

1 carry out the purposes of the ordinances or to maintain the status quo
2 during pendency of its proceedings;

3 (4) To issue orders against persons it finds, after notice and hearing, to
4 have violated the ordinances;

5 (5) To seek judicial enforcement of its orders and written conciliation
6 agreements in the Superior Court of Gaston County; and

7 (6) To seek enforcement of its orders and written conciliation agreements
8 before administrative law judges in cases where the parties thereto
9 consent to a hearing before an administrative law judge as opposed to
10 one held before a judge of the Superior Court of Gaston County.

11 (b) Such ordinances may provide for the designation of a Fair Housing officer or
12 officers who may perform designated duties in order to assist the agency in performing
13 its responsibilities under the ordinances, including but not limited to those regarding the
14 initiation, receipt, investigation and conciliation of complaints arising under the
15 ordinances. Further, such ordinances may provide that the Fair Housing officer(s) has
16 the authority to make preliminary findings as to whether or not there is reasonable cause
17 to believe the ordinances have been violated; provided, any party aggrieved thereby
18 shall have the right to be heard before the agency within a reasonable time after
19 receiving notice of the finding made by the Fair Housing officer(s)."

20 Sec. 2. Section 3 of Chapter 902 of the 1985 Session Laws is rewritten to
21 read:

22 "Sec. 3. (a) Any person aggrieved by a decision of the agency shall have the
23 right to request a hearing **de novo** by filing a civil action in the Superior Court of
24 Gaston County against the person allegedly violating the ordinances, provided such
25 action is filed within a reasonable time of receipt of the agency's decision. If such
26 action is filed in a case where the agency found a violation to have occurred, the agency
27 by and through its attorney shall appear on behalf of and represent the original
28 complainant and shall bear the burden of proof on the issue of whether the ordinances
29 were in fact violated. Reasonable attorney's fees and costs shall be recoverable by the
30 prevailing party in the court's discretion and the court may order any appropriate relief
31 including actual monetary damages, injunctive or other equitable relief and punitive
32 damages.

33 (b) The ordinances may also provide that as an alternative to the aforesaid right
34 to bring a civil action in Superior Court, any person aggrieved by a decision of the
35 agency may elect to have the matter heard instead by an administrative law judge,
36 provided the other party or parties consent thereto. In such cases the hearing shall be
37 conducted in Gaston County and shall have all the attributes of a court trial, and the
38 provisions of subsection (a) of this section shall still apply, except that the
39 administrative law judge may assess only civil penalties and not punitive damages
40 against any person found to have violated the ordinances.

41 (c) Any person aggrieved by the decision of the Superior Court or the
42 administrative law judge pursuant to subsections (a) or (b) of this section may appeal
43 such decision to the North Carolina appellate division according to the rules of civil
44 procedure applicable to other civil cases."

1 Sec. 3. Section 4(a) of Chapter 902 of the 1985 Session Laws is amended to
2 read:

3 "(a) If within 60 days after entry of an order of the agency, the respondent has not
4 complied with the order and no person aggrieved thereby has requested a **de novo**
5 hearing pursuant to Sections 3(a) or 3(b) of this act, the agency or any aggrieved person
6 may petition the Superior Court of Gaston County for an order of the court enforcing
7 the order of the agency. Such petition shall be heard by the Superior Court as a matter
8 in the nature of **certiorari** as hereinafter set forth."

9 Sec. 4. Section 5 of Chapter 902 of the 1985 Session Laws as rewritten by
10 Section 2 of Chapter 931, Session Laws of 1987, is rewritten to read:

11 "Sec. 5. The ordinances may include provisions requiring (i) that handicapped
12 persons be allowed to make reasonable modifications or alternations to existing
13 premises at their own expense if necessary to afford them full enjoyment of such
14 premises; and (ii) that multifamily dwellings consisting of four or more units and
15 intended for initial occupancy after March 13, 1991, be designed and constructed
16 subject to specified requirements in order to ensure that units therein are readily
17 accessible to, and adaptable to the use of, handicapped persons."

18 Sec. 5. This act is effective upon ratification.