

GENERAL ASSEMBLY OF NORTH CAROLINA
1985 SESSION

CHAPTER 371
SENATE BILL 251

AN ACT TO CLARIFY THE FAIR HOUSING ACT.

The General Assembly of North Carolina enacts:

Section 1. G.S. 41A-6(2) is rewritten to read:

"(2) The rental of a room or rooms in a private house, not a boarding house, if the lessor or a member of his family resides in the house;"

Sec. 2. G.S. 41A-6 is amended by changing the period at the end of subdivision (6) to a semicolon and by adding at the end a new subdivision to read:

"(7) The sale, rental, exchange, or lease of commercial real estate. For the purposes of this Chapter, commercial real estate means real property which is not intended for residential use."

Sec. 3. G.S. 41A-7(a) is rewritten to read:

"(a) Any person who claims to have been injured by an unlawful discriminatory housing practice or who reasonably believes that he will be irrevocably injured by an unlawful discriminatory housing practice may file a complaint with the North Carolina Human Relations Council. Complaints shall be in writing, shall state the facts upon which the allegation of an unlawful discriminatory housing practice is based, and shall contain such other information and be in such form as the Council requires. Council employees shall assist complainants in reducing complaints to writing and shall assist in setting forth the information in the complaint as may be required by the Council. Within 10 days after receipt of the complaint, the Director of the Council shall furnish a copy of the complaint to the person who allegedly committed or is about to commit the unlawful discriminatory housing practice."

Sec. 4. G.S. 41A-7(d) is rewritten to read:

"(d) Complaints may be resolved at any time by informal conference, conciliation, or persuasion. Nothing said or done in the course of such informal procedure may be made public by the Council or used as evidence in a subsequent proceeding under this Chapter without the written consent of the person concerned."

Sec. 5. G.S. 41A-7 is amended by redesignating subsection (e) as subsection (j) and adding the following new subsections to read:

"(e) Upon receipt of a complaint, the Council shall investigate the complaint to ascertain the facts relating to the alleged unlawful discriminatory housing practice. If the complaint is not resolved before the investigation is complete, upon completion of the investigation, the Council shall determine whether or not there are reasonable grounds to believe that an unlawful discriminatory housing practice has occurred. The

Council shall make a determination within 90 days after receiving the complaint, unless the Council determines that good cause exists for further delay.

(f) If the Council finds no reasonable ground to believe that an unlawful discriminatory housing practice has occurred or is about to occur it shall dismiss the complaint and issue to the complainant a right-to-sue letter which will enable him to bring a civil action in superior court.

(g) If the Council finds reasonable grounds to believe that an unlawful discriminatory housing practice has occurred or is about to occur it shall proceed to try to eliminate or correct the discriminatory housing practice by informal conference, conciliation, or persuasion.

(h) If the Council is unable to resolve the alleged unlawful discriminatory housing practice it may declare that conciliation efforts have failed. Upon making such a declaration, the Council may:

- (1) Dismiss the complaint and issue to the complainant a right-to-sue letter which will enable him to bring a civil action in superior court; or
- (2) Commence a civil action in superior court against the respondent for such preventive relief as it deems necessary to enforce the provisions of this Chapter. In such an action, the Council shall be represented by an attorney employed by the Council and G.S. 114-2 shall not apply.

(i) If after 130 days after a complaint has been filed the Council has failed to resolve the complaint or issue a right-to-sue letter, the Council shall, upon written request of the complainant, issue a right-to-sue letter to the complainant. Issuance of a letter under this subsection shall not prevent the Council from commencing a civil action under subsection (h)(2) of this section which action shall be consolidated with any action filed by the complainant."

Sec. 6. G.S. 41A-9 is rewritten to read:

"§ 41A-9. **Statute of limitation.** – A civil action brought pursuant to this Chapter shall be commenced within 180 days after the filing of a complaint with the Council."

Sec. 7. This act shall become effective October 1, 1985.

In the General Assembly read three times and ratified, this the 11th day of June, 1985.