

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

H

4

HOUSE BILL 1718
Committee Substitute Favorable 5/17/07
Senate Commerce, Small Business and Entrepreneurship Committee Substitute
Adopted 7/24/07
Fourth Edition Engrossed 7/25/07

Short Title: Cities Enact Fair Housing Ordinances.

(Public)

Sponsors:

Referred to:

April 19, 2007

A BILL TO BE ENTITLED

AN ACT AUTHORIZING CERTAIN CITIES TO ENACT FAIR HOUSING
ORDINANCES.

The General Assembly of North Carolina enacts:

SECTION 1. Article 21 of Chapter 160A of the General Statutes is amended
by adding the following new section to read:

§ 160A-499.2. Fair housing ordinance.

(a) A municipality shall have the power to adopt ordinances prohibiting discrimination on the basis of race, color, sex, religion, handicap, familial status, or national origin in real estate transactions. The ordinances may regulate or prohibit any act, practice, activity, or procedure 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; may provide that violations constitute a criminal offense; may subject the offender to civil penalties; and may provide that the municipality may enforce the ordinances by application to the Superior Court Division of the General Court of Justice for appropriate legal and equitable remedies, including mandatory and prohibitory injunctions and orders of abatement, attorneys' fees, and punitive damages, and the court shall have jurisdiction to grant the remedies.

(b) A municipality also shall have the power to amend any ordinance adopted pursuant to the provisions contained in subsection (a) of this section to ensure that the ordinance remains substantially equivalent to the federal Fair Housing Act (41 U.S.C. §§ 3601, et seq.). Any ordinance enacted pursuant to this section prohibiting discrimination on the basis of familial status shall not apply to housing for older persons, as defined in the federal Fair Housing Act (41 U.S.C. §§ 3601, et seq.).

1 (c) Any ordinance enacted pursuant to this section may provide for exemption
2 from its coverage:

- 3 (1) The rental of a housing accommodation in a building containing
4 accommodations for not more than four families living independently
5 of each other if the lessor or a member of his family resides in one of
6 those accommodations.
- 7 (2) The rental of a room or rooms in a housing accommodation by an
8 individual if he or a member of his family resides there.
- 9 (3) With respect to discrimination based on sex, the rental or leasing of
10 housing accommodations in single-sex dormitory property.
- 11 (4) With respect to discrimination based on religion to housing
12 accommodations owned and operated for other than a commercial
13 purpose by a religious organization, association, or society, or any
14 nonprofit institution or organization operated, supervised, or controlled
15 by or in conjunction with a religious organization, association, or
16 society, the sale, rental, or occupancy of the housing accommodation
17 being limited or preference being given to persons of the same
18 religion, unless membership in the religion is restricted because of
19 race, color, national origin, or sex.
- 20 (5) Any person, otherwise subject to its provisions, who adopts and carries
21 out a plan to eliminate present effects of past discriminatory practices
22 or to assure equal opportunity in real estate transactions, if the plan is
23 part of a conciliation agreement entered into by that person under the
24 provisions of the ordinance.

25 (d) A municipality may create or designate a committee to assume the duty and
26 responsibility of enforcing ordinances adopted pursuant to this section. The committee
27 may be granted any authority deemed necessary by the city council for the proper
28 enforcement of any fair housing ordinance, including the power to:

- 29 (1) Promulgate rules for the receipt, initiation, investigation, and
30 conciliation of complaints of violations of the ordinance.
- 31 (2) Require answers to interrogatories, the production of documents and
32 things, and the entry upon land and premises in the possession of a
33 party to a complaint alleging a violation of the ordinance; compel the
34 attendance of witnesses at hearings; administer oaths; and examine
35 witnesses under oath or affirmation.
- 36 (3) Apply to the Superior Court Division of the General Court of Justice,
37 upon the failure of any person to respond to or comply with a lawful
38 interrogatory, request for production of documents and things, request
39 to enter upon land and premises, or subpoena, for an order requiring
40 the person to respond or comply.
- 41 (4) Upon finding reasonable cause to believe that a violation of the
42 ordinance has occurred, to petition the Superior Court Division of the
43 General Court of Justice for appropriate civil relief on behalf of the
44 aggrieved person or persons.

1 (e) A municipality may provide that neither complaints filed with any committee
2 pursuant to the ordinance nor the results of the committee's investigations, discovery, or
3 attempts at conciliation, in whatever form prepared and preserved, shall be subject to
4 inspection, examination, or copying under the provisions of what is now Chapter 132 of
5 the General Statutes.

6 (f) A municipality may provide that the statutory provisions relating to meetings
7 of governmental bodies, presently embodied in Article 33C of Chapter 143 of the
8 General Statutes, shall not apply to the activity of any committee authorized to enforce
9 the ordinance to the extent that the committee is receiving a complaint or conducting an
10 investigation, discovery, or conciliation pertaining to a complaint filed pursuant to the
11 ordinance."

12 **SECTION 2.** This act applies only to municipalities that have a permanent
13 population of 90,000 or more according to the most recent decennial census and that are
14 the location of a recurring special accommodation event requiring temporary
15 accommodations for at least 50,000 people. For purposes of this act, the term "recurring
16 special accommodation event" means a trade show or other event of less than 11 days'
17 duration that has been held in the municipality at least once a year for at least 10 years.

18 **SECTION 3.** This act is effective when it becomes law.