

ENROLLED ACT NO. 71, SENATE

SIXTY-THIRD LEGISLATURE OF THE STATE OF WYOMING
2015 GENERAL SESSION

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

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

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

ARTICLE 26
WYOMING FAIR HOUSING ACT

40-26-101. Short title.

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

40-26-102. Definitions.

(a) As used in this act:

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

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

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

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

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

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

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

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

(ix) "Familial status" means one (1) or more minors being domiciled with a parent or another person having legal custody of the minor or minors, or the designee of the parent or other person having such custody with the written permission of the parent or other person.

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The protections afforded against discrimination on the basis of familial status apply to any person who is pregnant or is in the process of securing legal custody of any minor;

(x) "Family" includes a single individual;

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

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

40-26-103. Sale or rental.

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

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

(c) This section does not prohibit discrimination against an individual because the individual has been

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convicted under federal law or the law of any state of the illegal manufacture or distribution of a controlled substance.

40-26-104. Publication.

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

40-26-105. Inspection.

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

40-26-106. Entry into neighborhood.

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

40-26-107. Disability.

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

(i) The buyer or renter;

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

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

(b) A person may not discriminate against an individual 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 disability of:

(i) That individual;

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

(iii) Any individual associated with that individual.

(c) In this section, discrimination includes:

(i) A refusal to permit, at the expense of the individual having a disability, a reasonable modification of existing premises occupied or to be occupied by the individual if the modification may be necessary to afford the individual full enjoyment of the premises, except that,

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in the case of a rental, the landlord may condition, when it is reasonable to do so, permission for a modification on the renter agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted;

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

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

(A) An accessible route into and throughout 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) Kitchens and bathrooms that are usable and have sufficient space in which an individual in a wheelchair can maneuver.

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

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

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

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

40-26-108. Residential real estate related transaction.

A person whose business includes engaging in residential real estate related transactions may not discriminate against an individual 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, sex, disability, familial status or national origin. A residential real estate related transaction is the selling, brokering or appraising of residential real

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

40-26-109. Brokerage services.

A person may not deny an individual access 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 an individual in the terms or conditions of access, membership or participation in the organization, service or facility because of race, color, religion, sex, disability, familial status or national origin.

40-26-110. Sales and rentals exempted.

(a) W.S. 40-26-103 through 40-26-109 do not apply to the sale or rental of a single family house sold or rented by the owner if the owner does not own more than three (3) single family houses at any one (1) time or own any interest in, nor is there owned or reserved on the person's behalf, under 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 (1) time. In addition, the house must be sold or rented without the use of the sales or rental facilities or services of a licensed real estate broker, agent or of a person in the business of selling or renting dwellings, or

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of an employee or agent of any such broker, agent, or person; or the publication, posting or mailing of a notice, statement or advertisement prohibited by W.S. 40-26-104. The exemption provided in this subsection applies only to one (1) sale or rental in a twenty-four (24) month period, if the owner was not the most recent resident of the house at the time of the sale or rental. For the purposes of this subsection, a person is in the business of selling or renting dwellings if the person:

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

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

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

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

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

(a) This chapter does not 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 limiting the sale, rental or occupancy of dwellings that it owns or operates for other than a commercial purpose to individuals of the same religion or giving preference to persons of the same religion, unless membership in the religion is restricted because of race, color or national origin.

(b) This chapter does not prohibit a private club that is not in fact open to the public and 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 the lodging to its members or from giving preference to its members, unless membership in the club is restricted because of race, color or national origin.

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

40-26-112. Housing for elderly exempted.

(a) The provisions of this chapter relating to familial status and age do not apply to housing that the secretary of housing and urban development determines is specifically designed and operated to assist elderly

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individuals under a federal program; the enforcing authority determines is specifically designed and operated to assist elderly individuals under a state program; is intended for, and solely occupied by, individuals sixty-two (62) years of age or older; or is intended and operated for occupancy by at least one (1) individual fifty-five (55) years of age or older for each unit as determined by enforcing authority rules. In determining whether housing qualifies as housing for elderly because it is intended and operated for occupancy by at least one (1) individual fifty-five (55) years of age or older for each unit, the enforcing authority shall adopt rules that require at least the following factors:

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

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

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

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

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

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40-26-113. Effect on other law.

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

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

40-26-114. Duties and powers of enforcing authority.

The enforcing authority shall administer this chapter. The enforcing authority may adopt rules necessary to implement this chapter, but substantive rules adopted by the enforcing authority shall impose obligations, rights and remedies that are the same as are provided in federal fair housing regulations. Within the limits of legislative appropriations, the enforcing authority shall foster prevention of discrimination under this chapter through education for the public, landlords, publishers, real estate licensees, lenders and sellers on the rights and responsibilities provided under this chapter and ways to respect those protected rights. The enforcing authority shall emphasize conciliation to resolve complaints.

40-26-115. Complaints.

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

40-26-116. Cooperation with other entities.

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

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

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

40-26-118. Complaint.

(a) The enforcing authority shall investigate complaints of alleged discriminatory housing practices. An aggrieved person may file a complaint with the enforcing authority alleging the discriminatory housing practice. The enforcing authority may file a complaint. A complaint shall be in writing and shall contain such information and be in such form as prescribed by the enforcing authority. A complaint shall be filed on or before the first anniversary of the date the alleged discriminatory housing practice occurs or terminates, whichever is later. A complaint may be amended at any time.

(b) On the filing of a complaint, the enforcing authority shall give the aggrieved person notice that the complaint has been received, advise the aggrieved person of

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the time limits and choice of forums under this chapter, and not later than the tenth day after the date of the filing of the complaint or the identification of an additional or substitute respondent under W.S. 40-26-121, serve on each respondent a notice identifying the alleged discriminatory housing practice and advising the respondent of the procedural rights and obligations of a respondent under this chapter and a copy of the original complaint.

40-26-119. Answer.

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

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

40-26-120. Investigation.

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

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

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the investigation not later than the first anniversary after the date the complaint is filed.

(c) If the enforcing authority is unable to complete an investigation within the time periods prescribed by subsection (b) of this section, the enforcing authority shall notify the complainant and the respondent in writing of the reasons for the delay.

40-26-121. Additional or substitute respondent.

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

40-26-122. Conciliation.

The enforcing authority shall, during the period beginning with the filing of a complaint and ending with the filing of a charge or a dismissal by the enforcing authority, to the extent feasible, engage in conciliation with respect to the complaint. A conciliation agreement between a respondent and the complainant is subject to enforcing authority approval. A conciliation agreement may provide for binding arbitration or another method of dispute resolution. Dispute resolution that results from a

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conciliation agreement may authorize appropriate relief, including monetary relief.

40-26-123. Temporary or preliminary relief.

The enforcing authority may authorize a claim for relief for temporary or preliminary relief pending the final disposition of a complaint, if the enforcing authority concludes after the filing of the complaint that prompt judicial action is necessary to carry out the purposes of this chapter. A temporary restraining order or other order granting preliminary or temporary relief under this section is governed by the applicable statutes and the Wyoming Rules of Civil Procedure. The filing of a claim for relief under this section does not affect the initiation or continuation of administrative proceedings under W.S. 40-26-131.

40-26-124. Investigative report.

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

40-26-125. Reasonable cause determination.

(a) The enforcing authority shall determine from the facts whether reasonable cause exists to believe that a discriminatory housing practice has occurred or is about to

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occur. The enforcing authority shall make this determination not later than the one hundredth day after the date a complaint is filed unless making the determination is impracticable, or the enforcing authority approves a conciliation agreement relating to the complaint.

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

40-26-126. Charge.

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

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

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

40-26-127. Land use law.

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

40-26-128. Dismissal.

If the enforcing authority determines that no reasonable cause exists to believe that a discriminatory housing practice that is the subject of a complaint has occurred or is about to occur, the enforcing authority shall promptly dismiss the complaint. The enforcing authority shall make public disclosure of each dismissal.

40-26-129. Pending civil trial.

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

40-26-130. Election of judicial determination.

A complainant, a respondent, or an aggrieved person on whose behalf a complaint was filed may elect to have the claims asserted in the charge decided in a civil action as provided by W.S. 40-26-136. The election shall be made not later than the twentieth day after the date the person

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having the election receives service under W.S. 40-26-126(b) or, in the case of the enforcing authority, not later than the twentieth day after the date the charge is issued. The person making the election shall give notice to the enforcing authority and to all other complainants and respondents to whom the charge relates.

40-26-131. Administrative hearing.

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

40-26-132. Administrative penalties.

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

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

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

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

(c) If the acts constituting the discriminatory housing practice that is the object of the charge are committed by the same individual who has previously been found to have committed acts constituting a discriminatory housing practice, the civil penalties in subsection (b) of this section may be imposed without regard to the period of time within which any other discriminatory housing practice occurred.

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

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

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

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40-26-134. Licensed or regulated business.

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

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

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

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

If a timely election is made under W.S. 40-26-130, the attorney general may file not later than the thirtieth day after the date of the election a claim for relief in a district court. Venue for an action is in the county in which the alleged discriminatory housing practice occurred or is about to occur. An aggrieved person may intervene in the action. 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 under W.S. 40-26-129 through 40-26-143. 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

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aggrieved person has not complied with discovery orders entered by the court.

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

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

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

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

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

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

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

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conciliation agreement concerning the discriminatory housing practice.

40-26-138. Subpoena enforcement.

The enforcing authority or another party at whose request a subpoena is issued under this chapter, may enforce the subpoena in appropriate proceedings in district court.

40-26-139. Civil action.

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

(b) The two (2) year period does not include any time during which an administrative hearing under this chapter is pending with respect to a complaint or charge under this chapter based on the discriminatory housing practice. This subsection does not apply to actions arising from the breach of a conciliation agreement.

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

(d) If the enforcing authority has obtained a conciliation agreement with the consent of an aggrieved person, the aggrieved person may not file a claim for relief with respect to the alleged discriminatory housing

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practice that forms the basis of the complaint except to enforce the terms of the agreement.

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

40-26-140. Relief granted.

If the court finds that a discriminatory housing practice has occurred or is about to occur, the court may award to the plaintiff actual and punitive damages, reasonable attorney's fees, court costs, and subject to W.S. 40-26-142, a 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.

40-26-141. Effect of relief granted.

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

40-26-142. Intervention by attorney general.

The attorney general may intervene in an action under W.S. 40-26-139 through 40-26-143 if the attorney general certifies that the case is of general public importance.

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The attorney general may obtain the same relief as is available to the attorney general under W.S. 40-26-137(b).

40-26-143. Prevailing party.

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

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

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

(i) Because of the individual's race, color, religion, sex, disability, age, familial status, national origin or status with respect to marriage or public assistance and because the individual is or has been selling, purchasing, renting, financing, occupying or contracting or negotiating for the sale, purchase, rental, financing or occupation of any dwelling or applying for or participating in a service, organization or facility relating to the business of selling or renting dwellings; or

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

(A) Participating, without discrimination because of race, color, religion, sex, disability, familial status or national origin in an activity, service,

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organization or facility described by paragraph (i) of this subsection;

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

(C) Lawfully aiding or encouraging other individuals to participate, without discrimination because of race, color, religion, sex, disability, familial status or national origin, or status with respect to marriage or public assistance, in an activity, service, organization, or facility described in paragraph (i) of this subsection.

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

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

40-26-145. Records exempt.

A complaint filed with the enforcing authority under W.S. 40-26-118 is an open record. Information obtained during an investigation conducted by the enforcing authority under this chapter can be used in any judicial proceedings or administrative hearing relating to the complaint under this chapter or before the administrative closure of a complaint by the enforcing authority. The enforcing authority may disclose to the complainant or the respondent, or representatives of the complainant or respondent,

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information obtained during an investigation if deemed necessary by the enforcing authority for securing an appropriate resolution of a complaint. The enforcing authority may disclose information obtained during an investigation to a federal agency if necessary for the processing of complaints under an agreement with the agency. Individually identifiable health information obtained during an investigation may not be disclosed by the enforcing authority except to a federal agency if necessary for the processing of complaints under an agreement with the agency. Statements made or actions taken during conciliation efforts relating to a complaint under this chapter may not be disclosed by the enforcing authority, except to a federal agency if necessary for the processing of complaints under an agreement with the agency, and may not be used as evidence in a subsequent proceeding under this chapter without the written consent of the parties to the conciliation. A conciliation agreement is an open record unless the complainant and respondent agree that it is not and the enforcing authority determines that disclosure is not necessary to further the purposes of this chapter.

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

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the Senate.

Chief Clerk