

PROPOSED AMENDMENTS TO REENGROSSED HOUSE BILL NO. 1043

That the Senate recede from its amendments as printed on page 1168 and pages 1298 and 1299 of the House Journal and page 740 and page 1024 of the Senate Journal and that Reengrossed House Bill No. 1043 be amended as follows:

Page 1, line 1, after "enact" insert "a new section to chapter 14-02.4 and"

Page 1, line 4, remove the second "and"

Page 1, line 5, after "appropriation" insert "; and to provide an effective date"

Page 1, after line 6, insert:

"**SECTION 1.** A new section to chapter 14-02.4 of the North Dakota Century Code is created and enacted as follows:

Discriminatory housing practices.

1. It is a discriminatory practice for an owner of rights to housing or real property or the owner's agent or a person acting under court order, deed or trust, or will to:
 - a. Refuse to transfer an interest in real property or housing accommodation to a person because of the person's status with respect to public assistance;
 - b. Discriminate against a person in the terms, conditions, or privileges of the transfer of an interest in real property or housing accommodation because of the person's status with respect to public assistance; or
 - c. Indicate or publicize that the transfer of an interest in real property or housing accommodation by persons is unwelcome, objectionable, not acceptable, or not solicited because of the person's status with respect to public assistance.
2. It is a discriminatory practice for a person, or agent or employee of the person, who lends or provides other financial assistance for the purchase, lease, acquisition, construction, rehabilitation, repair, or maintenance of real property to discriminate in lending or financial assistance decisions, or in the extension of services in connection with those decisions, based on the status with respect to public assistance of the person seeking the loan or financial assistance.
3. Any person claiming to be aggrieved by a discriminatory practice in violation of this section may bring an action in district court under the procedure provided in section 14-02.4-19."

Page 2, line 10, replace "14-02.5-19" with "14-02.5-18"

Page 2, line 23, replace "14-02.5-03" with "14-02.5-02"

Page 2, line 24, replace "14-02.5-09" with "14-02.5-08" and replace "14-02.5-46" with "14-02.5-45"

Page 2, line 29, after the first underscored period insert:

"Familial status" means one 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. 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.

10."

Page 2, line 30, replace "10" with "11"

Page 3, line 1, replace "14-02.5-22" with "14-02.5-21"

Page 3, line 3, replace "11" with "12"

Page 3, remove lines 5 through 10

Page 3, line 11, replace "14-02.5-03" with "14-02.5-02"

Page 3, line 23, replace "14-02.5-04" with "14-02.5-03"

Page 3, line 28, replace "14-02.5-05" with "14-02.5-04"

Page 4, line 1, replace "14-02.5-06" with "14-02.5-05"

Page 4, line 5, replace "14-02.5-07" with "14-02.5-06"

Page 4, line 13, replace the second "the" with "that"

Page 4, line 15, replace "the other" with "that"

Page 4, line 20, after "premises" insert ", except that, 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"

Page 5, line 9, replace "ANSI A 117.1" with "ANSI A 117.1 (1986)"

Page 5, line 20, replace "14-02.5-08" with "14-02.5-07"

Page 5, line 27, after the underscored period insert "For the purposes of this section, a person is in the business of selling residential real property if within the preceding twelve months, the person has participated as principal in three or more transactions involving the sale of any dwelling or any interest in a dwelling or has participated as agent, other than in the sale of the person's own personal residence, in providing sales facilities or sales services in two or more transactions involving the sale of any dwelling or any interest in a dwelling."

Page 5, line 28, replace "14-02.5-09" with "14-02.5-08"

Page 6, line 3, replace "**14-02.5-10**" with "**14-02.5-09**"

Page 6, line 4, replace "**14-02.5-03**" with "**14-02.5-02**" and replace "**14-02.5-09**" with "**14-02.5-08**"

Page 6, line 15, replace "**14-02.5-04**" with "**14-02.5-03**"

Page 6, line 16, replace "**14-02.5-03**" with "**14-02.5-02**" and replace "**14-02.5-09**" with "**14-02.5-08**"

Page 6, line 24, replace "**14-02.5-11**" with "**14-02.5-10**"

Page 7, line 1, after the second "not" insert "in fact"

Page 7, line 10, replace "**14-02.5-12**" with "**14-02.5-11**" and after the third underscored period insert:

"1."

Page 7, line 15, after the underscored period insert "In determining whether housing qualifies as housing for elderly under this section, the department shall adopt rules that require at least the following factors:

- a. The existence of significant facilities and services specifically designed to meet the physical or social needs of older individuals or, if the provision of the facilities and services is not practicable, that the housing is necessary to provide important housing opportunities for older individuals;
 - b. That at least eighty percent of the units are occupied by at least one individual fifty-five years of age or older per unit; and
 - c. 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 years of age or older.
2. Housing may not be considered to be in violation of the requirements for housing for elderly under this section by reason of:
- a. Individuals residing in the housing as of the effective date of this Act who do not meet the age requirements of this section, provided that new occupants of the housing meet the age requirements; or
 - b. Unoccupied units, provided that the units are reserved for occupancy by individuals who meet the age requirements of this section."

Page 7, line 16, replace "**14-02.5-13**" with "**14-02.5-12**"

Page 7, line 22, replace "**14-02.5-14**" with "**14-02.5-13**"

Page 7, line 25, after the underscored period insert "Within the limits of legislative appropriations the department shall foster prevention of discrimination under this chapter through education for the public, landlords, publishers, realtors, brokers, lenders, and sellers on the rights and responsibilities provided under this chapter and ways to respect those protected rights. The department shall emphasize conciliation to resolve complaints."

Page 7, line 26, replace "**14-02.5-15**" with "**14-02.5-14**", replace "14-02.5-19" with "14-02.5-18", and replace "14-02.5-36" with "14-02.5-35"

Page 7, line 29, replace "**14-02.5-16**" with "**14-02.5-15**"

Page 8, line 3, replace "**14-02.5-17**" with "**14-02.5-16**"

Page 8, line 7, replace "**14-02.5-18**" with "**14-02.5-17**"

Page 8, line 8, remove "gifts and", replace "any source" with "the federal government", and remove "Gifts"

Page 8, line 9, replace "and grants" with "Grants"

Page 8, line 12, replace "**14-02.5-19**" with "**14-02.5-18**"

Page 8, line 22, replace "twentieth" with "tenth"

Page 8, line 24, replace "14-02.5-23" with "14-02.5-22"

Page 8, line 28, replace "**14-02.5-20**" with "**14-02.5-19**"

Page 8, line 30, replace "14-02.5-19" with "14-02.5-18"

Page 9, line 5, replace "**14-02.5-21**" with "**14-02.5-20**"

Page 9, line 11, replace "unable" with "impracticable"

Page 9, line 18, replace "**14-02.5-22**" with "**14-02.5-21**"

Page 9, line 20, replace "should be accused of a" with "is alleged to be engaged or to have engaged in the"

Page 9, line 21, after "practice" insert "upon which the complaint is based"

Page 9, line 22, replace "14-02.5-19" with "14-02.5-18"

Page 9, line 24, replace "**14-02.5-23**" with "**14-02.5-22**"

Page 10, line 10, replace "**14-02.5-24**" with "**14-02.5-23**"

Page 10, line 18, replace "14-02.5-32" with "14-02.5-31"

Page 10, line 19, replace "**14-02.5-25**" with "**14-02.5-24**"

Page 10, line 25, replace "**14-02.5-26**" with "**14-02.5-25**"

Page 11, line 5, replace "14-02.5-28" with "14-02.5-27"

Page 11, line 7, replace "**14-02.5-27**" with "**14-02.5-26**"

Page 11, line 8, replace "14-02.5-26" with "14-02.5-25"

Page 11, line 13, replace "Not later than the twentieth day after the date the department issues" with "Upon issuing"

Page 11, line 15, replace "14-02.5-31" with "14-02.5-30"

Page 11, line 18, replace "14-02.5-32" with "14-02.5-31"

Page 11, line 19, replace "**14-02.5-28**" with "**14-02.5-27**"

Page 11, line 23, replace "**14-02.5-29**" with "**14-02.5-28**"

Page 11, line 27, replace "**14-02.5-30**" with "**14-02.5-29**"

Page 12, line 1, replace "**14-02.5-31**" with "**14-02.5-30**"

Page 12, line 3, replace "14-02.5-37" with "14-02.5-36"

Page 12, line 5, replace "14-02.5-27" with "14-02.5-26"

Page 12, line 9, replace "**14-02.5-32**" with "**14-02.5-31**"

Page 12, line 10, replace "14-02.5-31" with "14-02.5-30"

Page 12, line 15, replace "**14-02.5-33**" with "**14-02.5-32**"

Page 12, line 16, replace "14-02.5-32" with "14-02.5-31"

Page 12, line 23, replace "Ten" with "Eleven"

Page 12, line 26, replace "twenty-five" with "twenty-seven"

Page 12, line 29, replace "fifty" with "fifty-five"

Page 13, line 10, replace "state treasury to the credit of the fair housing" with "general"

Page 13, line 12, replace "**14-02.5-34**" with "**14-02.5-33**"

Page 13, line 13, replace "14-02.5-33" with "14-02.5-32"

Page 13, line 16, replace "**14-02.5-35**" with "**14-02.5-34**"

Page 13, line 22, replace "**14-02.5-36**" with "**14-02.5-35**"

Page 13, line 24, replace "14-02.5-34" with "14-02.5-33"

Page 13, line 25, replace "**14-02.5-37**" with "**14-02.5-36**"

Page 13, line 26, replace "14-02.5-31" with "14-02.5-30"

Page 14, line 1, replace "14-02.5-40" with "14-02.5-39" and replace "14-02.5-45" with "14-02.5-44"

Page 14, line 5, replace "**14-02.5-38**" with "**14-02.5-37**"

Page 14, line 23, replace "14-02.5-39" with "14-02.5-38"

Page 14, line 26, replace "14-02.5-40" with "14-02.5-39"

Page 15, line 6, replace "14-02.5-19" with "14-02.5-18"

Page 15, line 16, replace "14-02.5-41" with "14-02.5-40"

Page 15, line 19, replace "14-02.5-42" with "14-02.5-41"

Page 15, line 21, replace "14-02.5-43" with "14-02.5-42"

Page 15, line 25, replace "14-02.5-43" with "14-02.5-42" and replace "14-02.5-40" with "14-02.5-39"

Page 15, line 26, replace "14-02.5-45" with "14-02.5-44"

Page 15, line 30, replace "14-02.5-44" with "14-02.5-43"

Page 15, line 31, replace "14-02.5-40" with "14-02.5-39" and replace "14-02.5-45" with "14-02.5-44"

Page 16, line 3, replace "14-02.5-38" with "14-02.5-37"

Page 16, line 4, replace "14-02.5-45" with "14-02.5-44"

Page 16, line 5, replace "14-02.5-32" with "14-02.5-31"

Page 16, line 7, replace "14-02.5-46" with "14-02.5-45"

Page 16, line 31, replace "\$29,000" with "\$39,000"

Page 17, after line 4, insert:

"SECTION 6. EFFECTIVE DATE. This Act becomes effective on October 1, 1999."

Renumber accordingly