

House Bill 830

By: Representatives Silcox of the 53<sup>rd</sup>, Evans of the 57<sup>th</sup>, Daniel of the 117<sup>th</sup>, Drenner of the 85<sup>th</sup>, Reeves of the 99<sup>th</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To provide comprehensive state civil rights law protecting individuals from discrimination  
2 in housing, public accommodations, and employment; to provide for legislative findings and  
3 intent; to amend Article 4 of Chapter 3 of Title 8 of the Official Code of Georgia Annotated,  
4 relating to fair housing, so as to prohibit discrimination in housing; to amend Title 10 of the  
5 Official Code of Georgia Annotated, relating to commerce and trade, so as to protect the  
6 right to equal enjoyment of and privileges to public accommodations; to amend Chapter 1  
7 of Title 34 and Title 45 of the Official Code of Georgia Annotated, relating to labor and  
8 industrial relations generally and public officers and employees, respectively, so as to  
9 prohibit discrimination in private and public employment; to provide for construction; to  
10 provide for related matters; to provide for an effective date; to repeal conflicting laws; and  
11 for other purposes.

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

13 **PART I**  
14 **SECTION 1-1.**

15 (a) The General Assembly finds and declares that:

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- 16 (1) Unlike almost all other states, Georgia does not have comprehensive state civil rights  
17 laws protecting individuals from discrimination in employment, housing, and public  
18 accommodations;
- 19 (2) The General Assembly has considered legislation in recent years adding specific  
20 protections against discrimination for people based on religious beliefs in separate contexts;
- 21 (3) The Georgia Constitution guarantees equal protection under the law for all citizens;
- 22 (4) The Georgia Constitution guarantees the natural and inalienable right to worship God,  
23 according to the dictates of a person's own conscience; and no human authority should, in  
24 any case, control or interfere with such right of conscience;
- 25 (5) The Georgia Constitution holds that no one should be molested in person or property  
26 on account of religious opinions; but the right of freedom of religion shall not be construed  
27 as to excuse acts of licentiousness or justify practices inconsistent with the peace and safety  
28 of the state; and
- 29 (6) It is the duty of the General Assembly to enact such laws as will protect all citizens in  
30 the full enjoyment of the rights, privileges, and immunities due to such citizenship.
- 31 (b) It is the intent of the General Assembly:
- 32 (1) To expand and clarify civil rights laws in this state addressing discrimination in  
33 employment, housing, and public accommodations; and
- 34 (2) That this Act is liberally construed to safeguard against the discrimination prohibited  
35 herein and shall be construed in light of federal judicial and administrative interpretations  
36 of similar federal civil rights laws.

37 **PART II**

38 **SECTION 2-1.**

39 Article 4 of Chapter 3 of Title 8 of the Official Code of Georgia Annotated, relating to fair  
40 housing, is amended by revising Code Section 8-3-200, relating to state policy, as follows:

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41 "8-3-200.

42 (a) It is the policy of the State of Georgia to provide, within constitutional limitations, for  
43 fair housing throughout this state.

44 (b) The general purposes of this article are:

45 (1) To provide for execution in ~~the~~ this state of policies embodied in Title VIII of the  
46 Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988;

47 (2) To safeguard all individuals from discrimination in any aspect relating to the sale,  
48 rental, or financing of dwellings or in the provision of brokerage services or facilities in  
49 connection with the sale or rental of a dwelling because of that individual's race, color,  
50 religion, sex, age, disability ~~or handicap~~, familial status, or national origin;

51 (3) To promote the elimination of discrimination in any aspect relating to the sale, rental,  
52 or financing of dwellings or in the provision of brokerage services or facilities in  
53 connection with the sale or rental of a dwelling because of a person's race, color, religion,  
54 sex, age, disability ~~or handicap~~, familial status, or national origin; and

55 (4) To promote the protection of each individual's interest in personal dignity and  
56 freedom from humiliation and the individual's freedom to take up residence wherever  
57 such individual chooses; to secure the state against domestic strife and unrest which  
58 would menace its democratic institutions; to preserve the public safety, health, and  
59 general welfare; and to further the interests, rights, and privileges of individuals within  
60 this state.

61 (c) This article shall be broadly construed to further the general purposes stated in this  
62 Code section and the special purposes of the particular provision involved."

63 **SECTION 2-2.**

64 Said article is further amended by revising paragraphs (1) through (5) of subsection (a) of  
65 Code Section 8-3-202, relating to unlawful practices in selling or renting dwellings, as  
66 follows:

67 "(1) To refuse to sell or rent after the making of a bona fide offer, or to refuse to  
68 negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to  
69 any person because of race, color, religion, sex, age, disability, familial status, or national  
70 origin;

71 (2) To discriminate against any person in the terms, conditions, or privileges of sale or  
72 rental of a dwelling, or in the provision of services or facilities in connection therewith,  
73 because of race, color, religion, sex, age, disability, familial status, or national origin;

74 (3) To make, print, or publish or cause to be made, printed, or published any notice,  
75 statement, or advertisement, with respect to the sale or rental of a dwelling, that indicates  
76 any preference, limitation, or discrimination based on race, color, religion, sex, age,  
77 disability, familial status, or national origin, or an intention to make any such preference,  
78 limitation, or discrimination;

79 (4) To represent to any person because of race, color, religion, sex, age, disability,  
80 familial status, or national origin that any dwelling is not available for inspection, sale,  
81 or rental when such dwelling is in fact so available;

82 (5) For profit, to induce or attempt to induce any person to sell or rent any dwelling by  
83 representations regarding the entry or prospective entry into the neighborhood of a person  
84 or persons of a particular race, color, religion, sex, age, familial status, or national origin  
85 or with a disability;"

86 **SECTION 2-3.**

87 Said article is further amended by revising Code Section 8-3-203, relating to unlawful denial  
88 of or discrimination in membership or participation in service or organization relating to  
89 selling or renting dwellings, as follows:

90 "8-3-203.

91 It shall be unlawful to deny any person access to or membership or participation in any  
92 multiple-listing service, real estate brokers' organization, or other service, organization, or  
93 facility relating to the business of selling or renting dwellings or to discriminate against  
94 such person in the terms or conditions of such access, membership, or participation on  
95 account of race, color, religion, sex, age, disability, familial status, or national origin."

96 **SECTION 2-4.**

97 Said article is further amended by revising subsections (b) and (c) of Code Section 8-3-204,  
98 relating to discrimination in residential real estate related transactions, as follows:

99 "(b) It shall be unlawful for any person or other entity whose business includes engaging  
100 in residential real estate related transactions to discriminate against any person in making  
101 available such a transaction or in the terms or conditions of such a transaction because of  
102 race, color, religion, sex, age, disability, ~~handicap~~, familial status, or national origin.

103 (c) Nothing in this article shall be construed to prohibit a person engaged in the business  
104 of furnishing appraisals of real property from taking into consideration factors other than  
105 race, color, religion, national origin, sex, age, disability, ~~handicap~~, or familial status."

106 **SECTION 2-5.**

107 Said article is further amended by revising subsection (a) of Code Section 8-3-205, relating  
108 to permissible limitations in sale, rental, or occupancy of dwellings by religious organizations  
109 or private clubs, as follows:

110 "(a) Nothing in this article shall prohibit a religious organization, association, or society,  
111 or any nonprofit institution or organization operated, supervised, or controlled by or in  
112 conjunction with a religious organization, association, or society, from limiting the sale,  
113 rental, or occupancy of dwellings which it owns or operates for other than a commercial  
114 purpose to persons of the same religion or from giving preference to such persons unless

115 membership in such religion is restricted on account of race, color, sex, age, disability,  
 116 handicap, familial status, or national origin. Nothing in this article shall prohibit a private  
 117 club not in fact open to the public, which as an incident to its primary purpose or purposes  
 118 provides lodgings which it owns or operates for other than a commercial purpose, from  
 119 limiting the rental or occupancy of such lodgings to its members or from giving preference  
 120 to its members."

121 **PART III**  
 122 **SECTION 3-1.**

123 Title 10 of the Official Code of Georgia Annotated, relating to commerce and trade, is  
 124 amended by adding a new chapter to read as follows:

125 "CHAPTER 16

126 10-16-1.

127 (a) It is the policy of the State of Georgia to provide, within constitutional limitations, for  
 128 equal enjoyment of public accommodations throughout this state.

129 (b) The general purpose of this chapter is to provide for execution in this state of the  
 130 policies embodied in 42 U.S.C. Section 2000a, et seq.

131 (c) This chapter shall be broadly construed to further the general purposes stated in this  
 132 Code section and the special purposes of the particular provision involved.

133 10-16-2.

134 As used in this chapter, the term 'place of public accommodation' means:

135 (1) Any inn, hotel, motel, or other establishment which provides lodging to transient  
 136 guests other than an establishment located within a building which contains not more than

137 five rooms for rent or hire and which is actually occupied by the proprietor or owner of  
138 such establishment as his or her residence;

139 (2) Any restaurant, cafeteria, lunchroom, lunch counter, soda fountain, or other facility  
140 principally engaged in selling food for consumption on the premises, including, but not  
141 limited to, any such facility located on the premises of any retail establishment;

142 (3) Any motion picture house, theater, concert hall, sports arena, stadium, or other place  
143 of exhibition, entertainment, recreation, exercise, amusement, gathering, or display;

144 (4) Any establishment, including any online establishment, that provides a good, service,  
145 or program, including, but not limited to, stores, shopping centers, gas and motor vehicle  
146 service stations, salons, banks or other financial institutions, food banks, service or care  
147 centers, shelters, travel agencies, funeral parlors, and providers of legal, healthcare,  
148 accounting, or other professional services;

149 (5) Any train, bus, motor vehicle, taxi, ride share, airline service, station, depot, or other  
150 place or establishment that provides transportation services; and

151 (6) Any establishment:

152 (A)(i) Which is physically located within the premises of any establishment otherwise  
153 covered by this Code section; or

154 (ii) Within the premises of which is physically located any such covered establishment;  
155 and

156 (B) Which holds itself out as serving patrons of such covered establishment.

157 10-16-3.

158 (a) All persons shall be entitled to the full and equal enjoyment of the goods, services,  
159 facilities, privileges, advantages, and accommodations of any place of public

160 accommodation without discrimination or segregation on the basis of race, color, religion,  
161 sex, age, disability, or national origin.

162 (b) No person shall:

163 (1) Withhold, deny, or attempt to withhold or deny, or deprive or attempt to deprive any  
164 person of any right or privilege secured by subsection (a) of this Code section;

165 (2) Intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce any  
166 person with the purpose of interfering with any right or privilege secured by  
167 subsection (a) of this Code section; or

168 (3) Punish or attempt to punish any person for exercising or attempting to exercise any  
169 right or privilege secured by subsection (a) of this Code section.

170 10-16-4.

171 Whenever any person has engaged or there are reasonable grounds to believe that any  
172 person is about to engage in any act or practice prohibited by Code Section 10-16-3, a civil  
173 action for preventive relief, including an application for a permanent or temporary  
174 injunction, restraining order, or other order, may be instituted by the person aggrieved, and  
175 the court may grant such relief as it deems appropriate. In any action commenced pursuant  
176 to this chapter, the court, in its discretion, may allow the prevailing party reasonable  
177 attorneys' fees as part of the costs.

178 10-16-5.

179 This chapter shall be broadly construed to safeguard against the discrimination prohibited  
180 by this chapter and shall be construed in light of federal judicial decisions interpreting 42  
181 U.S.C. Section 2000a, et seq., and 42 U.S.C. Section 1981."



182

**PART IV**

183

**SECTION 4-1.**

184 Chapter 1 of Title 34 of the Official Code of Georgia Annotated, relating to general  
185 provisions regarding labor and industrial relations, is amended by adding a new Code section  
186 to read as follows:

187 "34-1-11.

188 (a)(1) It is the policy of the State of Georgia to provide, within constitutional limitations,  
189 for equal employment opportunities throughout this state.

190 (2) The general purpose of this Code section is to provide for execution in this state of  
191 policies embodied in 42 U.S.C. Section 2000e, et seq.;

192 (b) As used in this Code section, the term 'employer' means a person engaged in an  
193 industry affecting commerce, as defined in 42 U.S.C. Section 2000e as of January 1, 2023,  
194 who has 15 or more employees for each working day in each of 20 or more calendar weeks  
195 in the current or preceding calendar year, and any agent of such a person, but such term  
196 does not include:

197 (1) The United States, a corporation wholly owned by the government of the United  
198 States, or an Indian tribe;

199 (2) A bona fide private membership club, other than a labor organization, as defined in  
200 42 U.S.C. Section 2000e as of January 1, 2023, which is exempt from taxation under  
201 Section 501(c)(3) of the Internal Revenue Code of 1986; or

202 (3) A public employer, as defined in Code Section 45-19-22.

203 (c) It shall be unlawful for an employer to:

204 (1) Fail or refuse to hire or to discharge any individual, or otherwise to discriminate  
205 against any individual with respect to such individual's compensation, terms, conditions,  
206 or privileges of employment, because of such individual's race, disability, religion, sex,  
207 age, or national origin; or

208 (2) Limit, segregate, or classify its employees or applicants for employment in any way  
209 which would deprive or tend to deprive any individual of employment opportunities or  
210 otherwise adversely affect such individual's status as an employee, because of such  
211 individual's race, disability, religion, sex, age, or national origin.

212 (d) An employee in this state shall have a private right of action for a claim against his or  
213 her employer on the basis of discrimination for a violation of subsection (c) of this Code  
214 section.

215 (e)(1) If the court finds that a respondent has intentionally engaged in or is intentionally  
216 engaging in an unlawful employment practice charged in the complaint, the court may  
217 enjoin the respondent from engaging in such unlawful employment practice and order  
218 such affirmative action as may be appropriate, which may include, but is not limited to,  
219 reinstatement or hiring of employees, with or without back pay, or any other equitable  
220 relief as the court deems appropriate. Back pay liability shall not accrue from a date  
221 more than two years prior to the filing of a claim. Interim earnings or amounts earnable  
222 with reasonable diligence by the person or persons discriminated against shall operate to  
223 reduce the back pay otherwise allowable.

224 (2) No order of the court shall require the hiring, reinstatement, or promotion of an  
225 individual as an employee, or the payment to such individual of any back pay, if such  
226 individual was refused admission, suspended, or expelled, or was refused employment  
227 or advancement or was suspended or discharged for any reason other than such  
228 individual's race, disability, religion, sex, age, or national origin in violation of this Code  
229 section.

230 (f) This Code section shall be broadly construed to safeguard against the discrimination  
231 prohibited in this Code section and shall be construed in light of federal judicial decisions  
232 interpreting 42 U.S.C. Section 2000e, et seq."

233 **SECTION 4-2.**

234 Title 45 of the Official Code of Georgia Annotated, relating to public officers and employees,  
235 is amended by revising paragraph (4) of Code Section 45-19-22, relating to definitions  
236 relative to the "Fair Employment Practices Act of 1978," as follows:

237 "(4) 'Discrimination' means any direct or indirect act or practice of exclusion, distinction,  
238 restriction, segregation, limitation, refusal, denial, or any other act or practice of  
239 differentiation or preference in the treatment of a person or persons because of race,  
240 color, religion, national origin, sex, disability, ~~handicap~~, or age or the aiding, abetting,  
241 inciting, coercing, or compelling of such an act or practice. This term shall not include  
242 any direct or indirect act or practice of exclusion, distinction, restriction, segregation,  
243 limitation, refusal, denial, or any other act or practice of differentiation or preference in  
244 the treatment of a person or persons because of religion if an employer demonstrates that  
245 the employer is unable to accommodate reasonably an employee's or prospective  
246 employee's religious observance or practice without undue hardship on the conduct of the  
247 employer's operation."

248 **SECTION 4-3.**

249 Said title is further amended by revising paragraph (1) of subsection (b) of Code Section  
250 45-20-1, relating to purposes and principles relative to personnel administration, as follows:

251 "(1) Assuring fair treatment of applicants and employees in all aspects of personnel  
252 administration without regard to race, color, national origin, sex, age, disability, ~~religious~~  
253 ~~creed~~ religion, or political affiliations. This 'fair treatment' principle includes compliance  
254 with all state and federal equal employment opportunity and nondiscrimination laws;"

255 **SECTION 4-4.**

256 Said title is further amended by revising paragraph (2) of Code Section 45-20-4, relating to  
257 the duties and responsibilities of the commissioner in the administration of this chapter, as  
258 follows:

259 "(2) To submit to the Governor the rules and regulations adopted by the board. Such  
260 rules and regulations when approved by the Governor shall have the force and effect of  
261 law and shall be binding upon the state departments covered by this article and shall  
262 include provisions for the establishment and maintenance of classification and  
263 compensation plans, the conduct of examinations, appointments, promotions, transfers,  
264 demotions, appeals of classified employees, reports of performance, payroll certification,  
265 and other phases of personnel administration. Such rules and regulations shall define and  
266 prohibit improper political activity by any departmental employee of the State Personnel  
267 Board or any employee covered under the terms of this article and shall provide that there  
268 shall be no discrimination for or against any person or employee in any manner, to  
269 include, but not be limited to, hiring, discharge, compensation, benefits, terms or  
270 conditions of employment, promotion, job classification, transfer, privileges, or demotion  
271 because of political affiliation, religion, ~~religious affiliation~~, race, ~~creed~~, national origin,  
272 sex, age between 40 and 70 years, or physical disability. Such rules and regulations shall  
273 conform to the minimum standards for merit systems of personnel administration as  
274 specified by those federal departments from which federal funds are obtained for use by  
275 the several state departments covered by this article. Compensation plans and  
276 modifications thereto promulgated under the rules and regulations of the commissioner  
277 shall become effective as adopted upon approval ~~of~~ by the director of the Office of  
278 Planning and Budget;"

279

**PART V**

280

**SECTION 5-1.**

281 This Act shall become effective on January 1, 2024.

282

**SECTION 5-2.**

283 All laws and parts of laws in conflict with this Act are repealed.