

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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SENATE BILL 459*

Short Title: Rocky Mount/Fair Housing Ordinance. (Local)

Sponsors: Senator Swindell.

Referred to: State and Local Government.

March 9, 2009

1 A BILL TO BE ENTITLED
2 AN ACT AMENDING THE CHARTER OF THE CITY OF ROCKY MOUNT TO ALLOW
3 THE CITY TO ENACT A FAIR HOUSING ORDINANCE.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** The Charter of the City of Rocky Mount, being S.L. 2003-327, is
6 amended by adding a new Article to read as follows:

7 "Article IX. Fair Housing.

8 (a) The City shall have the power to adopt ordinances prohibiting discrimination on the
9 basis of race, color, sex, religion, handicap, familial status, or national origin in the sale, rental,
10 or advertising of dwellings, in the provision of real estate brokerage services, or in the
11 availability of residential real-estate related transactions. The ordinances may regulate or
12 prohibit any act, practice, activity, or procedure related, directly or indirectly, to the sale or
13 rental of public or private housing, that affects or may tend to affect the availability or
14 desirability of housing on an equal basis to all persons; may provide that violations constitute a
15 criminal offense; may subject the offender to civil penalties; and may provide that the City may
16 enforce the ordinances by application to the Superior Court Division of the General Court of
17 Justice for appropriate legal and equitable remedies, including mandatory and prohibitory
18 injunctions and orders of abatement, attorneys' fees, and punitive damages, and the court shall
19 have jurisdiction to grant the remedies.

20 (b) The City shall have the power to amend any ordinance adopted pursuant to the
21 provisions contained in subsection (a) of this Article to ensure that the ordinance remains
22 substantially equivalent to the federal Fair Housing Act (41 U.S.C. §§ 3601, et seq.). Any
23 ordinance enacted pursuant to this Article prohibiting discrimination on the basis of familial
24 status shall not apply to housing for older persons, as defined in the federal Fair Housing Act
25 (41 U.S.C. §§ 3601, et seq.).

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

- 28 (1) The rental of a housing accommodation in a building containing
29 accommodations for not more than four families living independently of
30 each other if the lessor or a member of his family resides in one of those
31 accommodations.
32 (2) The rental of a room or rooms in a housing accommodation by an individual
33 if he or a member of his family resides there.
34 (3) With respect to discrimination based on sex, the rental or leasing of housing
35 accommodations in single-sex dormitory property.
36 (4) With respect to discrimination based on religion to housing accommodations
37 owned and operated for other than a commercial purpose by a religious



1 organization, association, or society, or any nonprofit institution or
2 organization operated, supervised, or controlled by or in conjunction with a
3 religious organization, association, or society, the sale, rental, or occupancy
4 of the housing accommodation being limited or preference being given to
5 persons of the same religion, unless membership in the religion is restricted
6 because of race, color, national origin, or sex.

7 (5) Any person, otherwise subject to its provisions, who adopts and carries out a
8 plan to eliminate present effects of past discriminatory practices or to assure
9 equal opportunity in real estate transactions, if the plan is part of a
10 conciliation agreement entered into by that person under the provisions of
11 the ordinance.

12 (d) The City may create or designate a committee to assume the duty and responsibility
13 of enforcing ordinances adopted pursuant to this Article. The committee may be granted any
14 authority deemed necessary by the City Council for the proper enforcement of any fair housing
15 ordinance, including the power to:

16 (1) Promulgate rules for the receipt, initiation, investigation, and conciliation of
17 complaints of violations of the ordinance.

18 (2) Require answers to interrogatories, the production of documents and things,
19 and the entry upon land and premises in the possession of a party to a
20 complaint alleging a violation of the ordinance; compel the attendance of
21 witnesses at hearings; administer oaths; and examine witnesses under oath or
22 affirmation.

23 (3) Apply to the Superior Court Division of the General Court of Justice, upon
24 the failure of any person to respond to or comply with a lawful interrogatory,
25 request for production of documents and things, request to enter upon land
26 and premises, or subpoena, for an order requiring the person to respond or
27 comply.

28 (4) Upon finding reasonable cause to believe that a violation of the ordinance
29 has occurred, to petition the Superior Court Division of the General Court of
30 Justice for appropriate civil relief on behalf of the aggrieved person or
31 persons.

32 (e) The City may provide that neither complaints filed with any committee pursuant to
33 the ordinance nor the results of the committee's investigations, discovery, or attempts at
34 conciliation, in whatever form prepared and preserved, shall be subject to inspection,
35 examination, or copying under the provisions of what is now Chapter 132 of the General
36 Statutes.

37 (f) The City may provide that the statutory provisions relating to meetings of
38 governmental bodies, presently embodied in Article 33C of Chapter 143 of the General
39 Statutes, shall not apply to the activity of any committee authorized to enforce the ordinance to
40 the extent that the committee is receiving a complaint or conducting an investigation,
41 discovery, or conciliation pertaining to a complaint filed pursuant to the ordinance."

42 **SECTION 2.** This act is effective when it becomes law.