

HB 543-FN - AS INTRODUCED

2023 SESSION

23-0644

02/04

HOUSE BILL ***543-FN***

AN ACT relative to discrimination against veterans and price discrimination among other protected classes.

SPONSORS: Rep. Hynes, Hills. 2

COMMITTEE: Judiciary

ANALYSIS

This bill adds veteran status to the list of protected classes under the state law against discrimination. It also allows for businesses to provide veteran discounts on goods or services, while prohibiting discrimination in pricing against protected classes.

Explanation: Matter added to current law appears in ***bold italics***.
 Matter removed from current law appears ~~[in brackets and struckthrough.]~~
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Three

AN ACT relative to discrimination against veterans and price discrimination among other protected classes.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 Legislative Findings. The general court finds that veterans should be a protected class and
2 not be discriminated against. Businesses should not discriminate among protected classes by
3 charging different prices based upon the class, unless there is a bona fide difference in the class that
4 doesn't include a cultural stereotype. However, veterans should be able to be given veteran
5 discounts on pricing due to their service to the country.

6 2 State Commission for Human Rights; Title and Purposes of Chapter. Amend RSA 354-A:1 to
7 read as follows:

8 354-A:1 Title and Purposes of Chapter. This chapter shall be known as the "Law Against
9 Discrimination." It shall be deemed an exercise of the police power of the state for the protection of
10 the public welfare, health and peace of the people of this state, and in fulfillment of the provisions of
11 the constitution of this state concerning civil rights. The general court hereby finds and declares
12 that practices of discrimination against any of its inhabitants because of age, sex, gender identity,
13 race, creed, color, marital status, familial status, **veteran status**, physical or mental disability or
14 national origin are a matter of state concern, that such discrimination not only threatens the rights
15 and proper privileges of its inhabitants but menaces the institutions and foundation of a free
16 democratic state and threatens the peace, order, health, safety and general welfare of the state and
17 its inhabitants. A state agency is hereby created with power to eliminate and prevent discrimination
18 in employment, in places of public accommodation and in housing accommodations because of age,
19 sex, gender identity, race, creed, color, marital status, familial status, **veteran status**, physical or
20 mental disability or national origin as herein provided; and the commission established hereunder is
21 hereby given general jurisdiction and power for such purposes. In addition, the agencies and
22 councils so created shall exercise their authority to assure that no person be discriminated against
23 on account of sexual orientation.

24 3 Opportunity for Employment Without Discrimination a Civil Right. Amend RSA 354-A:6 to
25 read as follows:

26 354-A:6 Opportunity for Employment Without Discrimination a Civil Right. The opportunity to
27 obtain employment without discrimination because of age, sex, gender identity, race, creed, color,
28 marital status, **veteran status**, physical or mental disability or national origin is hereby recognized
29 and declared to be a civil right. In addition, no person shall be denied the benefits of the rights
30 afforded by this section on account of that person's sexual orientation.

4 Unlawful Discriminatory Practices. Amend RSA 354-A:7, I-III to read as follows:

I. For an employer, because of the age, sex, gender identity, race, color, marital status, **veteran status**, physical or mental disability, religious creed, or national origin of any individual, to refuse to hire or employ or to bar or to discharge from employment such individual or to discriminate against such individual in compensation or in terms, conditions or privileges of employment, unless based upon a bona fide occupational qualification. In addition, no person shall be denied the benefit of the rights afforded by this paragraph on account of that person's sexual orientation.

II. For a labor organization, because of the age, sex, gender identity, race, color, marital status, **veteran status**, physical or mental disability, creed, or national origin of any individual, to exclude from full membership rights or to expel from its membership such individual or to discriminate in any way against any of its members or against any employer or any individual employed by an employer, unless based upon a bona fide occupational qualification. In addition, no person shall be denied the benefit of the rights afforded by this paragraph on account of that person's sexual orientation.

III. For any employer or employment agency to print or circulate or to cause to be printed or circulated any statement, advertisement or publication, or to use any form of application for employment or to make any inquiry or record in connection with employment, which expresses, directly or indirectly, any limitation, specification or discrimination as to age, sex, gender identity, race, color, marital status, **veteran status**, physical or mental disability, religious creed or national origin or any intent to make any such limitation, specification or discrimination in any way on the ground of age, sex, gender identity, race, color, marital status, **veteran status**, physical or mental disability, religious creed or national origin, unless based upon a bona fide occupational qualification; provided, however, that nothing in this chapter shall limit an employer after the offer of hire of an individual from inquiring into and keeping records of any existing or pre-existing physical or mental conditions. In addition, no person shall be denied the benefit of the rights afforded by this paragraph on account of that person's sexual orientation.

5 Equal Housing Opportunity Without Discrimination a Civil Right. Amend RSA 354-A:8 to read as follows:

354-A:8 Equal Housing Opportunity Without Discrimination a Civil Right. The opportunity to obtain housing without discrimination because of age, sex, gender identity, race, creed, color, marital status, familial status, **veteran status**, physical or mental disability or national origin is hereby recognized and declared a civil right. In addition, no person shall be denied the benefit of the rights afforded by this section on account of that person's sexual orientation.

6 Civil Rights Violations; Real Estate Transactions. Amend RSA 354-A:10 to read as follows:

354-A:10 Civil Rights Violations; Real Estate Transactions. It shall be an unlawful discriminatory practice because of age, sex, gender identity, race, religion, color, marital status, familial status, **veteran status**, physical or mental disability or national origin to:

1 I. Refuse to engage in a real estate transaction with a person or to discriminate in making
2 available such a transaction.

3 II. Alter the terms, conditions or privileges of a real estate transaction or in the furnishing of
4 facilities or services in connection therewith.

5 III. Refuse to receive or to fail to transmit a bona fide offer to engage in a real estate
6 transaction from a person.

7 IV. Refuse to negotiate for a real estate transaction with a person.

8 V. Represent to a person that real property is not available for inspection, sale, rental, or
9 lease when in fact it is so available, or to fail to bring a property listing to his or her attention, or to
10 refuse to permit him or her to inspect real property.

11 VI. Make, print, or publish, or cause to be made, printed, or published, any notice,
12 statement, advertisement, or sign, with respect to the sale or rental of a dwelling, or commercial
13 structure, that indicates any preference, limitation, or discrimination based on race, color, religion,
14 sex, marital status, familial status, **veteran status**, physical or mental disability, sexual
15 orientation, or national origin, or an intention to make any such preference, limitation, or
16 discrimination.

17 VII. Offer, solicit, accept, use or retain a listing of real property with knowledge that
18 unlawful discrimination or discrimination on the basis of familial status, **veteran status**, or an
19 arrest record in a real estate transaction is intended.

20 7 Fair Housing; Blockbusting. Amend RSA 354-A:12 to read as follows:

21 354-A:12 Blockbusting. It is a civil rights violation for any person to:

22 I. Solicit for sale, lease, listing or purchase any residential real estate within this state, on
23 the grounds of loss of value due to the present or prospective entry into the vicinity of the property
24 involved of any person or persons of any particular race, color, religion, national origin, ancestry,
25 age, sex, sexual orientation, gender identity, marital status, familial status, **veteran status** or
26 disability.

27 II. Distribute or cause to be distributed, written material or statements designed to induce
28 any owner of residential real estate in this state to sell or lease his or her property because of any
29 present or prospective changes in the race, color, religion, national origin, ancestry, age, sex, sexual
30 orientation, gender identity, marital status, familial status, **veteran status** or disability of residents
31 in the vicinity of the property involved.

32 III. Intentionally create alarm, among residents of any community, by transmitting
33 communications in any manner, including a telephone call whether or not conversation thereby
34 ensues, with a design to induce any owner of residential real estate in this state to sell or lease his or
35 her property because of any present or prospective entry into the vicinity of the property involved of
36 any person or persons of any particular race, color, religion, national origin, ancestry, age, sex,
37 sexual orientation, gender identity, marital status, familial status, **veteran status** or disability.

1 IV. Evict a tenant solely on the grounds that the person has acquired immune deficiency
2 syndrome (AIDS) or is regarded to have acquired immune deficiency syndrome.

3 8 Restrictive Covenants.. Amend RSA 354-A:13 to read as follows:

4 354-A:13 Restrictive Covenants.

5 I. Every provision in an oral agreement or a written instrument relating to real property
6 which purports to forbid or restrict the conveyance, encumbrance, occupancy, or lease thereof on the
7 basis of race, color, religion, **veteran status**, or national origin is void.

8 II.(a) Every condition, restriction or prohibition, including a right of entry or possibility of
9 reverter, which directly or indirectly limits the use or occupancy of real property on the basis of race,
10 color, religion, **veteran status**, or national origin is void.

11 (b) This section shall not apply to a limitation of use on the basis of religion of real
12 property held by a religious institution or organization or by a religious or charitable organization
13 operated, supervised, or controlled by a religious institution or organization, and used for religious or
14 charitable purposes.

15 III. It is a civil rights violation to insert in a written instrument relating to real property a
16 provision that is void under this section or to honor or attempt to honor such a provision in the chain
17 of title.

18 9 Equal Access to Public Accommodations a Civil Right. Amend RSA 354-A:16 to read as
19 follows:

20 354-A:16 Equal Access to Public Accommodations a Civil Right. The opportunity for every
21 individual to have equal access to places of public accommodation without discrimination because of
22 age, sex, gender identity, race, creed, color, marital status, **veteran status**, physical or mental
23 disability or national origin is hereby recognized and declared to be a civil right. In addition, no
24 person shall be denied the benefit of the rights afforded by this section on account of that person's
25 sexual orientation.

26 10 Unlawful Discriminatory Practices in Public Accommodations. Amend RSA 354-A:17 to read
27 as follows:

28 354-A:17 Unlawful Discriminatory Practices in Public Accommodations. It shall be an unlawful
29 discriminatory practice for any person, being the owner, lessee, proprietor, manager, superintendent,
30 agent or employee of any place of public accommodation, because of the age, sex, gender identity,
31 race, creed, color, marital status, **veteran status**, physical or mental disability or national origin of
32 any person, directly or indirectly, to refuse, withhold from or deny to such person any of the
33 accommodations, advantages, facilities or privileges thereof; or, directly or indirectly, to publish,
34 circulate, issue, display, post or mail any written or printed communication, notice or advertisement
35 to the effect that any of the accommodations, advantages, facilities and privileges of any such place
36 shall be refused, withheld from or denied to any person on account of age, sex, gender identity, race,
37 creed, color, marital status, **veteran status**, physical or mental disability or national origin; or that

1 the patronage or custom thereat of any person belonging to or purporting to be of any particular age,
2 sex, gender identity, race, creed, color, marital status, ***veteran status***, physical or mental disability
3 or national origin is unwelcome, objectionable or acceptable, desired or solicited; ***or***

4 ***provide a price discount, admission discount, price increase, or admission increase, to any***
5 ***person because of their race, sex, or gender identity, unless that price difference is based***
6 ***specifically upon the amount of time, difficulty, or cost of providing the services, or based***
7 ***specifically on the labor, materials, tariffs, or other sex-neutral, race-neutral, or gender***
8 ***identity-neutral reasons for having differential cost for providing the goods.*** In addition, no

9 person shall be denied the benefit of the rights afforded by this section on account of that person's
10 sexual orientation.

11 11 Effective Date. This act shall take effect 60 days after its passage.

HB 543-FN- FISCAL NOTE
AS INTRODUCED

AN ACT relative to discrimination against veterans and price discrimination among other protected classes.

FISCAL IMPACT: ☒ State ☐ County ☐ Local ☐ None

STATE:	Estimated Increase / (Decrease)			
	FY 2023	FY 2024	FY 2025	FY 2026
Appropriation	\$0	\$0	\$0	\$0
Revenue	\$0	\$0	\$0	\$0
Expenditures	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
Funding Source:	<input checked="" type="checkbox"/> General	<input type="checkbox"/> Education	<input type="checkbox"/> Highway	<input type="checkbox"/> Other

METHODOLOGY:

This bill adds veteran status to the list of protected classes under the state law against discrimination. It also allows for businesses to provide veteran discounts on goods or services, while prohibiting discrimination in pricing against protected classes.

The Department of Justice states the Attorney General has the authority to file charges of discrimination with the New Hampshire Commission for Human Rights and the Attorney General's Civil Rights Unit investigates allegations of discrimination. Regarding veteran status, the Department is not aware of how frequent discrimination on the basis of veteran status is in New Hampshire. Given that the bill would add an additional protected characteristic, the Department anticipates an increase in complaints received by the Civil Rights Unit, but any cost increase that would result is indeterminable. Regarding pricing of services, in the five years since the Civil Rights Unit was created, it has not received any complaints alleging discrimination in pricing of services. Accordingly, the Department anticipates little increase in the number of complaints received as a result of this part of the bill.

The New Hampshire Commission on Human Rights states this bill seeks to change RSA 354-A to add Veterans as a protected class. The Human Rights Commission states the fiscal impact is indeterminable at this time because it is unknown how many cases may result from this legislation. Therefore, the Commission has no information at present to determine if additional resources or staff will be needed.

The Judicial Branch indicates that adding a new class of persons protected by the laws would result in additional cases filed in the courts. The Judicial Branch is unable to determine how many cases this would add, and the fiscal impact is therefore indeterminable.

It is assumed that any fiscal impact would occur after FY 2023.

AGENCIES CONTACTED:

New Hampshire Commission on Human Rights, Department of Justice and Judicial Branch