

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 157
Committee Substitute Favorable 3/7/91
Third Edition Engrossed 3/13/91

Short Title: Greensboro Fair Housing.

(Local)

Sponsors:

Referred to:

February 25, 1991

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE CHARTER OF THE CITY OF GREENSBORO WITH
3 RESPECT TO FAIR HOUSING.

4 The General Assembly of North Carolina enacts:

5 Section 1. Section 3.64 of the City of Greensboro Charter, as set forth in
6 Section 1, Chapter 132 of the 1981 Session Laws, reads as rewritten:

7 "Sec. 3.64. Fair Housing. ~~The city council shall have the power to adopt ordinances~~
8 ~~to insure that all housing opportunities in the City of Greensboro shall be equally~~
9 ~~available to all persons without regard to race, color, religion, sex or national origin.~~
10 ~~Such ordinances may regulate or prohibit any act, practice, activity or procedures~~
11 ~~related directly or indirectly to the sale or rental of public or private housing which~~
12 ~~affects or may tend to affect the availability or desirability of housing on an equal basis~~
13 ~~to all persons. However, in accordance with Title VIII on Fair Housing, the following~~
14 ~~shall be exempt from coverage:~~

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

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

20 (c) ~~With respect to discrimination based on sex, the rental or leasing of housing~~
21 ~~accommodations in single sex dormitory property.~~

1 ~~(d) With respect to discrimination based on religion, housing accommodations~~
2 ~~owned or operated for other than a commercial purpose by a religious organization,~~
3 ~~association or society, or any nonprofit institution or organization operated, supervised~~
4 ~~or controlled by or in conjunction with a religious organization, association or society~~
5 ~~whereby the sale, rental or occupancy of such housing accommodations is limited or~~
6 ~~preference is given to persons of the same religion, unless membership in such religion~~
7 ~~is restricted because of race, color, national origin or sex.~~

8 (a) Legal Authority; Enforcement.

9 The City Council may adopt ordinances prohibiting discrimination based on race,
10 color, religion, sex, handicap, familial status, or national origin in the sale, rental or
11 advertising of dwellings, in the provision of brokerage services or in the availability of
12 residential real estate-related transactions. Such ordinances may regulate or prohibit
13 any act, practice, activity or procedure related directly or indirectly, to the sale or rental
14 of public or private housing, that affects or may tend to affect the availability or
15 desirability of housing on an equal basis to all persons, and may:

- 16 (1) Provide that the appropriate person, commission or committee as
17 designated by the City Council, be granted the power and authority to
18 initiate complaints regarding fair housing;
- 19 (2) Provide that the appropriate person, commission or committee as
20 designated by the City Council, be granted the power and duties to
21 take any action deemed necessary by the City Council for the proper
22 implementation and enforcement of the fair housing ordinance;
- 23 (3) Allow an aggrieved person one year after an alleged discriminatory
24 housing practice to file a written complaint with the appropriate
25 department, commission or committee as designated by the City
26 Council;
- 27 (4) Allow an aggrieved person two years to institute a civil action in the
28 General Court of Justice for an alleged discriminatory housing
29 practice;
- 30 (5) Provide that an aggrieved person may be given an option to either
31 proceed under the City's administrative hearing process or to file a
32 civil action in the General Court of Justice if a reasonable cause
33 determination by the appropriate designated public official or body is
34 made to the effect that a discriminatory housing practice has occurred
35 or is about to occur pursuant to investigation, review and findings
36 under this Chapter;
- 37 (6) Provide that if an aggrieved person elects a civil action in lieu of the
38 City's administrative hearing process, the City may commence and
39 maintain the civil action seeking relief on behalf of the aggrieved
40 person;
- 41 (7) Provide that investigation and conciliation of fair housing complaints
42 filed pursuant to this Chapter be completed within 100 days after the
43 filing of the complaint, unless it is impracticable to do so;
- 44 (8) Provide that violations constitute a criminal offense;

- 1 (9) Subject the offender to civil penalties; and
2 (10) Provide that the City may enforce the ordinances by application to the
3 General Court of Justice for appropriate legal and equitable remedies,
4 including but not limited to mandatory and prohibitory injunctions,
5 temporary restraining orders, orders of abatement, actual and punitive
6 damages, and attorney's fees, and the court shall have jurisdiction to
7 grant such remedies.

8 The City Council may also amend any ordinance adopted pursuant to the provisions
9 contained in this section to ensure that the ordinance remains substantially equivalent to
10 Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing
11 Amendments Act of 1988.

12 (b) Exemptions.

13 In accordance with Title VIII of the Civil Rights Act of 1968, as amended by the
14 Fair Housing Amendments Act of 1988, the provisions of Section 3.64 do not apply to
15 the following:

- 16 (1) Nothing other than the prohibitions against discriminatory advertising
17 applies to the sale or rental of any single family house by an owner,
18 provided the owner does not own or have any interest in more than
19 three single family houses at any one time, the house is sold or rented
20 without the use of a real estate broker, agent or salesperson or the
21 facilities of any person in the business of selling or renting dwellings,
22 provided further that if the owner selling the house does not reside in it
23 at the time of the sale or was not the most recent resident of the house
24 prior to such sale, the exemption in this paragraph applies to only one
25 such sale in any 24-month period.
- 26 (2) Rooms or units in dwellings containing living quarters occupied or
27 intended to be occupied by no more than four families living
28 independently of each other, if the owner actually maintains and
29 occupies one of such living quarters as his or her residence.
- 30 (3) The rental of a room or rooms in a private house, not a boarding house,
31 if the lessor or a member of his family resides in the house.
- 32 (4) A religious organization, association or society or any nonprofit
33 institution or organization operated, supervised or controlled by or in
34 conjunction with a religious organization, association, or society, may
35 limit the sale, rental or occupancy of dwellings which it owns or
36 operates for other than a commercial purpose to persons of the same
37 religion or may give preference to persons of the same religion, unless
38 membership in the religion is restricted because of race, color or
39 national origin.
- 40 (5) A private club not in fact open to the public, which as an incident to its
41 primary purpose or purposes provides lodging which it owns or
42 operates for other than a commercial purpose, may limit the rental or
43 occupancy of such lodging to its members or may give preference to
44 its members.

- 1 (6) With respect to discrimination based on sex, the rental or leasing of
2 housing accommodations in single-sex dormitory property.
- 3 (7) The sale, rental, exchange or lease of commercial real estate (real
4 property not intended for residential use).
- 5 (8) The applicability of any reasonable local, State or federal restrictions
6 regarding the maximum number of occupants permitted to occupy a
7 dwelling.
- 8 (9) Conduct against a person because the person has been convicted by
9 any court of competent jurisdiction of the illegal manufacture or
10 distribution of a controlled substance as defined in section 102 of the
11 Controlled Substance Act (21 U.S.C. § 802).
- 12 (10) The provisions of this section regarding discrimination based on
13 familial status do not apply to housing for older persons. As used in
14 this section, 'housing for older persons' means housing:
- 15 a. Provided under any State or federal program that the Secretary
16 of Housing and Urban Development determines is specifically
17 designed and operated to assist elderly persons (as defined in
18 the State or federal program); or
- 19 b. Intended for, and solely occupied by, persons 62 years of age or
20 older; or
- 21 c. Intended and operated for occupancy by at least one person 55
22 years of age or older per unit that satisfy the following criteria:
- 23 1. The existence of significant facilities and services
24 specifically designed to meet the physical or social needs
25 of older persons, or if the provision of such facilities and
26 services is not practicable, that such housing is necessary
27 to provide important housing opportunities for older
28 persons; and
- 29 2. That at least eighty percent (80%) of the units are
30 occupied by at least one person 55 years of age or older
31 per unit; and
- 32 3. The publication of, and adherence to, policies and
33 procedures which demonstrate an intent by the owner or
34 manager to provide housing for persons 55 years of age
35 or older.
- 36 d. Housing shall not fail to meet the requirements for housing for
37 older persons by reason of;
- 38 1. Persons residing in such housing as of the date of
39 enactment of this act who do not meet the age
40 requirements of subsections (10) b. or c., provided that
41 new occupants of such housing meet the age
42 requirements of subsections (10) b. or c.; or

