

House Bill 969 (AS PASSED HOUSE AND SENATE)

By: Representative Efstration of the 104<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 4 of Chapter 3 of Title 8 of the Official Code of Georgia Annotated,  
2 relating to fair housing, so as to change certain provisions pertaining to unlawful practices  
3 in selling or renting dwellings and the procedures, remedies, and judicial review related  
4 thereto; to correct certain cross-references; to clarify that complaints of discriminatory  
5 housing practices may be filed with the federal government as well as the administrator of  
6 the Commission on Equal Opportunity; to specify how such dual complaints shall be  
7 handled; to provide for administrative proceedings to be conducted by administrative law  
8 judges; to change certain provisions relating to state actions; to change provisions relating  
9 to appeals, fines, damages, attorney's fees, and court costs; to provide for conforming  
10 amendments; to provide for related matters; to repeal conflicting laws; and for other  
11 purposes.

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

13 style="text-align:center">**SECTION 1.**

14 Article 4 of Chapter 3 of Title 8 of the Official Code of Georgia Annotated, relating to fair  
15 housing, is amended by revising subsection (b) of Code Section 8-3-202, relating to unlawful  
16 practices in selling or renting dwellings and exceptions, as follows:

17 "(b)(1) Nothing in this Code section, other than paragraph (3) of subsection (a) of this  
18 Code section, shall apply to:

19 (A) Any single-family dwelling sold or rented by an owner, if:

20 (i) Such private individual owner does not own more than three such single-family  
21 dwellings at any one time;

22 (ii) Such bona fide private individual owner does not own any interest in, nor is there  
23 owned or reserved on his or her behalf, under any express or voluntary agreement,  
24 title to or any right to all or a portion of the proceeds from the sale or rental of more  
25 than three such single-family dwellings at any one time;

26 (iii) Such dwelling is sold or rented:

- 27 (I) Without the use in any manner of the sales or rental facilities or the sales or  
 28 rental services of any real estate broker, agent, or salesman, or of such facilities or  
 29 services of any person in the business of selling or renting dwellings, or of any  
 30 employee or agent of any such broker, agent, salesman, or person; and
- 31 (II) Without the publication, posting, or mailing, after notice, of any advertisement  
 32 or written notice in violation of paragraph (3) of subsection (c) (a) of this Code  
 33 section; but nothing in this paragraph shall prohibit the use of attorneys, escrow  
 34 agents, abstractors, title companies, and other such professional assistance as  
 35 necessary to perfect or transfer the title; or
- 36 (B) Rooms or units in dwellings containing living quarters occupied or intended to be  
 37 occupied by no more than four families living independently of each other, if the owner  
 38 actually maintains and occupies one of such living quarters as his or her residence.
- 39 (2) In the case of the sale of any such single-family dwelling by a private individual  
 40 owner not residing in such dwelling at the time of such sale or who was not the most  
 41 recent resident of such dwelling prior to such sale, the exemption granted by this  
 42 subsection shall apply only with respect to one such sale within any 24 month period."

## 43 SECTION 2.

44 Said article is further amended by revising paragraph (1) of subsection (b) of Code  
 45 Section 8-3-205, relating to permissible limitations in sale, rental, or occupancy of dwellings  
 46 by religious organizations or private clubs and housing for older persons, as follows:

47 "(b)(1) As used in this subsection, the term 'housing for older persons' means housing:

48 (A) Provided under any state or federal program that the ~~administrator~~ secretary of  
 49 housing and urban development determines is specifically designed and operated to  
 50 assist elderly persons as defined in the state or federal program;

51 (B) Intended for, and solely occupied by, persons 62 years of age or older; or

52 (C) Intended and operated for occupancy by at least one person 55 years of age or older  
 53 per unit. In determining whether housing qualifies as housing for older persons under  
 54 this subsection, the administrator shall develop regulations which require at least the  
 55 following factors:

56 (i) The existence of significant facilities and services specifically designed to meet  
 57 the physical or social needs of older persons, or, if the provision of such facilities and  
 58 services is not practicable, that such housing is necessary to provide important  
 59 housing opportunities for older persons;

60 (ii) That at least 80 percent of the units are occupied by at least one person 55 years  
 61 of age or older per unit; and

62 (iii) The publication of and adherence to policies and procedures which demonstrate  
 63 an intent by the owner or manager to provide housing for persons 55 years of age or  
 64 older."

65 **SECTION 3.**

66 Said article is further amended by revising subsection (e) of Code Section 8-3-206, relating  
 67 to powers and duties of administrator and housing and urban development programs of other  
 68 agencies, as follows:

69 "(e) To avoid any duplicate investigation, civil action, or administrative enforcement by  
 70 the administrator, in ~~In~~ any case where the ~~federal~~ United States Department of Housing  
 71 and Urban Development has initiated an investigation or any action or proceedings against  
 72 any person relative to any acts or omissions by such person which may be in violation of  
 73 this article, the administrator shall have no authority to initiate or pursue against such  
 74 person any investigation, civil action, or administrative enforcement covered by the  
 75 provisions of this article with regard to the same acts or omissions or facts or circumstances  
 76 to which the federal investigation or proceedings are applicable. Nothing in this subsection  
 77 is intended to prevent the dual filing of complaints of discriminatory housing practices with  
 78 the United States Department of Housing and Urban Development and the administrator."

79 **SECTION 4.**

80 Said article is further amended by revising Code Section 8-3-213, relating to state action for  
 81 enforcement, fines, damages, civil action by local agency, and administrative proceeding, as  
 82 follows:

83 "8-3-213.

84 (a)(1) When a charge is ~~filed~~ issued to initiate an administrative complaint under Code  
 85 Section ~~8-3-208~~ 8-3-211, a complainant, a respondent, or an aggrieved person on whose  
 86 behalf the complaint was filed may elect to have the claims asserted in that charge  
 87 decided in a civil action brought by the Attorney General on behalf of the aggrieved  
 88 person as provided under paragraph (2) of this subsection in lieu of a hearing under  
 89 ~~subparagraph (e)(1)(A) or (e)(1)(B)~~ subsection (e) of this Code section. The election  
 90 must be made not later than 20 days after the receipt by the electing person of service  
 91 under Code Section 8-3-211 or, in the case of the administrator, not later than 20 days  
 92 after such service. The person making such election shall give notice of doing so to the  
 93 administrator and to all other complainants and respondents to whom the charge relates.  
 94 (2) If the administrator has been unable to obtain voluntary compliance or as a result of  
 95 an investigation under Code Section 8-3-209 finds that there is reasonable cause to  
 96 believe that a discriminatory housing practice has occurred, at the recommendation of the

97 administrator, the Attorney General, ~~after reviewing the administrator's findings and~~  
 98 ~~determining that such findings are well grounded in fact and warranted by law~~, shall  
 99 bring an action in the name of the state on behalf of the aggrieved person to enforce the  
 100 provisions of this article.

101 (3) If an election is made under ~~paragraph (1) or (2)~~ of this subsection, the administrator  
 102 shall authorize and, not later than 30 days after the election is made, the Attorney  
 103 General, ~~after reviewing the administrator's charge and determining that such charge is~~  
 104 ~~well grounded in fact and warranted by law~~, shall commence a civil action in the name  
 105 of the state on behalf of the aggrieved person seeking relief under this Code section in a  
 106 superior court.

107 (b) Whenever an action filed in court pursuant to paragraph (2) of subsection (a) of this  
 108 Code section or Code Section 8-3-217 or 8-3-218 comes to trial, the administrator shall  
 109 immediately terminate all efforts to obtain voluntary compliance.

110 (c)(1) The court may impose the following fines if the respondent has been adjudged to  
 111 have committed a discriminatory housing practice:

112 (A) Up to \$10,000.00, if the respondent has not previously been found guilty of  
 113 committing a discriminatory housing practice;

114 (B) Up to \$25,000.00, if the respondent has been found guilty of committing one prior  
 115 discriminatory housing practice within the preceding five years; or

116 (C) Up to \$50,000.00, if the respondent has been found guilty of committing two or  
 117 more discriminatory housing practices within the preceding seven years.

118 (2) The court ~~may award in its discretion~~ may award the prevailing party reasonable  
 119 attorney's fees and court costs; provided, however, that a respondent may be awarded  
 120 reasonable attorney's fees and costs to the administrator or aggrieved person in any action  
 121 in which the administrator or aggrieved person prevails or to the respondent in any action  
 122 in which court costs only if the respondent prevails only on all alleged violations of this  
 123 article and upon a showing that the action is frivolous, unreasonable, or without  
 124 foundation.

125 (3) In addition to the remedies set forth in paragraphs (1) and (2) of this subsection, the  
 126 court may award actual damages and punitive damages to the aggrieved person. Punitive  
 127 damages awarded under this subsection may be awarded only when the evidence shows  
 128 that the respondent's actions showed willful misconduct, malice, fraud, wantonness,  
 129 oppression, or that entire want of care which would raise the presumption of conscious  
 130 indifference to consequences or to the rights of the aggrieved party.

131 (d) Any local agency certified as substantially equivalent by the secretary of housing and  
 132 urban development pursuant to Section 810 of the federal Fair Housing Amendments Act  
 133 of 1988 may institute a civil action in any appropriate court, including superior court, if it

134 is unable to obtain voluntary compliance with the local fair housing law. The agency need  
 135 not have petitioned for an administrative hearing or exhausted its administrative remedies  
 136 prior to bringing a civil action. The court may impose fines as provided in the local fair  
 137 housing law.

138 ~~(e)(1) If the administrator is unable to obtain voluntary compliance with this article and~~  
 139 ~~has reasonable cause to believe that a discriminatory housing practice has occurred:~~

140 ~~(A) The administrator may institute an administrative proceeding under Chapter 13 of~~  
 141 ~~Title 50; or~~

142 ~~(B) The person aggrieved may request administrative relief under Chapter 13 of Title~~  
 143 ~~50 within 20 days after receipt of service of a charge filed under Code Section 8-3-211.~~

144 ~~When an administrative hearing is to be instituted under subparagraph (A) or (B) of this~~  
 145 ~~paragraph Where an election is not made under paragraph (1) of subsection (a) of this~~  
 146 ~~Code section, the administrator shall refer the case to the board of commissioners to~~  
 147 ~~conduct a hearing in accordance with this article. The board of commissioners shall~~  
 148 ~~designate a panel of three of its members, one of which must be an attorney licensed to~~  
 149 ~~practice law in the state, and that tribunal shall have all the power and authority granted~~  
 150 ~~to agencies in conducting hearings and rendering final orders complaint to an~~  
 151 ~~administrative law judge of the Office of State Administrative Hearings. An~~  
 152 ~~administrative hearing shall be conducted as provided for under Chapter 13 of Title 50,~~  
 153 ~~the 'Georgia Administrative Procedure Act.' Act,' including, but not limited to, subpoena~~  
 154 ~~power.~~

155 (2) Not more than seven working days after the case has been referred to the ~~board of~~  
 156 ~~commissioners~~ administrative law judge, the administrator shall serve on the respondent  
 157 and the person aggrieved or the aggrieved person's attorney by registered or certified mail  
 158 or statutory overnight delivery a written notice together with a copy of the complaint  
 159 requiring the respondent to answer the charges contained therein at a hearing before the  
 160 ~~board of commissioners~~ administrative law judge at a time and place specified in the  
 161 notice. Such notice must contain all general and specific charges against the respondent.

162 (3) The respondent shall serve an answer with the ~~board of commissioners~~ administrative  
 163 law judge by registered or certified mail or statutory overnight delivery not more than 20  
 164 working days after receipt of the notice of hearing, which 20 working days may be  
 165 extended by the ~~board of commissioners~~ administrative law judge in the ~~board of~~  
 166 ~~commissioners'~~ administrative law judge's discretion for an additional time not to exceed  
 167 ten working days. The respondent's answer must show by a certificate of service that the  
 168 respondent has served a copy of the answer on the administrator and complainant or the  
 169 complainant's attorney at the last known address of the complainant or the complainant's  
 170 attorney where the complainant is represented by an attorney. Upon leave of the ~~board~~

171 ~~of commissioners~~ administrative law judge, the complainant may amend the charges  
 172 contained in the notice of hearing. The respondent may amend an answer at any time  
 173 prior to the hearing or, upon leave of the ~~board of commissioners~~ administrative law  
 174 judge, may amend thereafter. No ~~final~~ order shall be issued unless the respondent has  
 175 had the opportunity of a hearing on the charges contained in the notice of hearing or  
 176 amendment on which the final order is based. If the respondent fails to answer the  
 177 complaint, the ~~board of commissioners~~ administrative law judge may enter the  
 178 respondent's default. Unless the default is set aside for good cause shown, the hearing  
 179 may proceed under the available evidence.

180 ~~(4) At any time after a notice of hearing is served upon a respondent, discovery shall be~~  
 181 ~~authorized in the same manner and fashion as discovery is permitted under Code Sections~~  
 182 ~~9-11-26 through 9-11-37. Any order contemplated in Code Sections 9-11-26 through~~  
 183 ~~9-11-37 may be issued by the board of commissioners. Judicial enforcement of any such~~  
 184 ~~order may be obtained by the complainant or respondent in the same manner as is~~  
 185 ~~provided for the enforcement of final orders in Code Section 45-19-40.~~

186 ~~(5)~~(4) A respondent who has filed an answer or whose default in answering has been set  
 187 aside for good cause shown may appear at the hearing, may examine and cross-examine  
 188 witnesses and the complainant, and may offer evidence. The complainant and, at the  
 189 discretion of the ~~board of commissioners~~ administrative law judge, any other person may  
 190 intervene, examine and cross-examine witnesses, and present evidence.

191 ~~(6)~~(5) Efforts at conference, conciliation, and persuasion shall not be received in  
 192 evidence.

193 ~~(7)~~(6) Testimony taken at the hearing shall be under oath and shall be stenographically  
 194 or otherwise recorded by a certified court reporter. After the hearing, the ~~board of~~  
 195 ~~commissioners~~ administrative law judge at the ~~board of commissioners'~~ administrative  
 196 law judge's discretion may take further evidence or hear arguments upon notice to all  
 197 parties with an opportunity to be present.

198 ~~(8)~~(7) Except as otherwise specifically provided for in this article, all proceedings of the  
 199 ~~board of commissioners~~ administrative law judge shall be conducted as provided for with  
 200 respect to contested cases in Chapter 13 of Title 50."

201 **SECTION 5.**

202 Said article is further amended by revising Code Section 8-3-214, relating to orders of board  
 203 of commissioners, as follows:

204 "8-3-214.

205 (a) If the ~~board of commissioners~~ administrative law judge determines that the respondent  
 206 has not engaged in a discriminatory housing practice, the ~~board of commissioners~~

207 ~~administrative law judge~~ shall state the ~~board of commissioners'~~ administrative law judge's  
 208 findings of fact and conclusions of law and shall issue a final order within 30 days after the  
 209 hearing unless, for good cause shown, such time is extended by the ~~board of commissioners~~  
 210 administrative law judge, dismissing the complaint.

211 (b) If the ~~board of commissioners~~ administrative law judge determines that the respondent  
 212 has engaged in a discriminatory housing practice, the ~~board of commissioners~~  
 213 administrative law judge shall state the ~~board of commissioners'~~ administrative law judge's  
 214 findings of fact and conclusions of law and shall issue a ~~final~~ an order within 30 days after  
 215 the hearing unless, for good cause shown, such time is extended by the ~~board of~~  
 216 ~~commissioners~~ administrative law judge, granting such relief as may be appropriate, which  
 217 may include actual compensatory damages suffered by the aggrieved person and injunctive  
 218 or other equitable relief ~~and~~. The prevailing party may, in the discretion of the  
 219 administrative law judge, be awarded reasonable attorney's fees and costs. ~~A prevailing;~~  
 220 provided, however, that a respondent may only be awarded reasonable attorney's fees and  
 221 costs ~~only against a party if the respondent prevails on all alleged violations of this article~~  
 222 and upon a showing that the proceeding is frivolous, unreasonable, or without foundation.  
 223 ~~Attorney's fees may be awarded against a complainant or an aggrieved party if such party~~  
 224 ~~joined in the proceeding on its own as an intervening party.~~

225 (c) No order of the ~~board of commissioners~~ administrative law judge or final order of the  
 226 administrator shall affect any contract, sale, encumbrance, or lease consummated before  
 227 the issuance of such order and involving a bona fide purchaser, encumbrancer, or tenant  
 228 without actual notice of the charge filed under this article. In the case of an order with  
 229 respect to a discriminatory housing practice that occurred in the course of a business  
 230 subject to licensing or regulation by a governmental agency, the administrator shall, not  
 231 later than 30 days after the date ~~of the issuance of such order~~ the order becomes final, or,  
 232 if such order is judicially reviewed, 30 days after such order is in substance affirmed upon  
 233 review, send copies of the findings of fact, conclusions of law, and the order to that  
 234 governmental agency and recommend to that governmental agency appropriate disciplinary  
 235 action. In the case of an order against a respondent against whom another order was issued  
 236 within the preceding five years under this Code section, the administrator shall send a copy  
 237 of each such order to the Attorney General.

238 (d) If the ~~board of commissioners~~ administrative law judge finds that the respondent has  
 239 not engaged or is not about to engage in a discriminatory housing practice, as the case may  
 240 be, the ~~board of commissioners~~ administrative law judge shall enter an order dismissing the  
 241 charge. The administrator shall make public disclosure of each such dismissal when it  
 242 becomes final.

243 (e) The administrator may review and reject or modify any finding, conclusion, or order  
 244 issued by the administrative law judge. In the absence of an appeal by any of the parties  
 245 to the administrator or any action taken by the administrator within 30 days after the  
 246 finding, conclusion, or order is so issued, such finding, conclusion, or order shall become  
 247 the final order of the Commission on Equal Opportunity."

248 **SECTION 6.**

249 Said article is further amended by revising Code Section 8-3-215, relating to appeal from  
 250 order of board of commissioners and attorney's fees and costs, as follows:

251 "8-3-215.

252 (a) Any party to a hearing before the ~~board of commissioners~~ administrative law judge  
 253 may appeal any adverse final order of the ~~board of commissioners~~ administrative law judge  
 254 by filing a petition for review in the ~~superior court in the county in which the alleged~~  
 255 ~~unlawful practice occurred or in the superior court of the residence of the respondent~~  
 256 Superior Court of Fulton County within 30 days of the issuance of the final order. The  
 257 ~~board of commissioners~~ administrative law judge shall not be a named party. The  
 258 administrator must be served with a copy of the petition for review. Within 30 days after  
 259 the petition is served on the administrator, the administrator shall forward to the court a  
 260 certified copy of the record of the hearing before the ~~board of commissioners~~  
 261 administrative law judge, including the transcript of the hearing before the ~~board of~~  
 262 ~~commissioners~~ administrative law judge and all evidence, administrative pleadings, and  
 263 orders, or the entire record if no hearing has been held. For good cause shown, the court  
 264 may require or permit subsequent corrections or additions to the record. All appeals for  
 265 judicial review shall be in accordance with Chapter 13 of Title 50, the 'Georgia  
 266 Administrative Procedure Act'; provided, however, that if any provisions of Chapter 13 of  
 267 Title 50 conflict with any provision of this article, this article controls.

268 (b) The court shall not substitute its judgment for that of the ~~board of commissioners~~  
 269 administrative law judge as to the weight of the evidence on questions of fact. The court  
 270 may affirm a final order of the ~~board of commissioners~~ administrative law judge or remand  
 271 the case for further proceedings. The court may reverse or modify the final order if  
 272 substantial rights of the appellant have been prejudiced because the administrative findings,  
 273 inferences, conclusions, or decisions are:

- 274 (1) In violation of constitutional or statutory provisions;
- 275 (2) In excess of the statutory authority of the agency;
- 276 (3) Made upon unlawful procedures;
- 277 (4) Affected by other error of law;

278 (5) Clearly erroneous in view of the reliable, probative, and ~~Not supported by~~ substantial  
 279 evidence, ~~which shall mean that the record does not contain such relevant evidence as a~~  
 280 ~~reasonable mind might accept as adequate to support said findings, inferences,~~  
 281 ~~conclusions, or decisions on the whole record;~~ or

282 (6) Arbitrary, capricious, or characterized by abuse of discretion or clearly unwarranted  
 283 exercise of discretion.

284 (c) Upon ~~If, upon~~ judicial review of any order of the ~~board of commissioners~~ administrator  
 285 or in a proceeding in which a complainant seeks enforcement of a conciliation agreement,  
 286 ~~the court rules in favor of the complainant, then the court may in its discretion render an~~  
 287 ~~award of~~ may award the prevailing party reasonable attorney's fees and costs ~~of litigation~~  
 288 ~~in the superior court to the complainant. A prevailing;~~ provided, however, that a  
 289 ~~respondent may be awarded court costs and reasonable attorney's fees only and court costs~~  
 290 only if the respondent prevails on all alleged violations in the order or of the conciliation  
 291 agreement and upon a showing that the action is frivolous, unreasonable, or without  
 292 foundation."

#### 293 SECTION 7.

294 Said article is further amended by revising Code Section 8-3-216, relating to filing order of  
 295 administrator or board of commissioners in superior court and judgment thereon, as follows:  
 296 "8-3-216.

297 Any person affected by a final order of the administrator ~~or the board of commissioners~~  
 298 may file in the superior court of the county of the residence of the respondent a certified  
 299 copy of a final order of the administrator ~~or of the board of commissioners~~ unappealed  
 300 from or of a final order of the ~~board of commissioners~~ administrator affirmed upon appeal,  
 301 whereupon said court shall render judgment in accordance therewith and notify the parties.  
 302 Such judgment shall have the same effect and all proceedings in relation thereto shall  
 303 thereafter be the same as though the judgment had been rendered in an action duly heard  
 304 and determined by the court."

#### 305 SECTION 8.

306 Said article is further amended by revising subsections (a) and (b) of Code Section 8-3-217,  
 307 relating to civil actions by aggrieved persons, as follows:

308 "(a)(1) An aggrieved person may commence a civil action in an appropriate superior  
 309 court not later than two years after the occurrence or the termination of an alleged  
 310 discriminatory housing practice or the breach of a conciliation agreement entered into  
 311 under this article, whichever occurs last, to obtain appropriate relief with respect to such  
 312 discriminatory housing practice or breach of a conciliation agreement.

313 (2) The computation of such two-year period shall not include any time during which an  
 314 administrative proceeding under this article was pending with respect to a complaint or  
 315 charge under this article based upon such discriminatory housing practice. This  
 316 paragraph does not apply to actions arising from a breach of a conciliation agreement.

317 (3) An aggrieved person may commence a civil action under this subsection whether or  
 318 not a complaint has been filed under Code Section 8-3-208 and without regard to the  
 319 status of any such complaint, but if the administrator has obtained a conciliation  
 320 agreement with the consent of an aggrieved person, no action may be filed under this  
 321 subsection by such aggrieved person with respect to the alleged discriminatory housing  
 322 practice which forms the basis for such complaint except for the purpose of enforcing the  
 323 terms of such conciliation agreement.

324 (4) An aggrieved person may not commence a civil action under this subsection with  
 325 respect to an alleged discriminatory housing practice which forms the basis of a charge  
 326 issued by the administrator if ~~the board of commissioners~~ an administrative law judge has  
 327 commenced a hearing on the record under this article with respect to such charge.

328 (b)(1) The court may grant as relief, as it deems appropriate, any permanent or temporary  
 329 injunction, temporary restraining order, or other order and may award to the plaintiff  
 330 reasonable attorney's fees, court costs, actual damages, and punitive damages ~~not to~~  
 331 ~~exceed penalties permitted by the federal Fair Housing Amendments Act of 1988, 42~~  
 332 ~~U.S.C. Section 3601, et seq., as amended.~~ Punitive damages may be awarded under this  
 333 article only when the evidence shows that the respondent's actions showed willful  
 334 misconduct, malice, fraud, wantonness, oppression, or that entire want of care which  
 335 would raise the presumption of conscious indifference to consequences or to the rights  
 336 of the aggrieved party.

337 (2) Where it is proved that the aggrieved party took an active part in the initiation,  
 338 continuation, or procurement of civil proceedings against a respondent, the aggrieved  
 339 party may be liable for abusive litigation as provided for in Article 5 of Chapter 7 of  
 340 Title 51."

### 341 SECTION 9.

342 Said article is further amended by revising subsection (d) of and by adding a new subsection  
 343 to Code Section 8-3-218, relating to civil actions by Attorney General, as follows:

344 "(d)(1) In a civil action brought under subsection (a) or (b) of this Code section, the  
 345 court:

346 (A) May award such preventive relief, including a permanent or temporary injunction,  
 347 restraining order, or other order against the persons responsible for a violation of this  
 348 article as is necessary to assure the full enjoyment of the rights granted by this article;

349 (B) May award such other relief as the court deems appropriate, including actual  
350 damages to persons aggrieved; and

351 (C) May, to vindicate the public interest, assess a civil penalty against the respondent:

352 (i) In an amount not exceeding \$50,000.00 for a first violation; or

353 (ii) In an amount not exceeding \$100,000.00 for any subsequent violation.

354 (2) In a civil action brought under subsection (a) or (b) of this Code section, the court in  
355 its discretion may allow the prevailing party reasonable attorney's fees and court costs;  
356 provided, however, that a respondent may be awarded reasonable attorney's fees and  
357 court costs ~~only~~ if the respondent prevails on all alleged violations of this article and upon  
358 a showing that the action is frivolous, unreasonable, or without foundation."

359 "(f) Nothing in this article shall be interpreted to limit or alter the Attorney General's  
360 authority to determine whether to file or otherwise maintain a civil action."

361

#### **SECTION 10.**

362 All laws and parts of laws in conflict with this Act are repealed.