

GENERAL ASSEMBLY OF NORTH CAROLINA  
1989 SESSION

CHAPTER 979  
HOUSE BILL 685

AN ACT TO CHANGE THE NAME OF THE NORTH CAROLINA HUMAN RELATIONS COUNCIL TO THE NORTH CAROLINA HUMAN RELATIONS COMMISSION AND TO AMEND THE FAIR HOUSING ACT TO CONFORM TO FEDERAL REQUIREMENTS REGARDING FAIR HOUSING LAWS AND ENFORCEMENT.

The General Assembly of North Carolina enacts:

Section 1. The word "Council" is deleted and replaced by the word "Commission", the word "council" is deleted and replaced by the word "commission", the word "Council's" is deleted and replaced by the word "Commission's", and the word "council's" is deleted and replaced by the word "commission's" whenever they appear in each of the following provisions of the General Statutes or Session Laws of North Carolina:

- (1) G.S. 41A-3. Definitions.
- (2) G.S. 41A-7(a), (c), (d), (e), (f), (h), (i), (j), (k), (l), (m), and (n). Enforcement.
- (3) G.S. 41A-8. Investigation; subpoenas.
- (4) Part 9. North Carolina Human Relations Council.
- (5) G.S. 143-422.3. Investigations; conciliations.
- (6) G.S. 143B-391. North Carolina Human Relations Council – creation; powers and duties.
- (7) G.S. 143B-392. North Carolina Human Relations Council – members; selection; quorum; compensation.
- (8) G.S. 143B-433.2(a)(11) (Housing Coordination and Policy Council membership).
- (9) 1985 Session Laws, Chapter 776, Section 2, as amended by 1989 Session Laws, Chapter 213, Section 2 (Asheville Fair Housing Commission).

Sec. 2. The Revisor of Statutes is authorized to delete any reference to the North Carolina Human Relations Council or derivative thereof in any portion of the General Statutes or in any Session Law of local applicability to which conforming amendments are not made by this act and replace them with the phrase North Carolina Human Relations Commission or the appropriate derivative, consistent with the provisions of this act.

Sec. 3. G.S. 41A-4(d) reads as rewritten:

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

Sec. 4. G.S. 41A-6 reads as rewritten:

**"§ 41A-6. Exemptions.**

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

- (1) The rental of a housing accommodation in a building which contains housing accommodations for not more than four families living independently of each other, if the lessor or a member of his family resides in one of the housing accommodations;
- (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;
- (3) Religious institutions or organizations or charitable or educational organizations operated, supervised, or controlled by religious institutions or organizations which give preference to members of the same religion in a real estate transaction, as long as membership in such religion is not restricted by race, color, sex, national origin, handicapping condition, or familial status;
- (4) Private clubs, not in fact open to the public, which incident to their primary purpose or purposes provide lodging, which they own or operate for other than a commercial purpose, to their members or give preference to their members;
- (5) With respect to discrimination based on sex, the rental or leasing of housing accommodations in single-sex dormitory property; and
- (6) ~~Any person, otherwise subject to its provisions, who adopts and carries out a plan to eliminate present effects of past discriminatory practices or to assure equal opportunity in real estate transactions, if the plan is part of a conciliation agreement entered into by that person under the provisions of this Chapter or under the provisions of the Federal Fair Housing Act, 42 U.S.C. § 3601 et seq. or is voluntary and is consistent with the purposes thereof;~~
- ~~(7)~~(6) 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.

(b) No provision of this Chapter requires that a dwelling be made available to a person whose tenancy would constitute a direct threat to the health or safety of other persons or whose tenancy would result in substantial physical damage to the property of others.

(c) No provision of this Chapter limits the applicability of any reasonable local or State restrictions regarding the maximum number of occupants permitted to occupy a dwelling unit.

(d) Nothing in this Chapter shall be deemed to nullify any provisions of the North Carolina Building Code applicable to the construction of residential housing for the handicapped.

(e) No provision of this Chapter regarding familial status applies with respect to housing for older persons. 'Housing for older persons' means housing:

- (1) Provided under any State or federal program specifically designed and operated to assist elderly persons as defined in the program;
- (2) Intended for and solely occupied by person 62 years or older. Housing satisfies the requirements of this subdivision even though there are persons residing in such housing on ~~October 1, 1989~~, September 13, 1988, who are under 62 years of age, provided that all new occupants after ~~October 1, 1989~~, September 13, 1988, are 62 years or older; or
- (3) Intended for and operated for occupancy by at least one person 55 years of age or older per unit as shown by such factors as (i) the existence of significant facilities and services specifically designed to meet the physical and social needs of older persons or, if this is not practicable, that the housing provides important housing opportunities for older persons, (ii) at least eighty percent (80%) of the units are occupied by at least one person 55 years of age or older per unit; and (iii) the publication of and adherence to policies and procedures which demonstrate an intent by the owner or manager to provide housing for persons 55 years or older. Housing satisfies the requirements of this subdivision even though on ~~October 1, 1989~~, September 13, 1988, under eighty percent (80%) of the units in the housing facility are occupied by at least one person 55 years or older per unit, provided that eighty percent (80%) of the units that are occupied by new tenants after ~~October 1, 1989~~, September 13, 1988, are occupied by at least one person 55 years or older per unit until such time as eighty percent (80%) of all the units in the housing facility are occupied by at least one person 55 years or older. Housing facilities newly constructed for first occupancy after ~~October 1, 1989~~, March 12, 1989, shall satisfy the requirements of this subdivision if (i) when twenty-five percent (25%) of the units are occupied, eighty percent (80%) of the occupied units are occupied by at least one person 55 years or older, and thereafter (ii) eighty percent (80%) of all newly occupied units are occupied by at least one person 55 years or older until such time as eighty percent (80%) of all the units in the housing facility are occupied by at least one person 55 years of age or older.

Housing satisfies the requirements of subdivisions (2) and (3) of this subsection even though there are units occupied by employees of the housing facility who are under the minimum age or family members of the employees residing in the same unit who are

under the minimum age, provided the employees perform substantial duties directly related to the management of the housing."

Sec. 5. G.S. 41A-7(b) reads as rewritten:

"(b) A complaint under subsection (a) shall be filed within one year after the alleged unlawful discriminatory housing practice occurred. A respondent may file an answer to the complaint against him within 10 days after receiving a copy of the complaint. With the leave of the ~~Council~~, Commission, which shall be granted whenever it would be reasonable and fair to do so, the complaint and the answer may be amended at any time. Complaints and answers shall be verified. The Commission shall make final administrative disposition of a complaint within one year of the date the complaint is filed, unless it is impracticable to do so. If the Commission is unable to do so, it shall notify the complainant and respondent, in writing, of the reasons for not doing so."

Sec. 6. G.S. 41A-7(g) reads as rewritten:

"(g) If the ~~Council~~ Commission 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. ~~Any~~ Each conciliation agreement arising out of conciliation efforts by the ~~Council~~ Commission, whether reached before or after the Commission makes a determination of the complaint pursuant to subsection (e), shall be be:

- (1) ~~an~~ An agreement between the respondent and the complainant and shall be subject to the approval of the ~~Council~~ Commission. The ~~Council~~ Commission may also be a party to such conciliation agreements. ~~agreements; and~~
- (2) ~~Each conciliation agreement shall be made~~ Made public unless the complainant and respondent otherwise agree, and the ~~Council~~ Commission determines that disclosure is not required to further the purposes of this Chapter."

Sec. 7. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 19th day of July, 1990.