WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1971

ENROLLED

COMMITTEE SUBSTITUTE FOR

HOUSE BILL No. 589

ORIGINATING IN THE COMMITTEE ON THE JUDICIARY

(By Mr. ____________________________)

PASSED _________________ MARCH 4, 1971

In Effect NINETY DAYS FROM Passage

589
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FOR
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(Originating in the Committee on the Judiciary)

[Passed March 4, 1971; in effect ninety days from passage.]

AN ACT to amend and reenact sections two, three, four, six, eight, nine, ten and thirteen, article eleven, chapter five of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to further amend said article by adding thereto three new sections, designated sections seventeen, eighteen and nineteen, prohibiting discrimination in the sale, purchase, lease, rental or financing of housing accommodations and other real property by virtue of race, religion, color, national origin or ancestry; extending the prohibition of employment discrimination to cover employers of twelve or more persons; extending the
jurisdiction of article eleven to discrimination by employers, labor organizations, employment agencies and places of public accommodations based upon age or sex; defining the terms age, housing accommodations, real property, real estate broker, real estate salesman and purchaser and owner of housing accommodations or real property; relating to hearings by human rights commission; relating to consent orders; authorizing the human rights commission to hire a hearing examiner and to maintain one branch office; requiring employers, labor organizations, employment agencies and persons operating places of public accommodations to post notices of the human rights commission; extending the statute of limitation to ninety days; providing for injunctive relief in certain housing complaints or cases; and providing exemptions relating to religious organizations and private clubs.

Be it enacted by the Legislature of West Virginia:

That sections two, three, four, six, eight, nine, ten and thirteen, article eleven, chapter five of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; and that said article be further
amended by adding thereto three new sections, designated sections seventeen, eighteen and nineteen, all to read as follows:

ARTICLE 11. HUMAN RIGHTS COMMISSION.

§5-11-2. Declaration of policy.

1 It is the public policy of the state of West Virginia to provide all of its citizens equal opportunity for employment, equal access to places of public accommodations, and equal opportunity in the sale, purchase, lease, rental and financing of housing accommodations or real property. Equal opportunity in the areas of employment and public accommodations is hereby declared to be a human right or civil right of all persons without regard to race, religion, color, national origin, ancestry, sex or age.

Equal opportunity in housing accommodations or real property is hereby declared to be a human right or civil right of all persons without regard to race, religion, color, national origin, or ancestry.

The denial of these rights to properly qualified persons by reason of race, religion, color, national origin, ancestry, sex or age, is contrary to the principles of free-
dom and equality of opportunity and is destructive to
a free and democratic society.

§5-11-3. Definitions.
1 When used in this article:
2 (a) The term “person” means one or more individ-
3 uals, partnerships, associations, organizations, corpora-
4 tions, labor organizations, cooperatives, legal representa-
5 tives, trustees, trustees in bankruptcy, receivers and other
6 organized groups of persons;
7 (b) The term “commission” means the West Virginia
8 human rights commission;
9 (c) The term “director” means the executive director
10 of the commission;
11 (d) The term “employer” means the state, or any
12 political subdivision thereof, and any person employing
13 twelve or more persons within the state: Provided, That
14 such term shall not be taken, understood or construed to
15 include a private club;
16 (e) The term “employee” shall not include any indi-
17 vidual employed by his parents, spouse, or child, or in the
18 domestic service of any person;
(f) The term “labor organization” includes any organization which exists for the purpose, in whole or in part, for collective bargaining or for dealing with employers concerning grievances, terms or conditions of employment, or for other mutual aid or protection in relation to employment;

(g) The term “employment agency” includes any person undertaking with or without compensation to procure, recruit, refer or place employees. A newspaper engaged in the activity of advertising in the normal course of its business shall not be deemed to be an employment agency;

(h) The term “discriminate” or “discrimination” means to exclude from, or fail or refuse to extend to, a person equal opportunities because of race, religion, color, national origin, ancestry, sex or age, and includes to separate or segregate;

(i) The term “unlawful discriminatory practices” includes only those practices specified in section nine of this article;

(j) The term “place of public accommodations” means any establishment or person, as defined herein, including
the state, or any political or civil subdivision thereof,
which offers its services, goods, facilities or accommoda-
tions to the general public, but shall not include any
accommodations which are in their nature private;

(k) The term "housing accommodations" means any
building or portion thereof, which is used or intended
for use as the residence or sleeping place of one or more
persons. Nothing contained in this definition or this
article shall apply to the rental of a room or rooms in
a rooming house occupied by the owner as a place of
residence and containing no more than four rented
rooms, or rooms to be rented;

(1) The term "real property" includes real estate,
lands, leaseholds, commercial or industrial buildings and
any vacant land offered for sale or rent on which the
construction of a housing accommodation, commercial
or industrial building is intended, and any land operated
as a trailer camp or rented or leased for the use, parking
or storage of mobile homes or house trailers;

(m) The term "real estate broker" includes any per-
son, firm or corporation who, for a fee, commission or
other valuable consideration, or by reason of a promise
or reasonable expectation thereof, lists for sale, sells,
exchanges, buys or rents, or offers or attempts to nego-
tiate a sale, exchange, purchase, or rental of real estate
or an interest therein, or collects or offers or attempts to
collect rent for the use of real estate or solicits for pros-
pective purchaser or assists or directs in the procuring
of prospects or the negotiation or closing of any trans-
action which does or is contemplated to result in the sale,
exchange, leasing, renting or auctioning of any real
estate or negotiates, offers or attempts or agrees to nego-
tiate a loan secured or to be secured by mortgage or other
encumbrance upon or transfer of any real estate for
others, or any person who, for pecuniary gain or expec-
tation of pecuniary gain, conducts a public or private
competitive sale of lands or any interest in lands. In the
sale of lots, the term "real estate broker" shall also
include any person, partnership, association or corpora-
tion employed by or on behalf of the owner or owners
of lots or other parcels of real estate, at a stated salary,
or upon a commission, or upon a salary and commission,
or otherwise to sell such real estate, or any parts thereof, in lots or other parcels, and who shall sell or exchange, or offer or attempt or agree to negotiate the sale or exchange, of any such lot or parcel of real estate. A newspaper engaged in the activity of advertising in the normal course of its business shall not be deemed to be a real estate broker;

(n) The term "real estate salesman" includes any person who, for compensation, valuable consideration or commission, or other thing of value, or by reason of a promise or reasonable expectation thereof, is employed by and operates under the supervision of a real estate broker to sell, buy or offer to buy or negotiate the purchase, sale or exchange of real estate, offers or attempts to negotiate a loan secured or to be secured by a mortgage or other encumbrance upon or transfer of real estate for others, or to collect rents for the use of real estate, or to solicit for prospective purchasers or lessees of real estate, or who is employed by a licensed real estate broker to sell or offer to sell lots or other parcels of real estate, at a stated salary, or upon a commission,
or upon a salary and commission, or otherwise to sell
real estate, or any parts thereof, in lots or other parcels;

(o) The term “purchaser” includes any occupant,
prospective occupant, lessee, prospective lessee, renter,
prospective renter, buyer or prospective buyer;

(p) The term “owner” shall include the owner, lessee,
sublessee, assignee, manager, agent, or other person,
firm or corporation having the right to sell, rent or lease
any housing accommodation or real property within the
state of West Virginia or any agent of any of these;

(q) The term “age” means ages forty through sixty-five, both inclusive;

(r) The term “rooming house” means a house or
building where there are one or more bedrooms which
the proprietor can spare for the purpose of giving lodg-
ings to such persons as he chooses to receive.

§5-11-4. Human rights commission continued; status, powers
and objects.

The West Virginia human rights commission, hereto-
fore created, is hereby continued. The commission shall
have the power and authority and shall perform the
functions and services as in this article prescribed and
as otherwise provided by law. The commission shall en-
courage and endeavor to bring about mutual understand-
ing and respect among all racial, religious and ethnic
groups within the state and shall strive to eliminate all
discrimination in employment and places of public ac-
commodations by virtue of race, religion, color, national
origin, ancestry, sex or age and shall strive to eliminate
all discrimination in the sale, purchase, lease, rental
or financing of housing and other real property by virtue
of race, religion, color, national origin or ancestry.

§5-11-6. Commission organization and personnel.

As soon as practical after the first day of July of each
year, the governor shall call a meeting of the commis-
sion to be convened at the state capitol. The commission
shall at such meeting organize by electing one of its
members as chairman of the commission and one as
vice chairman thereof for a term of one year or until
their successors are elected and qualified. At such meet-
ing the commission shall also elect from its membership
such other officers as may be found necessary and
proper for its effective organization.
The governor shall, by and with the advice and consent of the Senate, appoint an executive director to serve at his will and pleasure. The executive director shall serve as secretary of the commission. The executive director shall have a college degree. He shall be selected with particular reference to his training, experience and qualifications for the position and shall be paid an annual salary, payable in monthly installments, from any appropriations made therefor. The commission, upon recommendation of the executive director and in accordance with the requirements of the civil service law, may employ such personnel as may be necessary for the effective and orderly performance of the functions and services of the commission. The commission shall employ a hearing examiner who shall be an attorney, duly licensed to practice law in the state of West Virginia, for the conduct of the public hearings authorized in subdivision (d) (3), section eight of this article.

The commission shall equip and maintain its offices at the state capitol and shall hold its annual organizational meeting there. The commission may hold other meetings
during the year at such times and places within the state
as may be found necessary, and likewise may maintain
one branch office within the state as determined by the
commission to be necessary for the effective and orderly
performance of the functions and services of the commis-
sion. Any five members of the commission shall consti-
tute a quorum for the transaction of business. Minutes
of its meetings shall be kept by its secretary.

The executive director and other commission personnel
shall be reimbursed for necessary and reasonable travel
and subsistence expenses actually incurred in the per-
formance of commission services upon presentation of
properly verified expense accounts as prescribed by law.

§5-11-8. Commission powers; functions; services.

The commission is hereby authorized and empowered:
(a) To cooperate and work with federal, state and
local government officers, units, activities and agencies
in the promotion and attainment of more harmonious
understanding and greater equality of rights between
and among all racial, religious and ethnic groups in this
state;
(b) To enlist the cooperation of racial, religious and ethnic units, community and civic organizations, industrial and labor organizations and other identifiable groups of the state in programs and campaigns devoted to the advancement of tolerance, understanding and the equal protection of the laws of all groups and peoples;

(c) To receive, investigate and pass upon complaints alleging discrimination in employment or places of public accommodations, because of race, religion, color, national origin, ancestry, sex or age, and complaints alleging discrimination in the sale, purchase, lease, rental and financing of housing accommodations or real property because of race, religion, color, national origin or ancestry and to initiate its own consideration of any situations, circumstances or problems, including therein any racial, religious or ethnic group tensions, prejudice, disorder or discrimination reported or existing within the state relating to employment, places of public accommodations, housing accommodations and real property;

(d) To hold and conduct public and private hearings on complaints, matters and questions before the com-
mission and, in connection therewith, relating to dis-
crimination in employment, or places of public accom-
modations, housing accommodations or real property
and during the investigation of any formal complaint
before the commission relating to employment, places of
public accommodations, housing accommodations or real
property to:

(1) Issue subpoenas and subpoenas duces tecum upon
the concurrence of at least five members of the com-
mission, administer oaths, take the testimony of any
person under oath, and make reimbursement for travel
and other reasonable and necessary expenses in connec-
tion with such attendance;

(2) Furnish copies of public hearing records to parties
involved therein upon their payment of the reasonable
costs thereof to the commission;

(3) Delegate to a panel of one commission member
appointed by the chairman and a hearing examiner who
shall be an attorney, duly licensed to practice law in
West Virginia, the power and authority to hold and con-
duct the hearings, as herein provided, but all decisions
and action growing out of or upon any such hearings shall be reserved for determination by the commission;

(4) To enter into conciliation agreements and consent orders;

(5) To apply to the circuit court of the county where the respondent resides or transacts business for enforcement of any conciliation agreement or consent order by seeking specific performance of such agreement or consent order;

(6) To issue cease and desist orders against any person found, after a public hearing, to have violated the provisions of this article or the rules and regulations of the commission;

(7) To apply to the circuit court of the county where the respondent resides or transacts business for an order enforcing any lawful cease and desist order issued by the commission.

(e) To recommend to the governor and Legislature policies, procedures, practices and legislation in matters and questions affecting human rights;

(f) To delegate to its executive director such powers,
duties and functions as may be necessary and expedient
in carrying out the objectives and purposes of this article;
(g) To prepare a written report on its work, functions
and services for each year ending on the thirtieth day of
June and to deliver copies thereof to the governor on or
before the first day of December next thereafter;
(h) To do all other acts and deeds necessary and
proper to carry out and accomplish effectively the ob-
jects, functions and services contemplated by the pro-
visions of this article, including the promulgation of
rules and regulations in accordance with the provisions
of article three, chapter twenty-nine-a of this code, im-
plementing the powers and authority hereby vested in
the commission;
(i) To create such advisory agencies and conciliation
councils, local, regional or statewide, as in its judgment
will aid in effectuating the purposes of this article, to
study the problem of discrimination in all or specific
fields or instances of discrimination because of race,
religion, color, national origin, ancestry, sex or age; to
foster, through community effort or otherwise, good will,
cooperation and conciliation among the groups and elements of the population of this state, and to make recommendations to the commission for the development of policies and procedures, and for programs of formal and informal education, which the commission may recommend to the appropriate state agency. Such advisory agencies and conciliation councils shall be composed of representative citizens serving without pay. The commission may itself make the studies and perform the acts authorized by this subdivision. It may, by voluntary conferences with parties in interest, endeavor by conciliation and persuasion to eliminate discrimination in all the stated fields and to foster good will and cooperation among all elements of the population of the state; (j) To accept contributions from any person to assist in the effectuation of the purposes of this section and to seek and enlist the cooperation of private, charitable, religious, labor, civic and benevolent organizations for the purposes of this section; (k) To issue such publications and such results of investigation and research as in its judgment will tend

1. It shall be an unlawful discriminatory practice, unless based upon a bona fide occupational qualification, or except where based upon applicable security regulations established by the United States or the state of West Virginia or its agencies or political subdivisions:

(a) For any employer to discriminate against an individual with respect to compensation, hire, tenure, terms, conditions or privileges of employment if the individual is able and competent to perform the services required: Provided, however, That it shall not be unlawful discriminatory practice for an employer to observe the provisions of any bona fide pension, retirement, group or employee insurance, or welfare benefit plan or system not adopted as a subterfuge to evade the provisions of this subsection;

(b) For any employer, employment agency or labor organization, prior to the employment or admission to
membership, to (1) elicit any information or make or keep
a record of or use any form of application or application
blank containing questions or entries concerning the race,
religion, color, national origin, ancestry, sex or age of any
applicant for employment or membership; (2) print or
publish or cause to be printed or published any notice or
advertisement relating to employment or membership in-
dicating any preference, limitation, specification or dis-
crimination based upon race, religion, color, national ori-
gin, ancestry, sex or age; or (3) deny or limit, through a
quota system, employment or membership because of race,
religion, color, national origin, ancestry, sex or age;
(c) For any labor organization because of race, re-
ligion, color, national origin, ancestry, sex or age of any
individual to deny full and equal membership rights to
any individual or otherwise to discriminate against such
individuals with respect to hire, tenure, terms, condi-
tions or privileges of employment or any other matter,
directly or indirectly, related to employment;
(d) For an employer, labor organization, employ-
ment agency or any joint labor-management committee
controlling apprentice training programs to:
(1) Select individuals for an apprentice training program registered with the state of West Virginia on any basis other than their qualifications as determined by objective criteria which permit review;

(2) Discriminate against any individual with respect to his right to be admitted to or participate in a guidance program, an apprenticeship training program, on-the-job training program, or other occupational training or retraining program;

(3) Discriminate against any individual in his pursuit of such programs or to discriminate against such a person in the terms, conditions or privileges of such programs;

(4) Print or circulate or cause to be printed or circulated any statement, advertisement or publication, or to use any form of application for such programs or to make any inquiry in connection with such program which expresses, directly or indirectly, discrimination or any intent to discriminate, unless based upon a bona fide occupational qualification;
(e) For any employment agency to fail or refuse to classify properly, refer for employment or otherwise to discriminate against any individual because of his race, religion, color, national origin, ancestry, sex or age;

(f) For any person being the owner, lessee, proprietor, manager, superintendent, agent or employee of any place of public accommodations to:

(1) Refuse, withhold from or deny to any individual because of his race, religion, color, national origin, ancestry, sex or age, either directly or indirectly, any of the accommodations, advantages, facilities, privileges or services of such place of public accommodations;

(2) Publish, circulate, issue, display, post or mail, either directly or indirectly, any written or printed communication, notice or advertisement to the effect that any of the accommodations, advantages, facilities, privileges or services of any such place shall be refused, withheld from or denied to any individual on account of race, religion, color, national origin, ancestry, sex or age, or that the patronage or custom thereat of any individual, belonging to or purporting to be of any particular race, re-
(g) For the owner, lessee, sublessee, assignee or managing agent of, or other person having the right of ownership or possession of or the right to sell, rent, lease, assign, or sublease any housing accommodations or real property or part or portion thereof, or any agent, or employee of any of them; or for any real estate broker, real estate salesman, or employee or agent thereof:

(1) To refuse to sell, rent, lease, assign or sublease or otherwise to deny to or withhold from any person or group of persons any housing accommodations or real property, or part or portion thereof, because of race, religion, color, national origin or ancestry of such person or group of persons;

(2) To discriminate against any person or group of persons because of the race, religion, color, national origin or ancestry of such person or group of persons in the terms, conditions, or privileges of the sale, rental,
or lease of any housing accommodations or real property, or part or portion thereof, or in the furnishing of facilities or services in connection therewith;

(3) To print, publish, circulate, issue, display, post or mail, or cause to be printed, published, circulated, issued, displayed, posted or mailed any statement, advertisement, publication, or sign or to use any form of application for the purchase, rental, lease, assignment or sublease of any housing accommodations or real property, or part or portion thereof, or to make any record or inquiry in connection with the prospective purchase, rental, lease, assignment or sublease of any housing accommodations or real property or part or portion thereof, which expresses, directly or indirectly, any limitation, specification, or discrimination as to race, religion, color, national origin or ancestry or any intent to make any such limitation, specification, or discrimination and the production of any statement, advertisement, publicity, sign, form of application, record or inquiry purporting to be made by any such person shall be prima
facie evidence in any action that the same was authorized by such person;

(h) For any person or financial institution or lender to whom application is made for financial assistance for the purchase, acquisition, construction, rehabilitation, repair or maintenance of any housing accommodations or real property, or part or portion thereof, or any agent or employee thereof to:

(1) Discriminate against any person or group of persons because of race, religion, color, national origin or ancestry, of such person or group of persons or of the prospective occupants or tenants of such housing accommodations or real property, or part or portion thereof, in the granting, withholding, extending, modifying or renewing, or in the fixing of the rates, terms, conditions or provisions of any such financial assistance or in the extension of services in connection therewith;

(2) Use any form of application for such financial assistance or to make any record of inquiry in connection with applications for such financial assistance which expresses, directly or indirectly, any limitation, specifi-
cation or discrimination as to race, religion, color, national origin or ancestry, or any intent to make any such limitation, specification or discrimination;

(i) For any person, employer, employment agency, labor organization, owner, real estate broker, real estate salesman or financial institution to:

(1) Engage in any form of threats or reprisal, or to engage in, or hire, or conspire with others to commit acts or activities of any nature, the purpose of which is to harass, degrade, embarrass, or cause physical harm or economic loss or to aid, abet, incite, compel or coerce any person to engage in any of the unlawful discriminatory practices defined in this section;

(2) Wilfully obstruct or prevent any person from complying with the provisions of this article, or to resist, prevent, impede or interfere with the commission or any of its members or representatives in the performance of duty under this article;

(3) Engage in any form of reprisal or otherwise discriminate against any person because he has opposed any practices or acts forbidden under this article or
because he has filed a complaint, testified or assisted in any proceeding under this article;

(4) For profit to induce or attempt to induce any person to sell or rent or to not sell or rent any housing accommodations or real property by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, religion, color, national origin or ancestry.

§5-11-10. Discriminatory practices; investigations, hearings, procedures and orders.

Any individual claiming to be aggrieved by an alleged unlawful discriminatory practice shall make, sign and file with the commission a verified complaint, which shall state the name and address of the person, employer, labor organization, employment agency, owner, real estate broker, real estate salesman or financial institution alleged to have committed the unlawful discriminatory practice complained of, and which shall set forth the particulars thereof and contain such other information as may be required by the commission's rules and regulations. The commission upon its own initiative, or the
attorney general, shall, in like manner, make, sign and file such complaint. Any employer, whose employees, or some of them hinder or threaten to hinder compliance with the provisions of this article, shall file with the commission a verified complaint, asking for assistance by conciliation or other remedial action and, during such period of conciliation or other remedial action, no hearings, orders or other actions shall be held, made or taken by the commission against such employer. Any complaint filed pursuant to this article must be filed within ninety days after the alleged act of discrimination.

After the filing of any complaint, or whenever there is reason to believe that an unlawful discriminatory practice has been committed, the commission shall make a prompt investigation in connection therewith.

If it shall be determined after such investigation that no probable cause exists for substantiating the allegations of the complaint, the commission shall, within ten days from such determination, cause to be issued and served upon the complainant written notice of such
determination, and the said complainant or his attorney
may, within ten days after such service, file with the
commission a written request for a meeting with the
commission to show probable cause for substantiating
the allegations of the complaint. If it shall be deter-
mined after such investigation or meeting that probable
cause exists for substantiating the allegations of the
complaint, the commission shall immediately endeavor
to eliminate the unlawful discriminatory practices com-
plained of by conference, conciliation and persuasion.
The members of the commission and its staff shall not
disclose what has transpired in the course of such en-
deavors: Provided, That the commission may publish
the facts in the case of any complaint which has been
dismissed, and the terms of conciliation when the com-
plaint has been adjusted, without disclosing the identity
of the parties involved.
In case of failure so to eliminate such practice or in
advance thereof, if in the judgment of the commission
circumstances so warrant, the commission shall cause
to be issued and served a written notice, together with
a copy of such complaint as the same may have been
amended, in the manner provided by law for the service
of summons in civil actions, requiring the person, em-
ployer, labor organization, employment agency, owner,
real estate broker, real estate salesman or financial in-
stitution named in such complaint, hereinafter referred
to as respondent, to answer the charges of such com-
plaint at a hearing before the commission in the county
where the respondent resides or transacts business at
a time and place to be specified in such notice: Provided,
however, That said written notice be served at least
thirty days prior to the time set for the hearing.
The case in support of the complaint shall be pre-
sented before the commission by one of its attorneys
or agents. The respondent may file a written, verified
answer to the complaint and appear at such hearing in
person or otherwise, with or without counsel, and sub-
mit testimony and evidence. Except as provided in the
immediately preceding proviso, all of the pertinent pro-
visions of article five, chapter twenty-nine-a of this
code shall apply to and govern the hearing and the ad-
ministrative procedures in connection with and following such hearing, with like effect as if the provisions of said article five were set forth in extenso in this section.

If, after such hearing and consideration of all of the testimony, evidence and record in the case, the commission shall find that a respondent has engaged in or is engaging in any unlawful discriminatory practice as defined in this article, the commission shall issue and cause to be served on such respondent an order to cease and desist from such unlawful discriminatory practice and to take such affirmative action, including, but not limited to, hiring, reinstatement or upgrading of employees, with or without back pay, admission or restoration to membership in any respondent labor organization, or the admission to full and equal enjoyment of the services, goods, facilities, or accommodations offered by any respondent place of public accommodation, and the sale, purchase, lease, rental or financial assistance to any complainant otherwise qualified for the housing accommodation or real property, denied in
violation of this article, as in the judgment of the commission, will effectuate the purposes of this article, and including a requirement for report of the manner of compliance. Such order shall be accompanied by findings of fact and conclusions of law as specified in section three, article five, chapter twenty-nine-a of this code.

If, after such hearing and consideration of all of the testimony, evidence and record in the case, the commission shall find that a respondent has not engaged in such unlawful discriminatory practice, the commission shall state its findings of fact and conclusions of law as aforesaid and shall issue and cause to be served on the complainant an order dismissing the said complaint as to such respondent.

A copy of its order shall be delivered in all cases by the commission to the complainant, the respondent, the attorney general and to such other public officers as the commission may deem proper. Any such order shall not be enforceable except as provided in section eleven of this article.

Nothing contained in this article shall be deemed to repeal or supersede any of the provisions of any existing or hereafter adopted municipal ordinance, municipal charter or of any law of this state relating to discrimination because of race, religion, color, national origin, ancestry, sex or age, but as to acts declared unlawful by section nine of this article the procedure herein provided shall, when invoked, be exclusive and the final determination therein shall exclude any other action, civil or criminal, based on the same grievance of the complainant concerned. If such complainant institutes any action based on such grievance without resorting to the procedure provided in this article, he may not subsequently resort to the procedure herein. In the event of a conflict between the interpretation of a provision of this article and the interpretation of a similar provision contained in any municipal ordinance authorized by charter, the interpretation of the provision in this article shall apply to such municipal ordinance.
§5-11-17. **Posting of law and information.**

1. Every employer, labor organization, employment agency and person operating a place of public accommodations, as defined herein, subject to this article, shall keep posted in a conspicuous place or places on his premises a notice or notices to be prepared or approved by the commission, which shall set forth excerpts of this article and such other relevant information which the commission shall deem necessary.

§5-11-18. **Injunctions in certain housing complaints.**

1. When it appears that a housing unit or units described in a complaint may be sold, rented or otherwise disposed of before a determination of the complaint or case has been made by the commission or during judicial review of any final order of the commission, the circuit court of the county in which such housing unit or units are located may, upon the joint petition of the commission and the complainant, or if there be more than one complainant, all such complainants, issue a prohibitive injunction restraining the sale, rental or other disposition of such housing unit or units except in compliance with the
order of the court. No such injunction shall be issued by the court until the complainant or complainants shall have posted bond, with good security therefor, in such penalty as the court or judge awarding it may direct. The court may include in any such injunction granted such other conditions as it deems proper and just. Such injunction, if granted, shall be of no more than thirty days duration. If at the end of such thirty day period the commission notifies the court that additional time is needed for the disposal or determination of the complaint or case or the conclusion of such judicial review, the court, for good cause shown, may extend the period of the injunction for such additional time as the court deems proper. No such extension shall be granted except upon the continuation or reposting of the bond required for the original injunction and any such extension of the injunction may be granted upon such additional terms and conditions as to the court seem proper and just.

§5-11-19. Religious organization or private club exemption.

Nothing in this article shall prohibit a private club not in fact open to the public, which as an incident to its
primary purpose or purposes provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members or guests of members or from giving preference to its members or guests of members:

Provided, That this exemption shall not apply to any private club not in fact open to the public which owns or operates residential subdivisions providing lodgings for rental, occupancy or sale, or which provides real estate for sale for the construction of single or multi-unit dwellings.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

[Signatures]

Chairman Senate Committee

Phyllis Brekke

Chairman House Committee

Originated in the House.

In effect ninety days from passage.

[Signatures]

Clerk of the Senate

[Signatures]

Clerk of the House of Delegates

[Signatures]

President of the Senate

[Signatures]

Speaker House of Delegates

The within ______ approved ______ this the ______ day of ______, 1971.

[Signatures]

Governor