDING FOR RIGHTS AND PROCEDURES RELATED TO SUCH ACTIONS; PROHIBITING CERTAIN RELIEF; AMENDING 25 O.S. 1981, SECTION 1503, AS AMENDED BY SECTION 13, CHAPTER 165, O.S.L. 1985 (25 O.S. SUPP. 1990, SECTION 1503), WHICH RELATES TO HEARINGS BEFORE THE HUMAN RIGHTS COMMISSION; PROVIDING

CERTAIN LIMITATIONS CONCERNING DISCRIMINATORY HOUSING COMPLAINTS; AMENDING 25 O.S. 1981, SECTION 1505, AS AMENDED BY SECTION 6, CHAPTER 289, O.S.L. 1985 (25 O.S. SUPP. 1990, SECTION 1505), WHICH RELATES TO DETERMINATIONS AND RELIEF CONCERNING DISCRIMINATORY PRACTICES; MODIFYING SUCH RELIEF AND AWARDS; ADDING CERTAIN RELIEF; AUTHORIZING CERTAIN CIVIL PENALTIES; AUTHORIZING THE ATTORNEY GENERAL TO RECOVER CERTAIN CIVIL PENALTIES; LIMITING THE EFFECT OF CERTAIN COMMISSION ORDERS; PROVIDING PROCEDURES RELATING TO COMMISSION ORDERS; AUTHORIZING CERTAIN PRIVATE PERSONS TO INITIATE CERTAIN CIVIL ACTIONS; PROVIDING FOR RELIEF; PROVIDING RIGHTS, PROCEDURES AND LIMITATIONS FOR SUCH ACTIONS; AUTHORIZING COURT APPOINTED ATTORNEYS FOR CERTAIN PERSONS; AUTHORIZING CERTAIN AWARDS AND OTHER RELIEF CONCERNING FINDINGS RELATING TO DISCRIMINATORY HOUSING PRACTICES; LIMITING THE EFFECT OF SUCH RELIEF; AUTHORIZING THE INTERVENTION OF THE ATTORNEY GENERAL IN CERTAIN ACTIONS UNDER CERTAIN CONDITIONS; AUTHORIZING THE ATTORNEY GENERAL TO FILE CERTAIN ACTIONS IN CERTAIN PATTERN OR PRACTICE CASES; PROVIDING FOR RIGHTS, PROCEDURES, LIMITATIONS, AND RELIEF IN SUCH ACTIONS; AUTHORIZING THE ATTORNEY GENERAL TO ENFORCE CERTAIN SUBPOENAS; AUTHORIZING THE AWARD OF COURT COSTS AND ATTORNEYS FEES; PROHIBITING CERTAIN ACTS; PROVIDING PENALTIES; SPECIFYING CERTAIN CRIMINAL ACTS; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 25 O.S. 1981, Section 1101, as amended by Section 1, Chapter 165, O.S.L. 1985 (25 O.S. Supp. 1990, Section 1101), is amended to read as follows:

Section 1101. ~~(a)~~ A. The general purposes of this act are to provide for execution within the state of the policies embodied in the federal Civil Rights Act of 1964, the federal Age Discrimination in Employment Act of 1967, and Section 504 of the federal Rehabilitation Act of 1973 to make uniform the law of those states which enact this act, and to provide rights and remedies substantially equivalent to those granted under the Federal Fair Housing Law.

~~(b)~~ B. This act shall be construed according to the fair import of its terms and shall be liberally construed to further the general purposes stated in this section and the special purposes of the particular provision involved.

SECTION 2. AMENDATORY Section 1, Chapter 289, O.S.L. 1985 (25 O.S. Supp. 1990, Section 1451), is amended to read as follows:

Section 1451. As used in Sections ~~1 through 7~~ 1451 through 1453 of this ~~act~~ title:

1. "Elderly person" means any natural person fifty-five (55) years of age or older.

2. ~~"Housing"~~ "Dwelling" means ~~any building, structure, or portion thereof which is occupied as, designed, or intended for occupancy as a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof~~:

a. any building, structure, or part of a building or structure that is occupied as, or designed or intended for occupancy as, a residency by one or more families; or

b. any vacant land that is offered for sale or lease for the construction or location of a building, structure,

or part of a building or structure by subparagraph a of this paragraph.

3. "Person" includes one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers and fiduciaries, the state, and all political subdivisions and agencies thereof.

4. "Restrictive covenants" means any specification limiting the transfer, rental, or lease of any dwelling because of race, color, religion, sex, national origin, age, ~~or~~ handicap or familial status.

5. "Discriminatory housing practices" means an act that is prohibited pursuant to Section ~~2~~ 1452 of this ~~act~~ title.

6. ~~"Handicapped person"~~ "Handicap" means ~~a natural person having a physical or mental impairment which substantially limits one or more of a major life activity of such person and includes a record of such an impairment or being regarded as having such an impairment~~ a mental or physical impairment that substantially limits at least one (1) major life activity, when there is a record of such an impairment, or the individual is regarded as having such an impairment. The term does not include current illegal use of or addiction to any drug or illegal or federally controlled substance. For purposes of this act, "an individual with a handicap" or "handicap" does not apply to an individual because of sexual orientation of the individual or because that individual is a transvestite.

7. "Unlawful discriminatory practice because of age" means an act prohibited pursuant to Section ~~2~~ 1452 of this ~~act~~ title against a person at least eighteen (18) years of age or older solely on that basis.

8. "Aggrieved person" means any person who:

a. claims to have been injured by a discriminatory housing practice, or

b. believes that he will be injured by a discriminatory housing practice that is about to occur.

9. "Complainant" means a person, the Commission, or the Attorney General, who files a complaint pursuant to Section 1452 of this title.

10. "Commission" means the Oklahoma Human Rights Commission.

11. "Conciliation" means the attempted resolution of issues raised by a complaint or by the investigation of the complaint, through informal negotiations involving the aggrieved person, the respondent, and the Commission.

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

13. "Discriminatory housing practice" means an act prohibited by Section 1452 of this title.

14. "Family" includes a single individual.

15. "Respondent" means:

a. the person accused of a violation of this act in a complaint of a discriminatory housing practice, or

b. any person identified as an additional or substitute respondent pursuant to Section 11 of this act or an agent of an additional or substitute respondent.

16. "To rent" includes to lease, to sublease, to let, or to otherwise grant for a consideration the right to occupy premises not owned by the occupant.

17. For purposes of this act, a discriminatory act is committed because of familial status if the act is committed because the person who is the subject of discrimination is:

a. pregnant,

b. domiciled with an individual less than eighteen (18) years of age in regard to whom the person:

(1) is the parent or legal custodian, or

(2) has the written permission of the parent or legal custodian for domicile with that person, or

c. in the process of obtaining legal custody of an individual less than eighteen (18) years of age.

SECTION 3. AMENDATORY Section 2, Chapter 289, O.S.L. 1985 (25 O.S. Supp. 1990, Section 1452), is amended to read as follows:

Section 1452. A. It shall be an unlawful discriminatory housing practice~~, because of race, color, religion, sex, national origin, age, or handicap,~~ for any person, or any agent or employee of such person:

1. To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of any housing, or otherwise make unavailable or deny any housing because of race, color, religion, gender, national origin, age, familial status, or handicap;

2. To discriminate against any person in the terms, conditions, or privileges of sale or rental of housing, or in the provision of services or facilities in connection with any housing because of race, color, religion, gender, national origin, age, familial status, or handicap;

3. To make, print, publish, or cause to be made, printed, or published any notice, statement, or advertisement, with respect to the sale or rental of housing that indicates any preference, limitation, discrimination, or intention to make any such preference, limitation, or discrimination because of race, color, religion, gender, national origin, age, familial status, or handicap;

4. To represent to any person, for reasons of discrimination, that any housing is not available for inspection, sale, or rental when such housing is in fact so available because of race, color,

religion, gender, national origin, age, familial status, or handicap;

5. To deny any person access~~, membership, or participation in any multiple listing service, real estate broker's organization, or other service, organization, or facility relating to the business of selling or renting housing, or to discriminate in the terms or conditions of such access, membership, or participation~~ to, or membership or participation in, a multiple-listing service, real estate brokers' organization or other service, organization, or facility relating to the business of selling or renting dwellings, or discriminate against a person in the terms or conditions of access, membership, or participation in such an organization, service, or facility because of race, color, religion, gender, national origin, age, familial status, or handicap;

6. To include in any transfer, sale, rental, or lease of housing any restrictive covenant that discriminates, or for any person to honor or exercise, or attempt to honor or exercise, any discriminatory covenant pertaining to housing because of race, color, religion, gender, national origin, age, familial status, or handicap;

7. To refuse to consider the income of both applicants when both applicants seek to buy or lease housing because of race, color, religion, gender, national origin, age, familial status, or handicap;

8. To refuse to consider as a valid source of income any public assistance, alimony, or child support, awarded by a court, when that source can be verified as to its amount, length of time received, regularity, or receipt because of race, color, religion, gender, national origin, age, familial status, or handicap;

9. To discriminate against a person in the terms, conditions, or privileges relating to the obtaining or use of financial assistance for the acquisition, construction, rehabilitation,

repair, or maintenance of any housing because of race, color, religion, gender, national origin, age, familial status, or handicap;

10. To discharge, demote, or discriminate in matters of compensation or working conditions against any employee or agent because of the obedience of said employee or agent to the provisions of this section;

11. To solicit or attempt to solicit the listing of housing for sale or lease, by door to door solicitation, in person, or by telephone, or by distribution of circulars, if one of the purposes is to change the racial composition of the neighborhood;

12. To knowingly induce or attempt to induce another person to transfer an interest in real property, or to discourage another person from purchasing real property, by representations regarding the existing or potential proximity of real property owned, used, or occupied by persons of any particular race, color, religion, ~~sex~~ gender, national origin, age, familial status or handicap, or to represent that such existing or potential proximity shall or may result in:

a. the lowering of property values,

b. a change in the racial, religious, or ethnic character of the block, neighborhood, or area in which the property is located,

c. an increase in criminal or antisocial behavior in the area, or

d. a decline in quality of the schools serving the area;

13. To refuse to rent or lease housing to a blind, deaf, or handicapped person on the basis of the person's use or possession of a bona fide, properly trained guide, signal, or service dog; ~~or~~

14. To demand the payment of an additional nonrefundable fee or an unreasonable deposit for rent from a blind, deaf, or handicapped

person for such dog. Such blind, deaf, or handicapped person may be liable for any damage done to the dwelling by such dog~~.~~;

~~B. No other categories or classes of persons are protected under this act. The Human Rights Commission shall have no authority or jurisdiction to act on complaints based on any kind of discrimination other than those kinds prohibited herein.~~

15. a. To discriminate in the sale or rental or otherwise make available or deny a dwelling to any buyer or renter because of a handicap of:

(1) that buyer or renter,

(2) a person residing in or intending to reside in that dwelling after it is sold, rented, or made available, or

(3) any person associated with that buyer or renter,

b. To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling or in the provision of services or facilities in connection with the dwelling because of a handicap of:

(1) that person,

(2) a person residing in or intending to reside in that dwelling after it is so sold, rented, or made available, or

(3) any person associated with that person;

16. For purposes of handicap discrimination in housing pursuant to this act, discrimination includes:

a. a refusal to permit, at the expense of the handicapped person, reasonable modifications of existing premises occupied or to be occupied by the person if the modifications may be necessary to afford the person full enjoyment of the premises,

b. a refusal to make reasonable accommodations in rules, policies, practices, or services, when the accommodations may be necessary to afford the person equal opportunity to use and enjoy a dwelling, or

c. in connection with the design and construction of covered multifamily dwellings for first occupancy thirty (30) months after the date of enactment of the federal Fair Housing Amendments Act of 1988 (Public Law 100-430), a failure to design and construct those dwellings in a manner that:

(1) the public use and common use portions of the dwellings are readily accessible to and usable by handicapped persons,

(2) all the doors designed to allow passage into and within all premises within the dwellings are sufficiently wide to allow passage by handicapped persons in wheelchairs, and

(3) all premises within the dwellings contain the following features of adaptive design:

(a) an accessible route into and through the dwelling,

(b) light switches, electrical outlets, thermostats, and other environmental controls in accessible locations,

(c) reinforcements in bathroom walls to allow later installation of grab bars, and

(d) usable kitchen and bathrooms so that an individual in a wheelchair can maneuver about the space,

(4) compliance with the appropriate requirements of the American National Standard for buildings and facilities providing accessibility and usability

for physically handicapped people, commonly cited as "ANSI A 117.1", suffices to satisfy the requirements of subdivision (3) of subparagraph c of this paragraph,

(5) as used in this subsection, the term "covered multifamily dwellings" means:

(a) buildings consisting of four (4) or more units if the buildings have one or more elevators, and

(b) ground floor units in other buildings consisting of four (4) or more units,

(6) nothing in this subsection requires that a dwelling be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others;

17. a. A person whose business includes engaging in residential real estate related transactions may not discriminate against a person in making a real estate related transaction available or in the terms or conditions of a real estate related transaction because of race, color, religion, gender, handicap, familial status, national origin or age,

b. In this section, "residential real estate related transaction" means:

(1) making or purchasing loans or providing other financial assistance:

(a) to purchase, construct, improve, repair, or maintain a dwelling, or

(b) to secure residential real estate, or

(2) selling, brokering, or appraising residential real property;

18. This section does not prohibit discrimination against a person because the person has been convicted under federal law or the law of any state of the illegal manufacture or distribution of a controlled substance.

B. No other categories or classes of persons are protected pursuant to this act. The Human Rights Commission shall have no authority or jurisdiction to act on complaints based on any kind of discrimination other than those kinds of discrimination prohibited pursuant to Sections 1101 et seq. of Title 25 of the Oklahoma Statutes or any other specifically authorized by law.

SECTION 4. AMENDATORY Section 3, Chapter 289, O.S.L. 1985 (25 O.S. Supp. 1990, Section 1453), is amended to read as follows:

Section 1453. Nothing provided for in Sections ~~1~~ 1451 through ~~7~~ 1453 of this ~~act~~ title shall:

~~1. Prohibit a religious organization, association, or society, or any nonprofit institution or organization operated, supervised, or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental, or occupancy of housing which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preferences to such persons, unless membership in such religion is restricted on account of race, color, or national origin. Nor shall anything in Sections 1 through 7 of this act apply to a private membership club which is a bona fide club and which is exempt from taxation pursuant to Section 501 (c) of the Internal Revenue Code of 1954;~~

~~2. Prohibit any person from refusing to sell, rent, or advertise any housing which is planned exclusively for, or occupied exclusively by elderly persons. Notwithstanding the other~~

~~provisions of this act, a person may sell, rent, or advertise housing to elderly persons only if the housing is planned exclusively for or occupied exclusively by a group of elderly persons;~~

~~3. Apply to the rental of rooms within housing in which the owner maintains his principal residence, or to the rental of any apartment, in housing containing not more than four units and in which the owner maintains his principal residence; or~~

~~4. Prevent or restrict the sale, lease, rental, transfer, or development of housing designed or intended for the use of the handicapped.~~

~~Nothing herein shall prohibit the transfer of property by will, intestate succession, or by gift.~~

1. Prohibit a religious organization, association, or society, or a nonprofit institution or organization operated, supervised, or controlled by or in conjunction with a religious organization, association, or society, from:

a. limiting the sale, rental, or occupancy of dwellings that it owns or operates for other than a commercial purpose to persons of the same religion, or

b. giving preference to persons of the same religion, unless membership in the religion is restricted because of race, color, or national origin;

2. Prohibit a private club not open to the public that, as an incident to its primary purpose, provides lodging that it owns or operates for other than a commercial purpose from limiting the rental or occupancy of that lodging to its members or from giving preference to its members;

3. Nothing provided for in Sections 1451 through 1453 of this title relating to familial status applies to housing for older persons. As used in this section, "housing for older persons" means housing:

a. that the Commission determines is specifically designed and operated to assist elderly persons pursuant to a federal or state program,

b. intended for, and solely occupied by, persons sixty-two (62) years of age or older, or

c. intended and operated for occupancy by at least one person fifty-five (55) years of age or older per unit as determined by Commission rules;

4. a. Subject to subdivision (b) of subparagraph (1) of this paragraph, this act does not apply to:

(1) the sale or rental of a single-family house sold or rented by an owner if:

(a) the owner does not:

(i) own more than three (3) single-family houses at any one time, or

(ii) own any interest in, or is there owned or reserved on his behalf, pursuant to any express or voluntary agreement, title to or any right to any part of the proceeds from the sale or rental of more than three (3) single-family houses at any one time, and

(b) the house was sold or rented without:

(i) the use of the sales or rental facilities or services of a real estate broker, agent, or salesman licensed pursuant to the Oklahoma Real Estate License Code, or of an employee or agent of a licensed broker, agent, or salesman, or the facilities or services of the owner of a dwelling designed or

intended for occupancy by five (5) or more families, or

(ii) the publication, posting, or mailing of a notice, statement, or advertisement prohibited by Section 1452 of this title, or

(2) the sale or rental of rooms or units in a dwelling containing living quarters occupied or intended to be occupied by no more than four (4) families living independently of each other, if the owner maintains and occupies one of the living quarters as the owner's residence,

b. the exemption in subdivision (1) of subparagraph a of this paragraph applies to only one sale or rental in a twenty-four-month period, if the owner was not the most recent resident of the house at the time of the sale or rental;

5. Nothing provided for in Sections 1451 through 1453 of this title shall prohibit a person engaged in the business of furnishing appraisals of real property from taking into consideration factors other than race, color, age, religion, gender, handicap, familial status, or national origin;

6. Nothing provided for in Sections 1451 through 1453 of this title shall affect a reasonable local or state restriction on the maximum number of occupants permitted to occupy a dwelling or restriction relating to health or safety standards;

7. Nothing provided for in Sections 1451 through 1453 of this title shall prevent or restrict the sale, lease, rental, transfer, or development of housing designed or intended for the use of the handicapped;

8. Nothing provided for in Sections 1451 through 1453 of this title shall affect a requirement of nondiscrimination in any other state or federal law;

9. Nothing provided for in Sections 1451 through 1453 of this title shall prohibit the transfer of property by will, intestate succession, or by gift.

SECTION 5. AMENDATORY 25 O.S. 1981, Section 1501, as last amended by Section 3, Chapter 353, O.S.L. 1989 (25 O.S. Supp. 1990, Section 1501), is amended to read as follows:

Section 1501. A. Within the limitations provided by law, the Human Rights Commission has the following additional powers:

~~(1)~~ 1. to promote the creation of local commissions on human rights, and to contract with individuals and state, local and other agencies, both public and private, including agencies of the federal government and of other states;

~~(2)~~ 2. to accept public grants or private gifts, bequests, or other payments;

~~(3)~~ 3. to receive, investigate, seek to conciliate, hold hearings on, and pass upon complaints alleging violations of this act;

~~(4)~~ 4. to furnish technical assistance requested by persons subject to this act to further compliance with the act or an order issued thereunder;

~~(5)~~ 5. to make provisions for technical and clerical assistance to an advisory committee or committees appointed in accordance with subsection (b) of Section 953 of Title 74 of the Oklahoma Statutes;

~~(6)~~ 6. to require answers to interrogatories, under the procedures established by Section 3210 of Title 12 of the Oklahoma Statutes, compel the attendance of witnesses, examine witnesses under oath or affirmation, and require the production of documents in connection with complaints filed under this act, said powers to be exercised only in relation to areas directly and materially

related to the complaint. The Commission may make rules authorizing any member or hearing examiner designated by order to pass upon a complaint after a hearing under Section 1503 of this title, and such decision must be approved in writing by a majority of the membership of the Commission;

~~(7)~~ 7. to hear, and issue orders on, complaints involving state government agencies and departments on the same basis as complaints involving private employers; and

~~(8)~~ 8. to provide technical assistance and public information to assist in preventing and eliminating discriminatory housing practices.

B. The Commission shall:

1. at least annually, publish a written report recommending legislative or other action to carry out the purposes of this act as it relates to housing discrimination;

2. make studies relating to the nature and extent of discriminatory housing practices in this state; and

3. cooperate with and, as appropriate, may provide technical and other assistance to federal, state, local, and other public or private entities that are formulating or operating programs to prevent or eliminate discriminatory housing practices.

SECTION 6. AMENDATORY 25 O.S. 1981, Section 1502, is amended to read as follows:

Section 1502. ~~(a)~~ A. A person claiming to be aggrieved by a discriminatory practice, his attorney, the Attorney General, a nonprofit organization chartered for the purpose of combatting discrimination or a member of the Commission, may file with the Commission a written sworn complaint stating that a discriminatory practice has been committed, and setting forth the facts upon which the complaint is based, and setting forth facts sufficient to enable the Commission to identify the person charged, hereinafter called the respondent. The Commission or a member of the Commission or the

staff shall promptly furnish the respondent with a copy of the complaint and shall promptly investigate the allegations of discriminatory practice set forth in the complaint. The complaint must be filed within one hundred eighty (180) days after the alleged discriminatory practice occurs.

~~(b)~~ B. If within sixty (60) days after the complaint is filed it is determined by the Commission or a member of the Commission or the staff that there is no reasonable cause to believe that the respondent has engaged in a discriminatory practice, the Commission shall issue an order dismissing the complaint and shall furnish a copy of the order to the complainant, the respondent, the Attorney General and such other public officers and persons as the Commission deems proper.

~~(c)~~ C. The complainant, within thirty (30) days after receiving a copy of an order dismissing the complaint, may file with the Commission an application for reconsideration of the order. Upon such application, the Commission or a designated member of the Commission shall make a new determination whether there is a reasonable cause to believe that the respondent has engaged in a discriminatory practice. If it is determined within thirty (30) days after the application is filed that there is no reasonable cause to believe that the respondent has engaged in a discriminatory practice, the Commission shall issue an order dismissing the complaint and furnish a copy of the order to the complainant, the respondent, the Attorney General, and such other public officers and persons as the Commission deems proper.

D. This section does not apply to persons claiming to be aggrieved by a discriminatory housing practice to the extent that it is inconsistent with specific provisions of this act relating to a discriminatory housing complaint.

SECTION 7. AMENDATORY Section 4, Chapter 289, O.S.L. 1985 (25 O.S. Supp. 1990, Section 1502.1), is amended to read as follows:

Section 1502.1 If, at any time after the filing of a verified charge, the Commission has reason to believe that a respondent has engaged in any unlawful discriminatory practice, the Commission may file a petition in the district court in a county in which the subject of the complaint occurs, or in a county in which a respondent resides or transacts business, seeking appropriate temporary injunctive relief against the respondent pending final determination of proceedings pursuant to this act, including an order or decree restraining him from doing an act tending to render ineffectual an order the Commission may enter with respect to the complaint. The court shall have power to grant injunctive relief or a restraining order as it deems just and proper, but no relief or order shall be granted except by consent of the respondent or after hearing upon notice to the respondent and a finding by the court that there is reasonable cause to believe that the respondent has engaged in a discriminatory practice. Except as modified by this section, the Oklahoma rules of civil procedure shall apply to an application, and the district court shall have authority to grant or deny the relief sought on conditions as it deems just and equitable. <u>This section is subject to the provisions of Section 13 of this act.</u>

SECTION 8. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1502.2 of Title 25, unless there is created a duplication in numbering, reads as follows:

A. The Commission shall investigate alleged discriminatory housing practices.

B. A complaint must be:

1. in writing;

2. under oath; and

3. in the form prescribed by the Commission.

C. An aggrieved person may, not later than one (1) year after an alleged discriminatory housing practice has occurred or terminated, whichever is later, file a complaint with the Commission alleging the discriminatory housing practice.

D. Not later than one (1) year after an alleged discriminatory housing practice has occurred or terminated, whichever is later, the Commission may file its own complaint.

E. A complaint may be amended at any time.

F. On the filing of a complaint the Commission shall:

1. give the aggrieved person notice that the complaint has been received;

2. advise the aggrieved person of the time limits and choice of forums pursuant to this act; and

3. not later than the 20th day after the filing of the complaint or the identification of an additional respondent pursuant to Section 11 of this act, serve on each respondent:

a. a notice identifying the alleged discriminatory housing practice and advising the respondent of the procedural rights and obligations of a respondent pursuant to this act, and

b. a copy of the original complaint.

SECTION 9. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1502.3 of Title 25, unless there is created a duplication in numbering, reads as follows:

A. Not later than the 10th day after receipt of the notice and copy pursuant to paragraph 3 of subsection F of Section 8 of this act, a respondent may file an answer to the complaint.

B. An answer must be:

1. in writing;

2. under oath; and

3. in the form prescribed by the Commission.

C. An answer may be amended at any time.

D. An answer does not inhibit the investigation of a complaint.

SECTION 10. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1502.4 of Title 25, unless there is created a duplication in numbering, reads as follows:

A. If the federal government has referred a complaint to the Commission or has deferred jurisdiction over the subject matter of the complaint to the Commission, the Commission shall promptly investigate the allegations set forth in the complaint.

B. The Commission shall investigate all complaints and except as provided by subsection C of this section, shall complete an investigation not later than the 100th day after the date the complaint is filed, or if it is unable to complete the investigation within the one-hundred-day period, shall dispose of all administrative proceedings related to the investigation not later than one (1) year after the date the complaint is filed.

C. If the Commission is unable to complete an investigation within the time periods prescribed by subsection B of this section, the Commission shall notify the complainant and the respondent in writing of the reasons for the delay.

SECTION 11. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1502.5 of Title 25, unless there is created a duplication in numbering, reads as follows:

A. The Commission may join a person not named in the complaint as an additional or substitute respondent if in the course of the investigation the Commission determines that the person should be accused of a discriminatory housing practice.

B. In addition to the information required in the notice pursuant to paragraph 3 of subsection F of Section 8 of this act, the Commission shall include in a notice to a respondent joined pursuant to this section an explanation of the basis for the determination that the person is properly joined as a respondent.

SECTION 12. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1502.6 of Title 25, unless there is created a duplication in numbering, reads as follows:

A. The Commission shall, during the period beginning with the filing of a complaint and ending with the filing of a charge or a dismissal by the Commission, to the extent feasible, engage in conciliation with respect to the complaint.

B. A conciliation agreement is an agreement between a respondent and the complainant and is subject to Commission approval.

C. A conciliation agreement may provide for binding arbitration or other method of dispute resolution. Dispute resolution that results from a conciliation agreement may authorize appropriate relief, including monetary relief.

D. A conciliation agreement shall be made public unless the complainant and respondent agree otherwise, and the Commission determines that disclosure in not necessary to further the purpose of this act.

E. Nothing said or done in the course of conciliation may be made public or used as evidence in a subsequent proceeding pursuant to this act without the written consent of the persons concerned.

F. After completion of the Commission's investigation, the Commission shall make available to the aggrieved person and the respondent, at any time, information derived from the investigation and the final investigation report relating to that investigation.

SECTION 13. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1502.7 of Title 25, unless there is created a duplication in numbering, reads as follows:

A. If the Commission concludes at any time following the filing of a discriminatory housing complaint that prompt judicial action is necessary to carry out the purposes of this act, the Commission may

authorize a civil action for appropriate temporary or preliminary relief pending final disposition of the complaint.

B. On receipt of the Commission's authorization, the Attorney General shall promptly file the action.

C. A temporary restraining order or other order granting preliminary or temporary relief on a discriminatory housing complaint filed under this section is governed by the provisions of Section 1502.1 of this title and the applicable Oklahoma rules of civil procedure.

D. The filing of a civil action pursuant to this section does not affect the initiation or continuation of administrative proceeding pursuant to Section 1503 of this title.

SECTION 14. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1502.8 of Title 25, unless there is created a duplication in numbering, reads as follows:

A. The Commission shall prepare a final investigative report showing:

1. the name and dates of contact with witnesses;

2. a summary of correspondence and other contacts with the aggrieved person and the respondent showing the dates of the correspondence and contacts;

3. a summary description of other pertinent records;

4. a summary of witness statements; and

5. answers to interrogatories.

B. A final report pursuant to this section may be amended if additional evidence is discovered.

SECTION 15. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1502.9 of Title 25, unless there is created a duplication in numbering, reads as follows:

A. The Commission shall determine based on the facts whether reasonable cause exists to believe that a discriminatory housing practice has occurred or is about to occur.

B. The Commission shall make the determination pursuant to subsection A of this section not later than the 100th day after the date a complaint is filed unless:

1. it is impracticable to make the determination; or

2. the Commission has approved a conciliation agreement relating to the complaint.

C. If it is impracticable to make the determination within the time period provided by subsection B of this section, the Commission shall notify the complainant and respondent in writing of the reasons for the delay.

D. If the Commission determines that reasonable cause exists to believe that a discriminatory housing practice has occurred or is about to occur, the Commission shall, except as provided by Section 17 of this act, immediately issue a charge on behalf of the aggrieved person.

SECTION 16. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1502.10 of Title 25, unless there is created a duplication in numbering, reads as follows:

A. A charge issued pursuant to Section 15 of this act:

1. must consist of a short and plain statement of the facts on which the Commission has found reasonable cause to believe that a discriminatory housing practice has occurred or is about to occur;

2. must be based on the final investigative report; and

3. need not be limited to the facts or grounds alleged in the complaint.

B. Not later than the 20th day after the Commission issues a charge, the Commission shall send a copy of a charge with information concerning the election pursuant to Section 20 of this act to:

1. each respondent, together with a notice of the opportunity for a hearing provided by Section 1503 of this title; and

2. each aggrieved person on whose behalf the complaint was filed.

SECTION 17. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1502.11 of Title 25, unless there is created a duplication in numbering, reads as follows:

If the Commission determines that the matter involves the legality of a state or local zoning or other land use law or ordinance, the Commission may not issue a charge and shall immediately refer the matter to the Attorney General for appropriate action.

SECTION 18. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1502.12 of Title 25, unless there is created a duplication in numbering, reads as follows:

A. If the Commission determines that no reasonable cause exists to believe that a discriminatory housing practice has occurred or is about to occur, the Commission shall promptly dismiss the complaint.

B. The Commission shall make public disclosure of each dismissal pursuant to this section.

SECTION 19. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1502.13 of Title 25, unless there is created a duplication in numbering, reads as follows:

The Commission may not issue a charge pursuant to this section regarding an alleged discriminatory housing practice after the beginning of the trial of a civil action commended by the aggrieved party under federal or state law seeking relief with respect to that discriminatory housing practice.

SECTION 20. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1502.14 of Title 25, unless there is created a duplication in numbering, reads as follows:

A. A complainant, a respondent, or an aggrieved person on whose behalf the complaint was filed may elect to have the claims asserted

in that charge decided in a civil action as provided by Section 21 of this act.

B. The election must be made not later than the 20th day after the date of receipt by the electing person of service pursuant to subsection B of Section 16 of this act or, in the case of the Commission, not later than the 20th day after the date the charge was issued.

C. The person making the election shall give notice to the Commission and to all other complainants and respondents to whom the charge relates.

SECTION 21. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1502.15 of Title 25, unless there is created a duplication in numbering, reads as follows:

A. If a timely election is made pursuant to Section 20 of this act, the Commission shall authorize, and not later than the 30th day after the election is made, the Attorney General shall file, a civil action on behalf of the aggrieved person in a district court seeking relief pursuant to this section.

B. Venue for an action pursuant to this section is in the county in which the alleged discriminatory housing practice occurred, or in a county where the respondent resides or transacts business.

C. An aggrieved person may intervene in the action.

D. If the court finds that a discriminatory housing practice has occurred or is about to occur, the court may grant as relief any relief that a court may grant in a civil action pursuant to Section 26 of this act.

E. If monetary relief is sought for the benefit of an aggrieved person who does not intervene in the civil action, the court may not award the monetary relief if that aggrieved person has not complied with discovery orders entered by the court.

SECTION 22. AMENDATORY 25 O.S. 1981, Section 1503, as amended by Section 13, Chapter 165, O.S.L. 1985 (25 O.S. Supp. 1990, Section 1503), is amended to read as follows:

Section 1503. ~~(a)~~ A. After the Commission has completed its investigation and exhausted efforts of settlement, conciliation, and persuasion, unless the Commission has issued an order dismissing the complaint or within thirty (30) days after an application for review is filed under subsection ~~(c)~~ C of Section 1502 of this title, the Commission shall serve on the respondent by certified mail a written notice, together with a copy of the complaint as it may have been amended requiring the respondent to answer the allegations of the complaint at a hearing before a member of the Commission or hearing examiner designated by order of the Commission to decide the complaint, at a time and place specified in the notice. A copy of the notice shall be furnished to the complainant and the Attorney General. The notice shall conform to and the hearing shall be conducted in accordance with the Oklahoma Administrative Procedures Act. The decision must be approved in writing by a majority of the Commission.

~~(b)~~ B. A member of the Commission who investigated the complaint shall not preside at the hearing nor participate in the subsequent deliberation of the Commission in deciding the case.

~~(c)~~ C. The respondent may file an answer with the Commission as prescribed by the rules of the Commission. The Commission shall furnish a copy of the answer to the complainant and any other party to the proceeding. The Commission or the complainant may amend a complaint and the respondent may amend an answer at any time prior to the issuance of an order based on the complaint, but no order shall be issued unless the respondent has had the opportunity of a hearing on the complaint or amendment on which the order is based.

~~(d)~~ D. The case in support of the complaint shall be presented at the hearing by the Commission staff.

~~(e)~~ E. A respondent who has filed an answer or whose default in answering has been set aside for good cause shown may appear at the hearing with or without representation, may examine and cross-examine witnesses and the complainant, and may offer evidence. The complainant or the Attorney General may intervene, examine and cross-examine witnesses, and may present evidence.

~~(f)~~ F. If the respondent fails to answer the complaint, the Commission may enter his default and the hearing shall proceed on the evidence in support of the complaint. The default may be set aside for good cause shown upon equitable terms and conditions.

~~(g)~~ G. Testimony taken at the hearing shall be under oath and preserved by either audio tape or transcription as determined by the Commissioner or hearing examiner designated by order to hear the complaint; provided a party shall be able to have the proceedings transcribed at such party's own cost. The Commission shall furnish transcripts of the hearing upon payment of the costs by such party requesting the transcripts. After the hearing, in its discretion, the Commission upon notice to all parties affording an opportunity to be heard may take further evidence or hear argument.

H. The Commission shall abide by the provisions of this section in a discriminatory housing complaint only if an election is not made pursuant to Section 20 of this act.

I. A hearing pursuant to this section may not continue regarding any alleged discriminatory housing practice after the beginning of the trial of a civil action commenced by the aggrieved person pursuant to federal or state law seeking relief with respect to that discriminatory housing practice.

SECTION 23. AMENDATORY 25 O.S. 1981, Section 1505, as amended by Section 6, Chapter 289, O.S.L. 1985 (25 O.S. Supp. 1990, Section 1505), is amended to read as follows:

Section 1505. ~~(a)~~ A. If the Commission determines from a review of all of the evidence that the respondent has engaged in a

discriminatory practice, the Commission shall state its findings of fact and conclusions of law and a member of the Commission designated by the chairman or the staff shall endeavor to eliminate the discriminatory practice by conference, conciliation, and persuasion. The terms of a conciliation agreement reached with the respondent may require him to refrain in the future from committing discriminatory practices of the type stated in the agreement and to take such affirmative action as in the judgment of the Commission will carry out the purposes of this act. If a conciliation agreement is entered into, the Commission shall issue an order stating its terms and furnish a copy of the order to the complainant, the respondent, and the Attorney General. Except for the fact of the consummation of a conciliation agreement, neither the Commission nor any officer or employee thereof shall make public, without the written consent of the complainant and the respondent, information concerning the agreement or efforts in a particular case to eliminate a discriminatory practice by conference, conciliation, or persuasion. At any time in its discretion but not later than one (1) year from the date of a conciliation agreement, the Commission shall investigate whether the terms of the agreement are being complied with by the respondent, the Commission shall take appropriate action as authorized by this act to assure compliance.

~~(b)~~ B. If the Commission is unable to eliminate the discriminatory practice by conference, conciliation, or persuasion, it shall issue an order requiring the respondent to cease and desist from the discriminatory practice and to take such affirmative action as in the judgment of the Commission will carry out the purposes of this act. A copy of the order shall be delivered to the respondent, the complainant and the Attorney General.

~~(c)~~ C. Affirmative action ordered under subsection ~~(b)~~ B of this section may include but is not limited to:

~~(1)~~ 1. hiring or reinstatement of employees with or without back pay (less amount earned or earnable with reasonable diligence by such employees);

~~(2)~~ 2. admission or restoration of individuals to union membership, admission to or participation in a guidance program, apprenticeship training or retraining program, on-the-job training program, or other occupational training or retraining program, with the utilization of objective criteria in the admission of individuals to such program;

~~(3)~~ 3. admission of individuals to a public accommodation;

~~(4)~~ 4. reporting as to the manner of compliance;

~~(5)~~ 5. posting notices in conspicuous places in respondent's place of business in form prescribed by the Commission and inclusion of such notices in advertising material;

~~(6) as it relates to housing discrimination, ordering the person to pay the aggrieved party actual damages sustained by the aggrieved party;~~

~~(7) as it relates to housing discrimination, upon a determination that the violations of the provisions of this act were willful, wanton and oppressive, ordering the person to pay the aggrieved party punitive damages not to exceed: One Thousand Dollars ($1,000.00), if for a first violation; Two Thousand Dollars ($2,000.00), if for a second violation; or Five Thousand Dollars ($5,000.00), if for a third or subsequent violation;~~

~~(8) awarding costs, including attorneys' fees, to:~~

~~a. a prevailing complaining party, or~~

~~b. the party complained against, if the Commission determines that the complaint is clearly frivolous, or~~

~~c. the party complained against, if the district court determines that the complaint is frivolous and that the Commission dealt with the party complained against in a willful, wanton and oppressive manner, in which~~

~~case, the Commission shall be ordered to pay such costs and attorneys' fees; and~~

~~(9) ordering a person to rehire, reinstate, and provide back pay to any employee or agent discriminated against because of obedience to the laws prohibiting discriminatory practices in housing~~ 6. awarding costs, including attorneys fees, to:

a. a prevailing complaining party, or

b. the party complained against, if the Commission determines that the complaint is clearly frivolous, or

c. the party complained against, if the district court determines that the complaint is frivolous and that the Commission dealt with the party complained against in a willful, wanton and oppressive manner, in which case, the Commission shall be ordered to pay such costs and attorneys fees; and

7. ordering a person to rehire, reinstate, and provide back pay to any employee or agent discriminated against because of obedience to the laws prohibiting discriminatory practices in housing.

~~(d)~~ D. In the case of a respondent who is found by the Commission to have engaged in a discriminatory practice in the course of performing under a contract or subcontract with the state or any governmental entity, or agency thereof, if the discriminatory practice was authorized, requested, commanded, performed or recklessly tolerated by the board of directors of the respondent or by a high managerial agent acting within the scope of his employment, the Commission shall so certify to the contracting agency. Unless the Commission's finding of a discriminatory practice is upheld in the course of judicial review under Section 1506 of this title, the finding of discrimination is not binding on the contracting agency.

~~(e) No order issued pursuant to this section shall have any legal effect, unless and until and to the extent that a district~~

~~court may issue a corresponding order under Section 1506 of this title~~ E. If the Commission determines that a respondent has engaged in or is about to engage in a discriminatory housing practice, the Commission may order the appropriate relief, including actual damages, reasonable attorneys fees, court costs, and other injunctive or equitable relief.

1. To vindicate the public interest, the Commission may assess a civil penalty against the respondent in an amount that does not exceed:

a. Ten Thousand Dollars ($10,000.00), if the respondent has been adjudged by order of the Commission or a court to have committed a prior discriminatory housing practice,

b. except as provided by paragraph 2 of this subsection, Twenty-five Thousand Dollars ($25,000.00), if the respondent has been adjudged by order of the Commission or a court to have committed one other discriminatory housing practice during the five-year period ending on the date of the filing of the charge, and

c. except as provided by paragraph 2 of this subsection, Fifty Thousand Dollars ($50,000.00), if the respondent has been adjudged by order of the Commission or a court to have committed two or more discriminatory housing practices during the seven-year period ending on the date of the filing of the charge.

2. If the acts constituting the discriminatory housing practice that is the object of the charge are committed by the same individual who has been previously adjudged to have committed acts constituting a discriminatory housing practice, the civil penalties in subparagraph b and c of paragraph 1 of this subsection may be

imposed without regard to the period of time within which any other discriminatory housing practice occurred.

3. At the request of the Commission, the Attorney General shall sue to recover a civil penalty due pursuant to this section. Funds collected pursuant to this section shall be paid to the State Treasurer for deposit in the State Treasury to the credit of the Fair Housing Fund.

4. A Commission order pursuant to subsection E of this section does not affect a contract, sale, encumbrance, or lease that:

a. was consummated before the Commission issued the order, and

b. involved a bona fide purchaser, encumbrancer, or tenant who did not have actual notice of the charge filed pursuant to this act.

5. If the Commission issues an order with respect to a discriminatory housing practice that occurred in the course of a business subject to a licensing or regulation by a governmental agency, the Commission shall, not later than the 30th day after the date of the issuance of the order:

a. send copies of the findings and the order to the governmental agency, and

b. recommend to the governmental agency appropriate disciplinary action.

6. If the Commission issues an order against a respondent against whom another order was issued within the preceding five (5) years pursuant to subsection E of this section, the Commission shall send a copy of each order issued pursuant to that subsection to the Attorney General.

7. No order issued pursuant to this section shall have any legal effect, unless and until and to the extent that a district court may issue a corresponding order pursuant to Section 1506 of this title.

SECTION 24. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1506.1 of Title 25, unless there is created a duplication in numbering, reads as follows:

A. An aggrieved person may file a civil action in district court not later than the second year after the occurrence of the termination of an alleged discriminatory housing practice, or the breach of a conciliation agreement entered into pursuant to this act, whichever occurs last, to obtain appropriate relief with respect to the discriminatory housing practice or breach.

B. The two-year period does not include any time during which an administrative hearing pursuant to this act is pending with respect to a complaint or charge pursuant to this act based on the discriminatory housing practice. This subsection does not apply to actions arising from a breach of a conciliation agreement.

C. An aggrieved person may file an action pursuant to this section whether or not a complaint has been filed pursuant to Section 8 of this act and without regard to the status of any complaint filed pursuant to this section.

D. If the Commission has obtained a conciliation agreement with the consent of an aggrieved person, the aggrieved person may not file an action pursuant to this section with respect to the alleged discriminatory housing practice that forms the basis for the complaint except to enforce the terms of the agreement.

E. An aggrieved person may not file an action pursuant to this section with respect to an alleged discriminatory housing practice that forms the basis of a charge issued by the Commission if the Commission has begun a hearing on the record pursuant to this act with respect to the charge.

SECTION 25. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1506.2 of Title 25, unless there is created a duplication in numbering, reads as follows:

On application by a person alleging a discriminatory housing practice or by a person against whom such a practice is alleged, the court may appoint an attorney for the person.

SECTION 26. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1506.3 of Title 25, unless there is created a duplication in numbering, reads as follows:

In an action pursuant to Section 24 of this act, if the court finds that a discriminatory housing practice has occurred or is about to occur, the court may award to the plaintiff:

1. actual and punitive damages;

2. reasonable attorneys fees;

3. court costs; and

4. subject to Section 27 of this act, any permanent or temporary injunction, temporary restraining order, or other order, including an order enjoining the defendant from engaging in the practice or ordering appropriate affirmative action.

SECTION 27. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1506.4 of Title 25, unless there is created a duplication in numbering, reads as follows:

Relief granted pursuant to Section 26 of this act, does not affect a contract, sale, encumbrance, or lease that:

1. was consummated before the granting of the relief; and

2. involved a bona fide purchaser, encumbrancer, or tenant who did not have actual notice of the filing of a complaint pursuant to this act or a civil action pursuant to this section.

SECTION 28. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1506.5 of Title 25, unless there is created a duplication in numbering, reads as follows:

A. On request of the Commission, the Attorney General may intervene in an action pursuant to Section 24 of this act if the Commission certifies that the case is of general public importance.

B. The Attorney General may obtain the same relief available to the Attorney General under Section 29 of this act.

SECTION 29. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1506.6 of Title 25, unless there is created a duplication in numbering, reads as follows:

A. On request of the Commission, the Attorney General may file a civil action in district court for appropriate relief if the Commission has reasonable cause to believe that:

1. a person is engaged in pattern or practice of resistance to the full enjoyment of any right granted by this act; or

2. a person has been denied any right granted by this act and that denial raises an issue of general public importance.

B. In an action pursuant to this section the court may:

1. award preventive relief, including a permanent or temporary injunctive, restraining order, or other order against the person responsible for a violation of this act as necessary to assure the full enjoyment of the rights granted by this act;

2. award other appropriate relief, including monetary damages, reasonable attorneys fees, and court costs; and

3. to vindicate the public interest, assess a civil penalty against the respondent in an amount that does not exceed:

a. Fifty Thousand Dollars ($50,000.00), for a first violation, and

b. One Hundred Thousand Dollars ($100,000.00), for a second or subsequent violation.

C. A person may intervene in an action pursuant to this section if the person is:

1. an aggrieved person to the discriminatory housing practice; or

2. a party to a conciliation agreement concerning the discriminatory housing practice.

SECTION 30. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1506.7 of Title 25, unless there is created a duplication in numbering, reads as follows:

The Attorney General on behalf of the Commission or other party at whose request a subpoena is issued pursuant to this act, may enforce the subpoena in appropriate proceedings in district court.

SECTION 31. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1506.8 of Title 25, unless there is created a duplication in numbering, reads as follows:

A court in a civil action brought pursuant to this act or the Commission in an administrative hearing pursuant to Section 1503 of this title may award reasonable attorneys fees to the prevailing party and assess court costs against the nonprevailing party.

SECTION 32. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1506.9 of Title 25, unless there is created a duplication in numbering, reads as follows:

A. A person commits an offense if the person, whether or not acting under color of law, by force or threat of force, intentionally intimidates or interferes with a person:

1. because of the person's race, color, religion, gender, handicap, familial status, or national origin and because the person is or has been selling, purchasing, renting, financing, occupying, contracting, or negotiating for the sale, purchase, rental, financing, or occupation of any dwelling, or applying for or participating in a service, organization, or facility relating to the business of selling or renting dwellings; or

2. because the person is or has been, or has attempted to intimidate the person from:

a. participating, without discrimination because of race, color, religion, gender, handicap, familial status, or national origin, in an activity, service,

organization, or facility described in paragraph 1 of this subsection,

b. affording another person opportunity or protection to so participate, or

c. lawfully aiding or encouraging other persons to participate, without discrimination because of race, color, religion, gender, handicap, familial status, or national origin, in an activity, service, organization, or facility described in paragraph 1 of this subsection.

B. An offense pursuant to this section is a misdemeanor.

SECTION 33. This act shall become effective upon the certification by the United States Department of Housing and Urban Development that this act is substantially equivalent to Title VIII, Civil Rights Act of 1968 (42 U.S.C. Sections 3604-3606), as amended.

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