

Department of Planning and Budget

2022 Fiscal Impact Statement

1. Bill Number: HB586

House of Origin	<input type="checkbox"/> Introduced	<input checked="" type="checkbox"/> Substitute	<input type="checkbox"/> Engrossed
Second House	<input checked="" type="checkbox"/> In Committee	<input type="checkbox"/> Substitute	<input type="checkbox"/> Enrolled

2. Patron: VanValkenburg

3. Committee: General Laws and Technology

4. Title: Virginia Fair Housing Law; use of assistance animal in a dwelling; penalties.

5. Summary: Makes it a Class 4 misdemeanor, with respect to the Virginia Fair Housing Law, for a person to knowingly and willfully misrepresent himself as needing an assistance animal except for any person, federal or state agency, or private organization participating in fair housing testing for the purpose of investigating allegations of housing discrimination. The bill defines fair housing testing as a controlled experiment in which at least two groups of housing consumers interact with a housing provider under the same or similar circumstances with the purpose of determining whether a housing provider engages in discriminatory housing practices. For purposes of this definition, "housing consumer" means a person acting under fictitious persona. The bill also prohibits any person from providing supporting documentation in an attempt to verify the existence of a disability or disability-related need for a person seeking a reasonable accommodation in a dwelling if he does not have a therapeutic relationship with the person requesting the reasonable accommodation and provides that a violation of this provision constitutes a prohibited practice under the Virginia Consumer Protection Act. Lastly, the bill allows for a request for a reasonable accommodation to be denied if supporting documentation of the disability or disability-related need is deemed unreliable.

6. Budget Amendment Necessary: No.

7. Fiscal Impact Estimates: Indeterminate.

8. Fiscal Implications: The fiscal impact of this bill on the Department of Professional and Occupational Regulation (DPOR) is indeterminate, though a reduction in grant funding may occur. The Virginia Fair Housing Office within DPOR investigates complaints involving the Virginia Fair Housing Law and receives grant funding from the U.S. Department of Housing and Urban Development (HUD). Virginia's substantial equivalency status and associated federal grant funding is based on conformity between Virginia Fair Housing Law and federal requirements. The effect of this bill on the substantial equivalency status and related grant funding is unknown.

The Office of the Attorney General and the Department of Housing and community Development do not anticipate an impact resulting from this bill.

This bill establishes a Class 4 misdemeanor for violation of the provisions. A Class 4 misdemeanor is punishable by a fine of up to \$250. All revenue collected from such fines is deposited into the Literary Fund. However, it is not possible to estimate either the number of convictions that may result or the amount of each fine that may be assessed under this legislation. Therefore, the revenue impact of this bill cannot be determined.

- 9. Specific Agency or Political Subdivisions Affected:** Department of Professional and Occupational Regulation; Office of the Attorney General; Department of Housing and Community Development.

- 10. Technical Amendment Necessary:** No.

- 11. Other Comments:** None.