

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 157

Short Title: Greensboro Fair Housing.

(Local)

Sponsors: Representative Gist.

Referred to: Local & Regional Government I.

February 25, 1991

A BILL TO BE ENTITLED

AN ACT TO AMEND THE CHARTER OF THE CITY OF GREENSBORO WITH
RESPECT TO FAIR HOUSING.

The General Assembly of North Carolina enacts:

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

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

(a) ~~The rental of a housing accommodation in a building containing 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 those accommodations.~~

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

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

(d) ~~With respect to discrimination based on religion, housing accommodations owned or operated for other than a commercial purpose by a religious organization, association or society, or any nonprofit institution or organization operated, supervised~~

1 ~~or controlled by or in conjunction with a religious organization, association or society~~
2 ~~whereby the sale, rental or occupancy of such housing accommodations is limited or~~
3 ~~preference is given to persons of the same religion, unless membership in such religion~~
4 ~~is restricted because of race, color, national origin or sex.~~

5 (a) Legal Authority; Enforcement.

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

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

1 including but not limited to mandatory and prohibitory injunctions,
2 temporary restraining orders, orders of abatement, actual and punitive
3 damages, attorney's fees, and punitive damages, and the court shall
4 have jurisdiction to grant such remedies.

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

9 (b) Exemptions.

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

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

- 1 (8) The applicability of any reasonable local, State or federal restrictions
2 regarding the maximum number of occupants permitted to occupy a
3 dwelling.
- 4 (9) Nothing in this Chapter prohibits conduct against a person because
5 such person has been convicted by any court of competent jurisdiction
6 of the illegal manufacture or distribution of a controlled substance as
7 defined in section 102 of the Controlled Substance Act (21 U.S.C. §
8 802).
- 9 (10) The provisions of this section regarding discrimination based on
10 familial status do not apply to housing for older persons. As used in
11 this section, 'housing for older persons' means housing:
- 12 a. Provided under any State or federal program that the Secretary
13 determines is specifically designed and operated to assist
14 elderly persons (as defined in the State or federal program); or
- 15 b. Intended for, and solely occupied by, persons 62 years of age or
16 older; or
- 17 c. Intended and operated for occupancy by at least one person 55
18 years of age or older per unit that satisfy the following criteria:
- 19 1. The existence of significant facilities and services
20 specifically designed to meet the physical or social needs
21 of older persons, or if the provision of such facilities and
22 services is not practicable, that such housing is necessary
23 to provide important housing opportunities for older
24 persons; and
- 25 2. That at least eighty percent (80%) of the units are
26 occupied by at least one person 55 years of age or older
27 per unit; and
- 28 3. The publication of, and adherence to, policies and
29 procedures which demonstrate an intent by the owner or
30 manager to provide housing for persons 55 years of age
31 or older.
- 32 d. Housing shall not fail to meet the requirements for housing for
33 older persons by reason of:
- 34 1. Persons residing in such housing as of the date of
35 enactment of this act who do not meet the age
36 requirements of subsections (10) b. or c., provided that
37 new occupants of such housing meet the age
38 requirements of subsections (10) b. or c.; or
- 39 2. Unoccupied units, provided that such units are reserved
40 for occupancy by persons who meet the age
41 requirements of subsection (10) b. or c.
- 42 e. Housing facilities newly constructed for first occupancy after
43 the date of enactment of this Chapter shall satisfy the
44 requirements of subsections (10) c. if:

- 1 1. When twenty-five percent (25%) of the units are
2 occupied, eighty percent (80%) of the occupied units are
3 occupied by at least one person 55 years of age or older;
4 and thereafter
5 2. Eighty percent (80%) of all newly occupied units are
6 occupied by at least one person 55 years or older until
7 such time as eighty percent (80%) of all units in the
8 housing facility are occupied by at least one person 55
9 years of age or older; and
10 3. There are units occupied by employees of the housing
11 facility, and family members residing in the same unit
12 who are under 55 years of age, provided the employees
13 perform substantial duties directly related to the
14 management or maintenance of the housing."

15 Sec. 2. The title of Section 3.64.1 of the City of Greensboro Charter, as set
16 forth in Section 1, Chapter 51 of the Session Laws of 1987, reads as rewritten:

17 "Sec. 3.64.1. ~~Enforcement~~ Subpoena Power."

18 Sec. 3. This act is effective upon ratification.