

GENERAL ASSEMBLY OF NORTH CAROLINA  
1991 SESSION

CHAPTER 67  
HOUSE BILL 157

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

(a) Legal Authority; Enforcement.

The City Council may adopt ordinances prohibiting discrimination based on race, color, religion, sex, handicap, familial status, or national origin in the sale, rental or advertising of dwellings, in the provision of brokerage services or in the availability of residential real estate-related transactions. Such 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, that affects or may tend to affect the availability or desirability of housing on an equal basis to all persons, and may:

- (1) Provide that the appropriate person, commission or committee as designated by the City Council, be granted the power and authority to initiate complaints regarding fair housing;
- (2) Provide that the appropriate person, commission or committee as designated by the City Council, be granted the power and duties to take any action deemed necessary by the City Council for the proper implementation and enforcement of the fair housing ordinance;
- (3) Allow an aggrieved person one year after an alleged discriminatory housing practice to file a written complaint with the appropriate department, commission or committee as designated by the City Council;
- (4) Allow an aggrieved person two years to institute a civil action in the Superior Court Division of the General Court of Justice for an alleged discriminatory housing practice;
- (5) Provide that an aggrieved person shall be given an option to either proceed under the City's administrative hearing process or to file a civil action in the Superior Court Division of the General Court of Justice;
- (6) Provide that if an aggrieved person elects a civil action in lieu of the City's administrative hearing process, the City may, if requested by the aggrieved person, commence and maintain the civil action seeking relief on behalf of the aggrieved person;
- (7) Provide that investigation and conciliation of fair housing complaints filed pursuant to this Chapter be completed within 100 days after the filing of the complaint, unless it is impracticable to do so;
- (8) Provide that violations constitute a criminal offense;
- (9) Subject the offender to civil penalties; and
- (10) Provide that the City or the aggrieved person may enforce the ordinances by application to the Superior Court Division of the General Court of Justice for appropriate legal and equitable remedies, including but not limited to mandatory and prohibitory injunctions, temporary restraining orders, orders of abatement, actual and punitive damages, and attorney's fees, and the court shall have jurisdiction to grant such remedies.

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

(b) Exemptions.

The following shall be exempt from the provisions of any ordinance adopted pursuant to the provisions of this section:

- (1) Nothing other than the prohibitions against discriminatory advertising applies to the sale or rental of any single family house by an owner, provided the owner does not own or have any interest in more than

three single family houses at any one time, the house is sold or rented without the use of a real estate broker, agent or salesperson or the facilities of any person in the business of selling or renting dwellings, provided further that if the owner selling the house does not reside in it at the time of the sale or was not the most recent resident of the house prior to such sale, the exemption in this paragraph applies to only one such sale in any 24-month period.

- (2) Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his or her residence.
- (3) 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.
- (4) 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, may limit the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion or may give preference to persons of the same religion, unless membership in the religion is restricted because of race, color, sex, handicap, familial status or national origin.
- (5) A private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodging which it owns or operates for other than a commercial purpose, may limit the rental or occupancy of such lodging to its members or may give preference to its members.
- (6) With respect to discrimination based on sex, the rental or leasing of housing accommodations in single-sex dormitory property.
- (7) The sale, rental, exchange or lease of commercial real estate (real property not intended for residential use).
- (8) The applicability of any reasonable local, State or federal restrictions regarding the maximum number of occupants permitted to occupy a dwelling.
- (9) Conduct against a person because the person has been convicted by any court of competent jurisdiction of the illegal manufacture or distribution of a controlled substance as defined in section 102 of the Controlled Substance Act (21 U.S.C. § 802) or Article 5 of Chapter 90 of the General Statutes, the North Carolina Controlled Substances Act.
- (10) The provisions of this section regarding discrimination based on familial status do not apply to housing for older persons. As used in this section, 'housing for older persons' means housing:
  - a. Provided under any State or federal program that the Secretary of Housing and Urban Development determines is specifically

- designed and operated to assist elderly persons (as defined in the State or federal program); or
- b. Intended for, and solely occupied by, persons 62 years of age or older; or
  - c. Intended and operated for occupancy by at least one person 55 years of age or older per unit that satisfy the following criteria:
    - 1. The existence of significant facilities and services specifically designed to meet the physical or social needs of older persons, or if the provision of such facilities and services is not practicable, that such housing is necessary to provide important housing opportunities for older persons; and
    - 2. That at least eighty percent (80%) of the units are occupied by at least one person 55 years of age or older per unit; and
    - 3. 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 of age or older.
  - d. Housing shall not fail to meet the requirements for housing for older persons by reason of:
    - 1. Persons residing in such housing as of the date of enactment of an ordinance pursuant to this section who do not meet the age requirements of Section 3.64(b)(10)b. or c., provided that new occupants of such housing meet the age requirements of Section 3.64(b)(10)b. or c.; or
    - 2. Unoccupied units, provided that such units are reserved for occupancy by persons who meet the age requirements of Section 3.64(b)(10)b. or c.
  - e. Housing facilities newly constructed for first occupancy after the date of enactment of an ordinance pursuant to this section shall satisfy the requirements of Section 3.64(b)(10)c. if:
    - 1. 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 of age or older; and thereafter
    - 2. Eighty percent (80%) of all newly occupied units are occupied by at least one person 55 years of age or older until such time as eighty percent (80%) of all units in the housing facility are occupied by at least one person 55 years of age or older; and
    - 3. There are units occupied by employees of the housing facility, and family members residing in the same unit

who are under 55 years of age, provided the employees perform substantial duties directly related to the management or maintenance of the housing."

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

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

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 1st day of May, 1991.

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James C. Gardner  
President of the Senate

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Daniel Blue, Jr.  
Speaker of the House of Representatives