

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 157  
Committee Substitute Favorable 3/7/91

Short Title: Greensboro Fair Housing.

(Local)

Sponsors:

Referred to:

February 25, 1991

1 A BILL TO BE ENTITLED  
2 AN ACT TO AMEND THE CHARTER OF THE CITY OF GREENSBORO WITH  
3 RESPECT TO FAIR HOUSING.

4 The General Assembly of North Carolina enacts:

5 Section 1. Section 3.64 of the City of Greensboro Charter, as set forth in  
6 Section 1, Chapter 132 of the 1981 Session Laws, reads as rewritten:

7 "Sec. 3.64. Fair Housing. ~~The city council shall have the power to adopt ordinances~~  
8 ~~to insure that all housing opportunities in the City of Greensboro shall be equally~~  
9 ~~available to all persons without regard to race, color, religion, sex or national origin.~~  
10 ~~Such ordinances may regulate or prohibit any act, practice, activity or procedures~~  
11 ~~related directly or indirectly to the sale or rental of public or private housing which~~  
12 ~~affects or may tend to affect the availability or desirability of housing on an equal basis~~  
13 ~~to all persons. However, in accordance with Title VIII on Fair Housing, the following~~  
14 ~~shall be exempt from coverage:~~

15 (a) ~~The rental of a housing accommodation in a building containing~~  
16 ~~accommodations for not more than four families living independently of each other if~~  
17 ~~the lessor or a member of his family resides in one of those accommodations.~~

18 (b) ~~The rental of a room or rooms in a housing accommodation by an individual~~  
19 ~~if he or a member of his family resides there.~~

20 (c) ~~With respect to discrimination based on sex, the rental or leasing of housing~~  
21 ~~accommodations in single-sex dormitory property.~~

22 (d) ~~With respect to discrimination based on religion, housing accommodations~~  
23 ~~owned or operated for other than a commercial purpose by a religious organization,~~

1 ~~association or society, or any nonprofit institution or organization operated, supervised~~  
2 ~~or controlled by or in conjunction with a religious organization, association or society~~  
3 ~~whereby the sale, rental or occupancy of such housing accommodations is limited or~~  
4 ~~preference is given to persons of the same religion, unless membership in such religion~~  
5 ~~is restricted because of race, color, national origin or sex.~~

6 (a) Legal Authority; Enforcement.

7 The City Council may adopt ordinances prohibiting discrimination based on race,  
8 color, religion, sex, handicap, familial status, or national origin in the sale, rental or  
9 advertising of dwellings, in the provision of brokerage services or in the availability of  
10 residential real estate-related transactions. Such ordinances may regulate or prohibit  
11 any act, practice, activity or procedure related directly or indirectly, to the sale or rental  
12 of public or private housing, that affects or may tend to affect the availability or  
13 desirability of housing on an equal basis to all persons, and may:

- 14 (1) Provide that the appropriate person, commission or committee as  
15 designated by the City Council, be granted the power and authority to  
16 initiate complaints regarding fair housing;
- 17 (2) Provide that the appropriate person, commission or committee as  
18 designated by the City Council, be granted the power and duties to  
19 take any action deemed necessary by the City Council for the proper  
20 implementation and enforcement of the fair housing ordinance;
- 21 (3) Allow an aggrieved person one year after an alleged discriminatory  
22 housing practice to file a written complaint with the appropriate  
23 department, commission or committee as designated by the City  
24 Council;
- 25 (4) Allow an aggrieved person two years to institute a civil action in the  
26 General Court of Justice for an alleged discriminatory housing  
27 practice;
- 28 (5) Provide that an aggrieved person may be given an option to either  
29 proceed under the City's administrative hearing process or to file a  
30 civil action in the General Court of Justice if a reasonable cause  
31 determination by the appropriate designated public official or body is  
32 made to the effect that a discriminatory housing practice has occurred  
33 or is about to occur pursuant to investigation, review and findings  
34 under this Chapter;
- 35 (6) Provide that if an aggrieved person elects a civil action in lieu of the  
36 City's administrative hearing process, the City may commence and  
37 maintain the civil action seeking relief on behalf of the aggrieved  
38 person;
- 39 (7) Provide that investigation and conciliation of fair housing complaints  
40 filed pursuant to this Chapter be completed within 100 days after the  
41 filing of the complaint, unless it is impracticable to do so;
- 42 (8) Provide that violations constitute a criminal offense;
- 43 (9) Subject the offender to civil penalties; and

1           (10) Provide that the City may enforce the ordinances by application to the  
2           General Court of Justice for appropriate legal and equitable remedies,  
3           including but not limited to mandatory and prohibitory injunctions,  
4           temporary restraining orders, orders of abatement, actual and punitive  
5           damages, and attorney's fees, and the court shall have jurisdiction to  
6           grant such remedies.

7           The City Council may also amend any ordinance adopted pursuant to the provisions  
8           contained in this section to ensure that the ordinance remains substantially equivalent to  
9           Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing  
10          Amendments Act of 1988.

11          (b) Exemptions.

12          In accordance with Title VIII of the Civil Rights Act of 1968, as amended by the  
13          Fair Housing Amendments Act of 1988, the provisions of Section 3.64 do not apply to  
14          the following:

15           (1) Nothing other than the prohibitions against discriminatory advertising  
16           applies to the sale or rental of any single family house by an owner,  
17           provided the owner does not own or have any interest in more than  
18           three single family houses at any one time, the house is sold or rented  
19           without the use of a real estate broker, agent or salesperson or the  
20           facilities of any person in the business of selling or renting dwellings,  
21           provided further that if the owner selling the house does not reside in it  
22           at the time of the sale or was not the most recent resident of the house  
23           prior to such sale, the exemption in this paragraph applies to only one  
24           such sale in any 24-month period.

25           (2) Rooms or units in dwellings containing living quarters occupied or  
26           intended to be occupied by no more than four families living  
27           independently of each other, if the owner actually maintains and  
28           occupies one of such living quarters as his or her residence.

29           (3) The rental of a room or rooms in a private house, not a boarding house,  
30           if the lessor or a member of his family resides in the house.

31           (4) A religious organization, association or society or any nonprofit  
32           institution or organization operated, supervised or controlled by or in  
33           conjunction with a religious organization, association, or society, may  
34           limit the sale, rental or occupancy of dwellings which it owns or  
35           operates for other than a commercial purpose to persons of the same  
36           religion or may give preference to persons of the same religion, unless  
37           membership in the religion is restricted because of race, color or  
38           national origin.

39           (5) A private club not in fact open to the public, which as an incident to its  
40           primary purpose or purposes provides lodging which it owns or  
41           operates for other than a commercial purpose, may limit the rental or  
42           occupancy of such lodging to its members or may give preference to  
43           its members.

- 1           (6)   With respect to discrimination based on sex, the rental or leasing of  
2           housing accommodations in single-sex dormitory property.
- 3           (7)   The sale, rental, exchange or lease of commercial real estate (real  
4           property not intended for residential use).
- 5           (8)   The applicability of any reasonable local, State or federal restrictions  
6           regarding the maximum number of occupants permitted to occupy a  
7           dwelling.
- 8           (9)   Conduct against a person because the person has been convicted by  
9           any court of competent jurisdiction of the illegal manufacture or  
10          distribution of a controlled substance as defined in section 102 of the  
11          Controlled Substance Act (21 U.S.C. § 802).
- 12          (10) The provisions of this section regarding discrimination based on  
13          familial status do not apply to housing for older persons. As used in  
14          this section, 'housing for older persons' means housing:
- 15           a.    Provided under any State or federal program that the Secretary  
16           of Housing and Urban Development determines is specifically  
17           designed and operated to assist elderly persons (as defined in  
18           the State or federal program); or
- 19           b.    Intended for, and solely occupied by, persons 62 years of age or  
20           older; or
- 21           c.    Intended and operated for occupancy by at least one person 55  
22           years of age or older per unit that satisfy the following criteria:
- 23                1.   The existence of significant facilities and services  
24                specifically designed to meet the physical or social needs  
25                of older persons, or if the provision of such facilities and  
26                services is not practicable, that such housing is necessary  
27                to provide important housing opportunities for older  
28                persons; and
- 29                2.   That at least eighty percent (80%) of the units are  
30                occupied by at least one person 55 years of age or older  
31                per unit; and
- 32                3.   The publication of, and adherence to, policies and  
33                procedures which demonstrate an intent by the owner or  
34                manager to provide housing for persons 55 years of age  
35                or older.
- 36           d.    Housing shall not fail to meet the requirements for housing for  
37           older persons by reason of;
- 38                1.   Persons residing in such housing as of the date of  
39                enactment of this act who do not meet the age  
40                requirements of subsections (10) b. or c., provided that  
41                new occupants of such housing meet the age  
42                requirements of subsections (10) b. or c.; or

1                     2.     Unoccupied units, provided that such units are reserved  
 2                                for occupancy by persons who meet the age  
 3                                requirements of subsection (10) b. or c.

4             e.     Housing facilities newly constructed for first occupancy after  
 5             the date of ratification of this Act shall satisfy the requirements  
 6             of subsections (10) c. if:

7                     1.     When twenty-five percent (25%) of the units are  
 8                                occupied, eighty percent (80%) of the occupied units are  
 9                                occupied by at least one person 55 years of age or older;  
 10                              and thereafter

11                    2.     Eighty percent (80%) of all newly occupied units are  
 12                              occupied by at least one person 55 years or older until  
 13                              such time as eighty percent (80%) of all units in the  
 14                              housing facility are occupied by at least one person 55  
 15                              years of age or older; and

16                    3.     There are units occupied by employees of the housing  
 17                              facility, and family members residing in the same unit  
 18                              who are under 55 years of age, provided the employees  
 19                              perform substantial duties directly related to the  
 20                              management or maintenance of the housing."

21                    Sec. 2. The title of Section 3.64.1 of the City of Greensboro Charter, as set  
 22                    forth in Section 1, Chapter 51 of the Session Laws of 1987, reads as rewritten:

23                    "Sec. 3.64.1. ~~Enforcement~~ Subpoena Power."

24                    Sec. 3. This act is effective upon ratification.