

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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SENATE BILL 465

Short Title: Amend State Fair Housing Act. (Public)

Sponsors: Senators McKissick; Atwater, Berger of Franklin, Bingham, Boseman, Clary, Dorsett, Graham, Jones, Kinnaird, Nesbitt, Shaw, Snow, Vaughan, and Weinstein.

Referred to: Commerce.

March 9, 2009

1 A BILL TO BE ENTITLED
2 AN ACT AMENDING THE STATE FAIR HOUSING ACT.

3 The General Assembly of North Carolina enacts:

4 SECTION 1. G.S. 41A-4 reads as rewritten:

5 "§ 41A-4. Unlawful discriminatory housing practices.

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

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

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

13 ~~(2a) Refuse to permit, at the expense of a handicapped person, reasonable~~
14 ~~modifications of existing premises occupied or to be occupied by the person~~
15 ~~if the modifications are necessary to the handicapped person's full enjoyment~~
16 ~~of the premises; except that, in the case of a rental unit, the landlord may,~~
17 ~~where it is reasonable to do so, condition permission for modifications on~~
18 ~~agreement by the renter to restore the interior of the premises to the~~
19 ~~condition that existed before the modifications, reasonable wear and tear~~
20 ~~excepted;~~

21 ~~(2b) Refuse to make reasonable accommodations in rules, policies, practices, or~~
22 ~~services, when these accommodations may be necessary to a handicapped~~
23 ~~person's equal use and enjoyment of a dwelling;~~

24 ~~(2c) Fail to design and construct covered multifamily dwellings available for first~~
25 ~~occupancy after March 13, 1991, so that:~~

26 a. ~~The dwellings have at least one building entrance on an accessible~~
27 ~~route, unless it is impractical to do so because of terrain or unusual~~
28 ~~site characteristics; or~~

29 b. ~~With respect to dwellings with a building entrance on an accessible~~
30 ~~route:~~

31 1. ~~The public and common use portions are readily accessible to~~
32 ~~and usable by handicapped persons;~~

33 2. ~~There is an accessible route into and through all dwellings~~
34 ~~and units;~~



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

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

11 (f) It is an unlawful discriminatory housing practice to:

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

20 (2) Refuse to make reasonable accommodations in rules, policies, practices, or
21 services, when these accommodations may be necessary to a handicapped
22 person's equal use and enjoyment of a dwelling.

23 (3) Fail to design and construct covered multifamily dwellings available for first
24 occupancy after March 13, 1991, so that:

25 a. The dwellings have at least one building entrance on an accessible
26 route, unless it is impractical to do so because of terrain or unusual
27 site characteristics; or

28 b. With respect to dwellings with a building entrance on an accessible
29 route:

30 1. The public and common use portions are readily accessible to
31 and usable by handicapped persons;

32 2. There is an accessible route into and through all dwellings
33 and units;

34 3. All doors designed to allow passage into, within, and through
35 these dwellings and individual units are wide enough for
36 wheelchairs;

37 4. Light switches, electrical switches, electrical outlets,
38 thermostats, and other environmental controls are in
39 accessible locations;

40 5. Bathroom walls are reinforced to allow later installation of
41 grab bars; and

42 6. Kitchens and bathrooms have space for an individual in a
43 wheelchair to maneuver."

44 **SECTION 2.** G.S. 41A-5(a) is amended by adding a new subdivision to read as
45 follows:

46 "**§ 41A-5. Proof of violation.**

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

48 ...

49 (3) A person's act or failure to act violates G.S. 41A-4(f)."

50 **SECTION 3.** This act becomes effective October 1, 2009.