

State of Arkansas
91st General Assembly
Regular Session, 2017

A Bill

SENATE BILL 258

By: Senator Elliott

For An Act To Be Entitled

AN ACT CONCERNING THE ARKANSAS FAIR HOUSING
COMMISSION; AND FOR OTHER PURPOSES.

Subtitle

CONCERNING THE ARKANSAS FAIR HOUSING
COMMISSION.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 16-123-321(e), concerning the authorization to file a civil suit if a respondent has breached a conciliation agreement, is amended to read as follows:

(e) If the director has reasonable cause to believe that a respondent has breached a conciliation agreement, the director may authorize and the Attorney General may file a civil action for the enforcement of the conciliation agreement as provided by § 16-123-330 ~~or the Attorney General may authorize the director to hire outside counsel to seek enforcement.~~

SECTION 2. Arkansas Code § 16-123-322 is amended to read as follows:
16-123-322. Temporary or preliminary relief.

(a) If the Director of the Arkansas Fair Housing Commission concludes at any time following the filing of a complaint that prompt judicial action is necessary to carry out the purposes of this subchapter, and after consultation with the office of the Attorney General, the director may authorize the filing by the Attorney General ~~and the Attorney General may file~~ of a civil action in a court of competent jurisdiction in the county where the respondent resides for appropriate temporary or preliminary relief



pending final disposition of the complaint ~~or the Attorney General may authorize the director to hire outside counsel to seek the relief.~~

(b) The filing of a civil action under this section does not affect the initiation or continuation of an administrative proceeding entitled "administrative hearing" under § 16-123-331.

SECTION 3. Arkansas Code § 16-123-330 is amended to read as follows:
16-123-330. Attorney General – Action for enforcement.

(a) If a timely election is made under § 16-123-329, the Arkansas Fair Housing Commission ~~may~~ shall authorize and the Attorney General ~~may~~ shall file and maintain on behalf of the aggrieved ~~party~~ person a civil action in a court of competent jurisdiction ~~in the county where the respondent seeking appropriate relief under this section resides or the Attorney General may authorize the commission to hire outside counsel to pursue appropriate relief~~ an action seeking appropriate relief under this section.

(b) If the commission determines, as under § 16-123-321, and after consultation with the office of the Attorney General, that a conciliation agreement has been breached by the respondent, the Attorney General may file a civil action on behalf of the aggrieved person in a court of competent jurisdiction in the county where the ~~respondent~~ party seeking enforcement of the conciliation agreement resides ~~or the Attorney General may authorize the commission to hire outside counsel to seek enforcement of the conciliation agreement.~~

~~(c) Venue for an action under this section is in a court of competent jurisdiction in the county where the respondent resides.~~

~~(d)~~(c) An aggrieved person may intervene in the action.

~~(e)~~(d) 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 this subchapter.

APPROVED: 03/13/2017