

NORTH CAROLINA GENERAL ASSEMBLY
1981 SESSION

CHAPTER 292
HOUSE BILL 556

AN ACT TO ALLOW MECKLENBURG COUNTY TO ENACT ORDINANCES
PROVIDING FOR FAIR HOUSING OPPORTUNITIES IN MECKLENBURG
COUNTY.

The General Assembly of North Carolina enacts:

Section 1. Equal Housing. A county board of commissioners may adopt ordinances prohibiting discrimination on the basis of race, color, sex, religion, or national origin in real estate transactions. These 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 county may enforce the ordinances by application to the district court for appropriate legal and equitable remedies, including mandatory and prohibitory injunctions and orders of abatement, attorney's fees and punitive damages. The District Court of the 26th Judicial District shall have jurisdiction to grant all remedies arising out of this act.

Sec. 2. Exemptions. Any ordinance enacted pursuant to this act may provide for the following exemptions from its coverage:

(1) the rental of housing accommodations 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;

(2) the rental of a room or rooms in a housing accommodation by an individual if he or a member of his family resides there;

(3) with respect to discrimination based on sex, the rental or leasing of housing accommodations in single-sex dormitory property;

(4) with respect to discrimination based on religion, to housing accommodations owned and operated for other than a commercial purpose by a religious organization, association, or society, or any nonprofit institution or organization operated, supervised, or controlled by or in conjunction with a religious organization, association, or society, if the sale, rental, or occupancy of the housing accommodation is limited or preference is given to persons of the same religion, unless membership in the religion is restricted because of race, color, national origin, or sex;

(5) any person, otherwise subject to the provisions of this act, who adopts and carries out a plan to eliminate present effects of past discriminatory practices or to

assure equal opportunity in real estate transactions, if the plan is part of a conciliation agreement entered into by that person under the provisions of this act.

Sec. 3. Enforcement. The county board of commissioners may create or designate a committee to assume the duty and responsibility of enforcing ordinances adopted pursuant to this act. The committee may be granted any authority the county board of commissioners consider necessary for the proper enforcement of any fair housing ordinance, including the powers to:

(1) promulgate rules for the receipt, initiation, investigation and conciliation of complaints of violations of this act;

(2) require answers to interrogatories, the production of documents and other evidence, and make entry upon land and premises in the possession of a party to a complaint alleging a violation of this act; compel the attendance of witnesses at hearings; administer oaths; and examine witnesses under oath or affirmation;

(3) apply to the court, upon the failure of any person to respond to or comply with a lawful interrogatory, request for production of documents and other evidence, request to make entry upon land and premises, or subpoena, for an order requiring the person to respond or comply;

(4) upon finding reasonable cause to believe that a violation of this act has occurred, to petition the district court for appropriate civil relief on behalf of the aggrieved person or persons.

Sec. 4. Complaints and other records. The county board of commissioners may provide that neither complaints filed with any committee pursuant to this act nor the results of the committee's investigations, discovery, or attempts at conciliation, in whatever form prepared and preserved, shall be subject to inspection, examination, or copying under the provisions of Chapter 132 of the General Statutes.

Sec. 5. Committee meetings. The county board of commissioners may provide that the statutory provisions relating to meetings of governmental bodies, prescribed in Article 33C of Chapter 143 of the General Statutes, shall not apply to the activity of any committee authorized to enforce the ordinance, to the extent that the committee is receiving a complaint or conducting an investigation, discovery, or conciliation pertaining to a complaint filed pursuant to this act.

Sec. 6. This act applies only to Mecklenburg County.

Sec. 7. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 1st day of May, 1981.