

NORTH CAROLINA GENERAL ASSEMBLY
1981 SESSION

CHAPTER 608
HOUSE BILL 882

AN ACT TO AMEND THE CHARTER OF THE CITY OF WINSTON-SALEM BY
ADDING PROVISIONS RELATING TO FAIR HOUSING.

The General Assembly of North Carolina enacts:

Section 1. The Charter of the City of Winston-Salem, Chapter 232, Private Laws of 1927, as amended, is amended by adding a new Article, designated "Article XII" and to appear as follows:

"ARTICLE XII.
"Fair Housing.

"Sec. 45. Equal Housing. The Board of Aldermen shall have the power to adopt ordinances prohibiting discrimination on the basis of race, color, sex, religion, national origin, or handicap in real estate transactions. Such 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 City may enforce the ordinances by application to the General Court of Justice, for appropriate legal and equitable remedies, including mandatory and prohibitory injunctions and orders of abatement, attorney's fees and punitive damages, and the court shall have jurisdiction to grant such remedies; provided, that nothing herein shall be construed as a grant of authority to the Board of Aldermen to adopt any ordinance which provides for civil penalties that are adjudicated by any body other than the General Court of Justice.

"Sec. 46. Exemptions. Any ordinance enacted pursuant to this Article may provide for exemption from its coverage of:

(1) The sale or rental of any single-family house by an owner: Provided that such private individual owner does not own or have any interest in more than three such single-family houses at any one time: Provided further, that in the case of the sale of any such single-family house by a private individual owner not residing in such house at the time of such sales or who was not the most recent resident of such house prior to such sale, the exemption granted may only apply with respect to one such sale within any 24-month period: Provided further, that any single family house under this exemption may not be sold or rented (a) with the use in any manner of the sales or rental facilities of any person in the business of selling or renting dwellings or the sales or rental services of any real estate broker, agent, salesman or of any employee of any such broker, agent or salesman or (b) with the publication, or posting of any advertisement in

violation of the ordinance; but nothing in this proviso shall prohibit the use of attorneys, escrow agents, abstractors, title companies and other such professional assistance as necessary to perfect or transfer the title.

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

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

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

(5) 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, the sale, rental or occupancy of such housing accommodation being limited or preference being given to persons of the same religion, unless membership in such religion is restricted because of race, color, national origin, or sex.

(6) Any person, otherwise subject to its provisions, 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 the ordinance or the Federal 'Fair Housing Act,' (42 U.S.C.A. § 3601-3619) or is voluntary and is consistent with the purposes thereof.

(7) A private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodgings which it owns or operates for other than a commercial purpose limiting the rental or occupancy of such lodgings to its members or giving preference to its members.

"Sec. 47. Enforcement. (a) The Board of Aldermen may create or designate a committee or commission to assume the duty and responsibility of enforcing ordinances adopted pursuant to this Article. Such body may be granted any authority deemed necessary by the Board of Aldermen for the proper enforcement of any fair housing ordinance, including the power to:

- (1) Promulgate rules for the receipt, initiation, investigation and conciliation of complaints of violations of the ordinance.
- (2) Require answers to interrogatories, the production of documents and things, and the entry upon land and premises in the possession of a party to a complaint alleging a violation of the ordinances; compel the attendance of witnesses under oath or affirmation.
- (3) Apply to the General Court of Justice, upon the failure of any person to respond to or comply with a lawful interrogatory, request for production of documents and things, request to enter upon land and premises, or subpoena, for an order requiring such person to respond or comply.

(4) Upon finding reasonable cause to believe that a violation of the ordinances has occurred, to petition, with permission of the Board of Aldermen, the General Court of Justice for appropriate civil relief.

"Sec. 48. Complaints and other records. The Board of Aldermen may provide that neither complaints filed with any committee or Commission pursuant to the ordinances nor the results of that body'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 what is now Chapter 132 of the North Carolina General Statutes.

"Sec. 49. Committee meetings. The Board of Aldermen may provide that the statutory provisions relating to meetings of governmental bodies, presently embodied in Article 33C of Chapter 143 of the North Carolina General Statutes, shall not apply to the activity of any body authorized to enforce the ordinances, to the extent that said body is receiving a complaint or conducting an investigation, discovery, or conciliation pertaining to a complaint filed pursuant to the ordinances."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 18th day of June, 1981.