

COMMITTEE ON HOUSING, TRANSPORTATION,
AND TELECOMMUNICATIONS

BILL NO. 35-0005

Thirty-Fifth Legislature of the Virgin Islands

January 31, 2023

An Act amending title 28 Virgin Islands Code, chapter 31 relating to landlord and tenants by adding a Section 754 to prohibit discrimination on the basis of a tenant's source of legitimate income

PROPOSED BY: Senator Carla J. Joseph

Be it enacted by the Legislature of the Virgin Islands:

SECTION 1. Title 28 Virgin Islands Code, Chapter 31 is amended by adding a Section 754, to read as follows:

§ 754. The Residential-Landlord Tenant Act

(a) A landlord may not, based on the source of income of an otherwise eligible prospective tenant or current tenant:

(1) Refuse to lease or rent any real property to a prospective tenant or current tenant;

(2) Expel a prospective tenant or current tenant from any real property;

1 (3) Make any distinction, discrimination, or restriction against a prospective
2 tenant or current tenant in the price, terms, conditions, fees, or privileges relating to the
3 rental, lease, or occupancy of real property or in the furnishing of any facilities or
4 services in connection with the rental, lease, or occupancy of real property;

5 (4) Attempt to discourage the rental or lease of any real property to a
6 prospective or current tenant;

7 (5) Assist, induce, incite, or coerce another person to commit an act or engage
8 in a practice that violates this section;

9 (6) Coerce, intimidate, threaten, or interfere with any person in the exercise or
10 enjoyment of, or on account of the person having exercised or enjoyed or having aided
11 or encouraged any other person in the exercise or enjoyment of, any right granted or
12 protected under this section;

13 (7) Represent to a person that a dwelling unit is not available for inspection or
14 rental when the dwelling unit in fact is available for inspection or rental; or

15 (8) Otherwise make unavailable or deny a dwelling unit to a prospective tenant
16 or current tenant that, but prospective or current tenant's source of income would be
17 eligible to rent real property.

18 (b) A landlord may not publish, circulate, issue, or display, or cause to be published,
19 circulated, issued, or displayed, any communication, notice, advertisement, or sign of any kind
20 relating to the rental or lease of real property that indicates a preference, limitation, or
21 requirement based on any source of income.

22 (c) If a landlord requires that a prospective tenant or current tenant have a certain
23 threshold level of income, any source of income in the form of a rent voucher or subsidy must

1 be subtracted from the total of the monthly rent prior to calculating if the income criteria have
2 been met.

3 (d) A person in violation of this section is liable in a civil action up to four and one-
4 half times the monthly rent of the real property at issue, as well as court costs and reasonable
5 attorneys' fees.

6 (e) As used in this section, "source of income" includes benefits or subsidy programs
7 including housing assistance, public assistance, emergency rental assistance, veterans'
8 benefits, social security, supplemental security income or other retirement programs, and other
9 programs administered by any federal, state, local, or nonprofit entity. "Source of income" does
10 not include income derived in an illegal manner.

11 **BILL SUMMARY**

12 The purpose of this bill is to amend Title 28 Virgin Islands Code, Chapter 31 to add a
13 section 754 to prohibit a landlord from discrimination against a tenant on the basis of source of
14 income.

15 **BR23-0104/YLT/January 20, 2023**