

GENERAL ASSEMBLY OF NORTH CAROLINA
1987 SESSION

CHAPTER 603
SENATE BILL 311

AN ACT TO CLARIFY THE FAIR HOUSING ACT.

The General Assembly of North Carolina enacts:

Section 1. G.S. 41A-5 is rewritten to read:

"§ 41A-5. **Proof of violation.**—(a) It is a violation of this Chapter if:

- (1) A person by his act or failure to act intends to discriminate against a person. A person intends to discriminate if, in committing an unlawful discriminatory housing practice described in G.S. 41A-4 he was motivated in full, or in any part at all, by race, color, religion, sex, national origin, or any other characteristic or classification protected by this Chapter. An intent to discriminate may be established by direct or circumstantial evidence; or
- (2) A person's act or failure to act has the effect, regardless of intent, of discriminating, as set forth in G.S. 41A-4, against a person of a particular race, color, religion, sex, national origin, or any other characteristic or classification protected by this Chapter. However, it is not a violation of this Chapter if a person whose action or inaction has an unintended discriminatory effect, proves that his action or inaction was motivated and justified by business necessity.

(b) It shall be no defense to a violation of this Chapter that the violation was requested, sought, or otherwise procured by another person."

Sec. 2. G.S. 41A-7(h)(2) is rewritten to read:

"(2) Commence a civil action in superior court, in its own name, or in its own name on behalf of the complainant. In such an action, the Council shall be represented by an attorney employed by the Council, and G.S. 114-2 shall not apply."

Sec. 3. G.S. 41A-7(j) is amended by adding the following sentences at the end of that subsection:

"If the action is brought by the Council on behalf of a complainant, the court may award actual and punitive damages to the complainant. The court may award punitive damages to a prevailing plaintiff or complainant only if it is shown that the defendant committed a violation of this Chapter with intent to discriminate."

Sec. 4. G.S. 41A-7 is amended by adding a new subsection at the end to read:

"(k) Parties to a civil action brought pursuant to this Chapter shall have the right to a jury trial as provided for by the North Carolina Rules of Civil Procedure.

Sec. 5. This act shall be effective October 1, 1987.

In the General Assembly read three times and ratified this the 13th day of July, 1987.