

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2007

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HOUSE BILL 1718  
Committee Substitute Favorable 5/17/07  
Senate Commerce, Small Business and Entrepreneurship Committee Substitute  
Adopted 7/24/07

Short Title: Cities Enact Fair Housing Ordinances.

(Public)

Sponsors:

Referred to:

April 19, 2007

A BILL TO BE ENTITLED

AN ACT AUTHORIZING CERTAIN CITIES TO ENACT FAIR HOUSING  
ORDINANCES.

The General Assembly of North Carolina enacts:

**SECTION 1.** Article 21 of Chapter 160A of the General Statutes is amended  
by adding the following new section to read:

**"§ 160A-499.1. Fair housing ordinance.**

(a) A municipality shall have the power to adopt ordinances prohibiting discrimination on the basis of race, color, sex, religion, handicap, familial status, or national origin in real estate transactions. The ordinances may regulate or prohibit any act, practice, activity, or procedure 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; may provide that violations constitute a criminal offense; may subject the offender to civil penalties; and may provide that the municipality may enforce the ordinances by application to the Superior Court Division of the General Court of Justice for appropriate legal and equitable remedies, including mandatory and prohibitory injunctions and orders of abatement, attorneys' fees, and punitive damages, and the court shall have jurisdiction to grant the remedies.

(b) A municipality also shall have the power to amend any ordinance adopted pursuant to the provisions contained in subsection (a) of this section to ensure that the ordinance remains substantially equivalent to the federal Fair Housing Act (41 U.S.C. §§ 3601, et seq.). Any ordinance enacted pursuant to this section prohibiting discrimination on the basis of familial status shall not apply to housing for older persons, as defined in the federal Fair Housing Act (41 U.S.C. §§ 3601, et seq.).

(c) Any ordinance enacted pursuant to this section may provide for exemption from its coverage:

- 1           (1)   The rental of a housing accommodation in a building containing  
2           accommodations for not more than four families living independently  
3           of each other if the lessor or a member of his family resides in one of  
4           those accommodations.
- 5           (2)   The rental of a room or rooms in a housing accommodation by an  
6           individual if he or a member of his family resides there.
- 7           (3)   With respect to discrimination based on sex, the rental or leasing of  
8           housing accommodations in single-sex dormitory property.
- 9           (4)   With respect to discrimination based on religion to housing  
10          accommodations owned and operated for other than a commercial  
11          purpose by a religious organization, association, or society, or any  
12          nonprofit institution or organization operated, supervised, or controlled  
13          by or in conjunction with a religious organization, association, or  
14          society, the sale, rental, or occupancy of the housing accommodation  
15          being limited or preference being given to persons of the same  
16          religion, unless membership in the religion is restricted because of  
17          race, color, national origin, or sex.
- 18          (5)   Any person, otherwise subject to its provisions, who adopts and carries  
19          out a plan to eliminate present effects of past discriminatory practices  
20          or to assure equal opportunity in real estate transactions, if the plan is  
21          part of a conciliation agreement entered into by that person under the  
22          provisions of the ordinance.
- 23          (d)   A municipality may create or designate a committee to assume the duty and  
24          responsibility of enforcing ordinances adopted pursuant to this section. The committee  
25          may be granted any authority deemed necessary by the city council for the proper  
26          enforcement of any fair housing ordinance, including the power to:
  - 27               (1)   Promulgate rules for the receipt, initiation, investigation, and  
28               conciliation of complaints of violations of the ordinance.
  - 29               (2)   Require answers to interrogatories, the production of documents and  
30               things, and the entry upon land and premises in the possession of a  
31               party to a complaint alleging a violation of the ordinance; compel the  
32               attendance of witnesses at hearings; administer oaths; and examine  
33               witnesses under oath or affirmation.
  - 34               (3)   Apply to the Superior Court Division of the General Court of Justice,  
35               upon the failure of any person to respond to or comply with a lawful  
36               interrogatory, request for production of documents and things, request  
37               to enter upon land and premises, or subpoena, for an order requiring  
38               the person to respond or comply.
  - 39               (4)   Upon finding reasonable cause to believe that a violation of the  
40               ordinance has occurred, to petition the Superior Court Division of the  
41               General Court of Justice for appropriate civil relief on behalf of the  
42               aggrieved person or persons.
- 43          (e)   A municipality may provide that neither complaints filed with any committee  
44          pursuant to the ordinance nor the results of the committee's investigations, discovery, or

1 attempts at conciliation, in whatever form prepared and preserved, shall be subject to  
2 inspection, examination, or copying under the provisions of what is now Chapter 132 of  
3 the General Statutes.

4 (f) A municipality may provide that the statutory provisions relating to meetings  
5 of governmental bodies, presently embodied in Article 33C of Chapter 143 of the  
6 General Statutes, shall not apply to the activity of any committee authorized to enforce  
7 the ordinance to the extent that the committee is receiving a complaint or conducting an  
8 investigation, discovery, or conciliation pertaining to a complaint filed pursuant to the  
9 ordinance."

10 **SECTION 2.** This act applies only to municipalities that have a permanent  
11 population of 90,000 or more according to the most recent decennial census and that are  
12 the location of a recurring special accommodation event requiring temporary  
13 accommodations for at least 50,000 people. For purposes of this act, the term "recurring  
14 special accommodation event" means a trade show or other event of less than 11 days'  
15 duration that has been held in the municipality at least once a year for at least 10 years.

16 **SECTION 3.** This act is effective when it becomes law.