

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 157
Committee Substitute Favorable 3/7/91
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Short Title: Greensboro Fair Housing.

(Local)

Sponsors:

Referred to:

February 25, 1991

A BILL TO BE ENTITLED

AN ACT TO AMEND THE CHARTER OF THE CITY OF GREENSBORO WITH
RESPECT TO FAIR HOUSING.

The General Assembly of North Carolina enacts:

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

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

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

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

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

1 ~~(d) With respect to discrimination based on religion, housing accommodations~~
2 ~~owned or operated for other than a commercial purpose by a religious organization,~~
3 ~~association or society, or any nonprofit institution or organization operated, supervised~~
4 ~~or controlled by or in conjunction with a religious organization, association or society~~
5 ~~whereby the sale, rental or occupancy of such housing accommodations is limited or~~
6 ~~preference is given to persons of the same religion, unless membership in such religion~~
7 ~~is restricted because of race, color, national origin or sex.~~

8 (a) Legal Authority; Enforcement.

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

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

1 General Court of Justice for appropriate legal and equitable remedies,
2 including but not limited to mandatory and prohibitory injunctions,
3 temporary restraining orders, orders of abatement, actual and punitive
4 damages, and attorney's fees, and the court shall have jurisdiction to
5 grant such remedies.

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

10 (b) Exemptions.

11 The following shall be exempt from the provisions of any ordinance adopted
12 pursuant to the provisions of this section:

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

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

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

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

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

42 (6) With respect to discrimination based on sex, the rental or leasing of
43 housing accommodations in single-sex dormitory property.

- 1 (7) The sale, rental, exchange or lease of commercial real estate (real
2 property not intended for residential use).
- 3 (8) The applicability of any reasonable local, State or federal restrictions
4 regarding the maximum number of occupants permitted to occupy a
5 dwelling.
- 6 (9) Conduct against a person because the person has been convicted by
7 any court of competent jurisdiction of the illegal manufacture or
8 distribution of a controlled substance as defined in section 102 of the
9 Controlled Substance Act (21 U.S.C. § 802) or Article 5 of Chapter 90
10 of the General Statutes, the North Carolina Controlled Substances Act.
- 11 (10) The provisions of this section regarding discrimination based on
12 familial status do not apply to housing for older persons. As used in
13 this section, 'housing for older persons' means housing:
- 14 a. Provided under any State or federal program that the Secretary
15 of Housing and Urban Development determines is specifically
16 designed and operated to assist elderly persons (as defined in
17 the State or federal program); or
- 18 b. Intended for, and solely occupied by, persons 62 years of age or
19 older; or
- 20 c. Intended and operated for occupancy by at least one person 55
21 years of age or older per unit that satisfy the following criteria:
- 22 1. The existence of significant facilities and services
23 specifically designed to meet the physical or social needs
24 of older persons, or if the provision of such facilities and
25 services is not practicable, that such housing is necessary
26 to provide important housing opportunities for older
27 persons; and
- 28 2. That at least eighty percent (80%) of the units are
29 occupied by at least one person 55 years of age or older
30 per unit; and
- 31 3. The publication of, and adherence to, policies and
32 procedures which demonstrate an intent by the owner or
33 manager to provide housing for persons 55 years of age
34 or older.
- 35 d. Housing shall not fail to meet the requirements for housing for
36 older persons by reason of:
- 37 1. Persons residing in such housing as of the date of
38 enactment of an ordinance pursuant to this section who
39 do not meet the age requirements of Section
40 3.64(b)(10)b. or c., provided that new occupants of such
41 housing meet the age requirements of Section
42 3.64(b)(10)b. or c.; or

