

GENERAL ASSEMBLY OF NORTH CAROLINA
1991 SESSION

CHAPTER 433
HOUSE BILL 563

AN ACT TO AUTHORIZE THE NORTH CAROLINA HUMAN RELATIONS COMMISSION TO BRING AN ACTION FOR AN INTERFERENCE OF CIVIL RIGHTS UNDER CHAPTER 99D OF THE GENERAL STATUTES AND TO MAKE OTHER CHANGES TO CHAPTER 99D.

The General Assembly of North Carolina enacts:

Section 1. G.S. 99D-1 is amended by adding a new subsection to read:

"(b1) The North Carolina Human Relations Commission may bring a civil action on behalf, and with the consent, of any person subjected to a violation of this Chapter. In any such action, the court may restrain and enjoin such future acts, and may award compensatory damages and punitive damages to the person on whose behalf the action was brought. Court costs may be awarded to the Commission or the defendant, whichever prevails. Notwithstanding the provisions of G.S. 114-2, the commission shall be represented by the Commission's staff attorney."

Sec. 2. G.S. 99D-1(b) reads as rewritten:

"(b) Any person whose exercise or enjoyment of a right described in subdivision (a)(1) has been interfered with, or against whom an attempt has been made to interfere with the exercise or enjoyment of such a right, by a violation of this Chapter may bring a civil action. ~~The court may award to a prevailing party compensatory damages, punitive damages, court costs, and reasonable attorneys' fees. The court may also restrain and enjoin such future acts by any party.~~ The court may restrain and enjoin such future acts, and may award compensatory and punitive damages to the plaintiff. The court may award court costs and attorneys' fees to the prevailing party. However, a prevailing defendant may be awarded reasonable attorneys' fees only upon a showing that the case is frivolous, unreasonable, or without foundation."

Sec. 3. G.S. 143B-391 reads as rewritten:

"§ 143B-391. North Carolina Human Relations Commission – creation; powers and duties.

There is hereby created the North Carolina Human Relations Commission of the Department of Administration. The North Carolina Human Relations Commission shall have the following functions and duties:

- (1) To study problems concerning human relations;
- (2) To promote equality of opportunity for all citizens;
- (3) To promote understanding, respect, and goodwill among all citizens;
- (4) To provide channels of communication among the races;

- (5) To encourage the employment of qualified people without regard to race;
- (6) To encourage youths to become better trained and qualified for employment;
- (7) To receive on behalf of the Department of Administration and to recommend expenditure of gifts and grants from public and private donors;
- (8) To enlist the cooperation and assistance of all State and local government officials in the attainment of the objectives of the Commission;
- (9) To assist local good neighborhood councils and biracial human relations committees in promoting activities related to the functions of the Commission enumerated above;
- (10) To advise the Secretary of Administration upon any matter the Secretary may refer to it; ~~and~~
- (11) To administer the provisions of the State Fair Housing Act as outlined in Chapter 41A of the General Statutes. ~~Statutes;~~
- (12) To administer the provisions of Chapter 99D of the General Statutes."

Sec. 4. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 27th day of June, 1991.

James C. Gardner
President of the Senate

Daniel Blue, Jr.
Speaker of the House of Representatives