

GENERAL ASSEMBLY OF NORTH CAROLINA
1987 SESSION

CHAPTER 754
HOUSE BILL 922

AN ACT TO AMEND THE CHARTER OF THE CITY OF DURHAM WITH
RESPECT TO EXEMPTIONS FROM FAIR HOUSING ORDINANCE.

The General Assembly of North Carolina enacts:

Section 1. Section 122 of the Charter of the City of Durham, being Chapter 671, Session Laws of 1975, as added by Chapter 373, Session Laws of 1983 and amended by Chapter 715, Session Laws of 1985, is rewritten to read:

"Sec. 122. **Exemptions.** Any ordinance enacted pursuant to this Chapter may provide for exemption from its coverage:

- (1) a. Any single-family house sold or rented by an owner; provided, however, that such private individual owner does not own more than three such single-family houses at any one time; provided further, however, that in the case of the sale of any such single-family house by a private individual owner not residing in such house at the time of such sale or who was not the most recent resident of such house prior to such sale, the exemption granted by this subdivision (1) shall apply only with respect to one such sale within any twenty-four month period; provided further, however, that such bona fide private individual owner does not own any interest in, nor is there owned or reserved on his or her behalf, under any express or voluntary agreement, title to or any right to all or a portion of the proceeds from the sale or rental of, more than three such single-family houses at any one time; provided further, however, that the sale or rental of any such single-family house shall be exempted from the application of an ordinance adopted pursuant to this Chapter only if such house is sold or rented (i) without the use in any manner of the sales or rental facilities or the sales or rental services of any real estate broker, agent, or salesman, or of such facilities or services of any person in the business of selling or renting housing accommodations, or of any employee or agent of any such broker, agent, salesman, or person and (ii) without the publication, posting, or mailing, after notice, of any advertisement or written notice in violation of the provisions of the ordinance.
- b. Nothing in this subdivision (1) shall prohibit the use of attorneys, escrow agents, abstractors, title companies, or other

such professional assistance as necessary to perfect or transfer the title.

- c. For the purposes of this subdivision (1), a person shall be deemed to be in the business of selling or renting accommodations if:
 1. he, has within the preceding twelve months, participated as principal in three or more transactions involving the sale or rental of any housing accommodations or interest therein, or
 2. he has, within the preceding twelve months, participated as agent other than in the sale of his own personal residence in providing sales or rental facilities or sales or rental services in two or more transactions involving the sale or rental of any housing accommodation or interest therein, or
 3. he is the owner of any housing accommodation designed or intended for occupancy by, or occupied by, five or more families.
- (2) Rooms or units in housing accommodations containing living quarters occupied or intended to be occupied by no more than three families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his residence;
- (3) With respect to discrimination based on sex, to the rental or leasing of housing accommodations in a single-sex dormitory property;
- (4) With respect to discrimination based upon religion, to housing accommodations owned and operated for other than a commercial purpose by a religious organization, association, or society, or any nonprofit institution or organization operated, supervised, or controlled by or in conjunction with a religious organization, association, or society, the sale, rental or occupancy of such housing accommodation being limited or preference being given to persons of the same religion, unless membership in such religion is restricted because of race, color, national origin, sex, handicap, or age;
- (5) With respect to discrimination based on age, to any bona fide senior citizen or retirement community, provided, however, that this exemption shall be subject to the following limitations:
 - a. The covenants, conditions, and restrictions or other documents or written policy pertaining to such community shall not limit occupancy more proscriptively than to require that one person in each residence be a senior citizen and that each other resident, if any, except the spouse or cohabitant of, or a person who resides with and provides primary physical or economic support to, the senior citizen shall be at least 45 years of age;

- b. The covenants, conditions, and restrictions or other documents or written policy pertaining to such community shall permit temporary residency by a person less than 45 years of age for specified periods of not less than 60 days in any calendar year;
 - c. Upon the death or dissolution of marriage, or upon hospitalization, or other prolonged absence of the qualifying resident, any other person who was a qualified permanent resident pursuant to the provisions of this subdivision (5) shall be entitled to continue in residence;
 - d. The senior citizen or retirement community shall have been developed for, and initially put to use as, housing for senior citizens, or shall have been substantially rehabilitated or renovated for, and immediately afterward put to use as, housing for senior citizens;
 - e. Any person who has the right to reside in, occupy, or use the housing subject to this section prior to the date of its enactment shall not be deprived of the right to continue that residency, occupancy, or use as the result of the enactment of this section.
- (6) Any person subject to this Chapter 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 an ordinance adopted pursuant to this Chapter."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 8th of August,

1987.