

**GENERAL ASSEMBLY OF NORTH CAROLINA**  
**SESSION 2007**

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**SENATE DRS55070-LB-121 (2/14)**

Short Title: Fair Housing Act Amendment.

(Public)

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Sponsors: Senator Kinnaird.

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Referred to:

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A BILL TO BE ENTITLED

AN ACT AMENDING THE STATE FAIR HOUSING ACT TO PROHIBIT  
DISCRIMINATION ON THE BASIS OF RECEIPT OF HOUSING ASSISTANCE.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 41A-3 is amended by adding a new subdivision to read:

"(4a) "Housing assistance" means a subsidy provided to defray the cost of housing for a household that has a member who is either: (i) age 62 or over, or (ii) has been determined eligible for a government funded disability program, such as veterans benefits, social security disability or supplemental security income."

**SECTION 2.** G.S. 41A-4 reads as rewritten:

**"§ 41A-4. Unlawful discriminatory housing practices.**

(a) It is an unlawful discriminatory housing practice for any person in a real estate transaction, because of race, color, religion, sex, national origin, handicapping condition, housing assistance, or familial status to:

(1) Refuse to engage in a real estate transaction;

(2) Discriminate against a person in the terms, conditions, or privileges of a real estate transaction or in the furnishing of facilities or services in connection therewith;

(2a) Refuse to permit, at the expense of a handicapped person, reasonable modifications of existing premises occupied or to be occupied by the person if the modifications are necessary to the handicapped person's full enjoyment of the premises; except that, in the case of a rental unit, the landlord may, where it is reasonable to do so, condition permission for modifications on agreement by the renter to restore the interior of the premises to the condition that existed before the modifications, reasonable wear and tear excepted;

- 1 (2b) Refuse to make reasonable accommodations in rules, policies,  
2 practices, or services, when these accommodations may be necessary  
3 to a handicapped person's equal use and enjoyment of a dwelling;
- 4 (2c) Fail to design and construct covered multifamily dwellings available  
5 for first occupancy after March 13, 1991, so that:
- 6 a. The dwellings have at least one building entrance on an  
7 accessible route, unless it is impractical to do so because of  
8 terrain or unusual site characteristics; or
- 9 b. With respect to dwellings with a building entrance on an  
10 accessible route:
- 11 1. The public and common use portions are readily  
12 accessible to and usable by handicapped persons;
- 13 2. There is an accessible route into and through all  
14 dwellings and units;
- 15 3. All doors designed to allow passage into, within, and  
16 through these dwellings and individual units are wide  
17 enough for wheelchairs;
- 18 4. Light switches, electrical switches, electrical outlets,  
19 thermostats, and other environmental controls are in  
20 accessible locations;
- 21 5. Bathroom walls are reinforced to allow later installation  
22 of grab bars; and
- 23 6. Kitchens and bathrooms have space for an individual in a  
24 wheelchair to maneuver;
- 25 (3) Refuse to receive or fail to transmit a bona fide offer to engage in a  
26 real estate transaction;
- 27 (4) Refuse to negotiate for a real estate transaction;
- 28 (5) Represent to a person that real property is not available for inspection,  
29 sale, rental, or lease when in fact it is so available, or fail to bring a  
30 property listing to his attention, or refuse to permit him to inspect real  
31 property;
- 32 (6) Make, print, circulate, post, or mail or cause to be so published a  
33 statement, advertisement, or sign, or use a form or application for a  
34 real estate transaction, or make a record or inquiry in connection with a  
35 prospective real estate transaction, which indicates directly or  
36 indirectly, an intent to make a limitation, specification, or  
37 discrimination with respect thereto;
- 38 (7) Offer, solicit, accept, use, or retain a listing of real property with the  
39 understanding that any person may be discriminated against in a real  
40 estate transaction or in the furnishing of facilities or services in  
41 connection therewith; or
- 42 (8) Otherwise make unavailable or deny housing.
- 43 (b) Repealed by Session Laws 1989, c. 507, s. 2.

1 (b1) It is an unlawful discriminatory housing practice for any person or other  
2 entity whose business includes engaging in residential real estate related transactions to  
3 discriminate against any person in making available such a transaction, or in the terms  
4 and conditions of such a transaction, because of race, color, religion, sex, national  
5 origin, handicapping condition, housing assistance, or familial status. As used in this  
6 subsection, "residential real estate related transaction" means:

- 7 (1) The making or purchasing of loans or providing financial assistance (i)  
8 for purchasing, constructing, improving, repairing, or maintaining a  
9 dwelling, or (ii) where the security is residential real estate; or  
10 (2) The selling, brokering, or appraising of residential real estate.

11 The provisions of this subsection shall not prohibit any financial institution from using a  
12 loan application which inquires into a person's financial and dependent obligations or  
13 from basing its actions on the income or financial abilities of any person.

14 (c) It is an unlawful discriminatory housing practice for a person to induce or  
15 attempt to induce another to enter into a real estate transaction from which such person  
16 may profit:

- 17 (1) By representing that a change has occurred, or may or will occur in the  
18 composition of the residents of the block, neighborhood, or area in  
19 which the real property is located with respect to race, color, religion,  
20 sex, national origin, handicapping condition, housing assistance, or  
21 familial status of the owners or occupants; or  
22 (2) By representing that a change has resulted, or may or will result in the  
23 lowering of property values, an increase in criminal or antisocial  
24 behavior, or a decline in the quality of schools in the block,  
25 neighborhood, or area in which the real property is located.

26 (d) It is an unlawful discriminatory housing practice to deny any person who is  
27 otherwise qualified by State law access to or membership or participation in any real  
28 estate brokers' organization, multiple listing service, or other service, organization, or  
29 facility relating to the business of engaging in real estate transactions, or to discriminate  
30 in the terms or conditions of such access, membership, or participation because of race,  
31 color, religion, sex, national origin, handicapping condition, housing assistance, or  
32 familial status.

33 (e) It is an unlawful discriminatory housing practice to coerce, intimidate,  
34 threaten, or interfere with any person in the exercise or enjoyment of, on account of  
35 having exercised or enjoyed, or on account of having aided or encouraged any other  
36 person in the exercise or enjoyment of any right granted or protected by this Chapter."

37 **SECTION 3.** G.S. 41A-5 reads as rewritten:

38 "**§ 41A-5. Proof of violation.**

39 (a) It is a violation of this Chapter if:

- 40 (1) A person by his act or failure to act intends to discriminate against a  
41 person. A person intends to discriminate if, in committing an unlawful  
42 discriminatory housing practice described in G.S. 41A-4 he was  
43 motivated in full, or in any part at all, by race, color, religion, sex,  
44 national origin, handicapping condition, housing assistance, or familial

1 status. An intent to discriminate may be established by direct or  
2 circumstantial evidence; or

- 3 (2) A person's act or failure to act has the effect, regardless of intent, of  
4 discriminating, as set forth in G.S. 41A-4, against a person of a  
5 particular race, color, religion, sex, national origin, handicapping  
6 condition, housing assistance, or familial status. However, it is not a  
7 violation of this Chapter if a person whose action or inaction has an  
8 unintended discriminatory effect, proves that his action or inaction was  
9 motivated and justified by business necessity.

10 (b) It shall be no defense to a violation of this Chapter that the violation was  
11 requested, sought, or otherwise procured by another person."

12 **SECTION 4.** G.S. 41A-6(a) reads as rewritten:

13 "(a) The provisions of G.S. 41A-4, except for subdivision (a)(6), do not apply to  
14 the following:

- 15 (1) The rental of a housing accommodation in a building which contains  
16 housing accommodations for not more than four families living  
17 independently of each other, if the lessor or a member of his family  
18 resides in one of the housing accommodations;
- 19 (2) The rental of a room or rooms in a private house, not a boarding house,  
20 if the lessor or a member of his family resides in the house;
- 21 (3) Religious institutions or organizations or charitable or educational  
22 organizations operated, supervised, or controlled by religious  
23 institutions or organizations which give preference to members of the  
24 same religion in a real estate transaction, as long as membership in  
25 such religion is not restricted by race, color, sex, national origin,  
26 handicapping condition, housing assistance, or familial status;
- 27 (4) Private clubs, not in fact open to the public, which incident to their  
28 primary purpose or purposes provide lodging, which they own or  
29 operate for other than a commercial purpose, to their members or give  
30 preference to their members;
- 31 (5) With respect to discrimination based on sex, the rental or leasing of  
32 housing accommodations in single-sex dormitory property; and
- 33 (6) Repealed by Session Laws 1989 (Reg. Sess., 1990), c. 979, s. 4.
- 34 (7) The sale, rental, exchange, or lease of commercial real estate. For the  
35 purposes of this Chapter, commercial real estate means real property  
36 which is not intended for residential use."

37 **SECTION 5.** This act is effective when it becomes law.