

Virginia Expands Housing, Employment Protections for Military Members

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A new Virginia law expands the state's prohibitions on discrimination in residential real estate transactions and in employment against military members.

HB 2161 adds "military status" to the list of protected classes of individuals under the Virginia Human Rights Act (VHRA), as well as to the list of classes protected under the Virginia Fair Housing Law. Previously, these statutes protected only individuals who served in the military on the basis of their "status as a veteran." The term "military status" is more expansive, protecting a larger class of individuals from discrimination in both housing and employment.

HB 2161 defines "military status" by referencing sections of the United States Code. Persons having "military status" include:

1. Members of the armed forces (Army, Navy, Air Force, Marine Corps, Space Force, and Coast Guard);
2. Members of the Reserves;
3. The commissioned corps of the National Oceanic and Atmospheric Administration;
4. The commissioned corps of the Public Health Service;
5. Veterans of the active military, naval, air, or space service who were discharged under conditions other than dishonorable; and
6. A servicemember's dependents, such as the servicemember's spouse and children.

All employers in the Commonwealth should be mindful of the expanded protections afforded military status individuals under the VHRA. The enactment has additional significance for the real estate industry, however, because it makes the same changes to the Virginia Fair Housing Law. The same groups of persons having "military status" above also are protected under the Virginia Fair Housing Law, which prohibits "discriminatory practices with respect to residential housing by any person or group of persons."

The Fair Housing Law prohibits any "person" from engaging in discriminatory conduct and defines the term "person" broadly. A "person" under the Fair Housing Law may include "one or more individuals, whether male or female, corporations, partnerships, associations, labor organizations, fair housing organizations, civil rights organizations, organizations, governmental entities, legal representatives, mutual companies, joint stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers and fiduciaries." Individuals and business entities, including independent contractors, may be held liable for discriminatory housing practices in Virginia.

Real estate sales and leasing brokers and agents — and the entities that engage them — should be mindful of the expanded classes of persons protected. Lenders, insurers, appraisers, and all other persons performing residential real estate-related transactions also should keep the new law in mind.

The Virginia Fair Housing Law authorizes a private cause of action for violations of the statute. An action must be brought within 180 days after the conclusion of any administrative process relating to a complaint or charge under the law, or two years after the occurrence or cessation of an alleged discriminatory housing practice, whichever occurs later. If successful, a plaintiff may recover compensatory damages, punitive damages, and attorneys' fees and costs from the defendant(s).

The Virginia General Assembly had passed other pieces of legislation to prohibit discrimination and expand the legal rights and remedies of many protected classes of individuals earlier this year. (*See our articles, [Virginia Expands Disability Discrimination Protections and Adds Domestic Worker Protections](#), [Virginia Enacts Overtime Wage Law](#), and [Virginia Enacts Wage Theft, Non-Compete Laws Amidst Flurry of New Employee Protections](#).*)

Employers and companies engaging individuals to perform services, especially those in the real estate sector, must remain vigilant to ensure their policies and practices are up to date. They should ensure their workplace handbooks, related practices, and employee training account for the expanded rights and protections available for persons with military status.

Please contact a Jackson Lewis attorney with any questions related to policies, training for management and employees, and other preventive practices.

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