

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 685

State Government Senate Committee Substitute Adopted 7/11/90

Short Title: Human Relations Council Change.

(Public)

Sponsors:

Referred to:

March 20, 1989

A BILL TO BE ENTITLED

AN ACT TO CHANGE THE NAME OF THE NORTH CAROLINA HUMAN RELATIONS COUNCIL TO THE NORTH CAROLINA HUMAN RELATIONS COMMISSION AND TO AMEND THE FAIR HOUSING ACT TO CONFORM TO FEDERAL REQUIREMENTS REGARDING FAIR HOUSING LAWS AND ENFORCEMENT.

The General Assembly of North Carolina enacts:

Section 1. The word "Council" is deleted and replaced by the word "Commission", the word "council" is deleted and replaced by the word "commission", the word "Council's" is deleted and replaced by the word "Commission's", and the word "council's" is deleted and replaced by the word "commission's" whenever they appear in each of the following provisions of the General Statutes or Session Laws of North Carolina:

- (1) G.S. 41A-3. Definitions.
- (2) G.S. 41A-7(a), (c), (d), (e), (f), (h), (i), (j), (k), (l), (m), and (n). Enforcement.
- (3) G.S. 41A-8. Investigation; subpoenas.
- (4) Part 9. North Carolina Human Relations Council.
- (5) G.S. 143-422.3. Investigations; conciliations.
- (6) G.S. 143B-391. North Carolina Human Relations Council – creation; powers and duties.
- (7) G.S. 143B-392. North Carolina Human Relations Council – members; selection; quorum; compensation.

1 (8) G.S. 143B-433.2(a)(11) (Housing Coordination and Policy Council  
2 membership).

3 (9) 1985 Session Laws, Chapter 776, Section 2, as amended by 1989  
4 Session Laws, Chapter 213, Section 2 (Asheville Fair Housing  
5 Commission).

6 Sec. 2. The Revisor of Statutes is authorized to delete any reference to the  
7 North Carolina Human Relations Council or derivative thereof in any portion of the  
8 General Statutes or in any Session Law of local applicability to which conforming  
9 amendments are not made by this act and replace them with the phrase North Carolina  
10 Human Relations Commission or the appropriate derivative, consistent with the  
11 provisions of this act.

12 Sec. 3. G.S. 41A-4(d) reads as rewritten:

13 "(d) It is an unlawful discriminatory housing practice to deny any person who is  
14 otherwise qualified by State law access to or membership or participation in any real  
15 estate brokers' organization, multiple listing service, or other service, organization, or  
16 facility relating to the business of engaging in real estate transactions, or to discriminate  
17 in the terms or conditions of such access, membership—membership, or participation  
18 because of race, color, religion, sex, national origin, handicapping condition, or familial  
19 status."

20 Sec. 4. G.S. 41A-6 reads as rewritten:

21 "**§ 41A-6. Exemptions.**

22 (a) The provisions of G.S. 41A-4, except for subdivision (a)(6), do not apply to  
23 the following:

- 24 (1) The rental of a housing accommodation in a building which contains  
25 housing accommodations for not more than four families living  
26 independently of each other, if the lessor or a member of his family  
27 resides in one of the housing accommodations;
- 28 (2) The rental of a room or rooms in a private house, not a boarding house,  
29 if the lessor or a member of his family resides in the house;
- 30 (3) Religious institutions or organizations or charitable or educational  
31 organizations operated, supervised, or controlled by religious  
32 institutions or organizations which give preference to members of the  
33 same religion in a real estate transaction, as long as membership in  
34 such religion is not restricted by race, color, sex, national origin,  
35 handicapping condition, or familial status;
- 36 (4) Private clubs, not in fact open to the public, which incident to their  
37 primary purpose or purposes provide lodging, which they own or  
38 operate for other than a commercial purpose, to their members or give  
39 preference to their members;
- 40 (5) With respect to discrimination based on sex, the rental or leasing of  
41 housing accommodations in single-sex dormitory property; and
- 42 ~~(6) Any person, otherwise subject to its provisions, who adopts and carries~~  
43 ~~out a plan to eliminate present effects of past discriminatory practices~~  
44 ~~or to assure equal opportunity in real estate transactions, if the plan is~~

1 part of a conciliation agreement entered into by that person under the  
2 provisions of this Chapter or under the provisions of the Federal Fair  
3 Housing Act, 42 U.S.C. § 3601 ~~et seq.~~ or is voluntary and is consistent  
4 with the purposes thereof;

5 (7) (6) The sale, rental, exchange, or lease of commercial real estate. For  
6 the purposes of this Chapter, commercial real estate means real  
7 property which is not intended for residential use.

8 (b) No provision of this Chapter requires that a dwelling be made available to a  
9 person whose tenancy would constitute a direct threat to the health or safety of other  
10 persons or whose tenancy would result in substantial physical damage to the property of  
11 others.

12 (c) No provision of this Chapter limits the applicability of any reasonable local or  
13 State restrictions regarding the maximum number of occupants permitted to occupy a  
14 dwelling unit.

15 (d) Nothing in this Chapter shall be deemed to nullify any provisions of the  
16 North Carolina Building Code applicable to the construction of residential housing for  
17 the handicapped.

18 (e) No provision of this Chapter regarding familial status applies with respect to  
19 housing for older persons. 'Housing for older persons' means housing:

20 (1) Provided under any State or federal program specifically designed and  
21 operated to assist elderly persons as defined in the program;

22 (2) Intended for and solely occupied by person 62 years or older. Housing  
23 satisfies the requirements of this subdivision even though there are  
24 persons residing in such housing on ~~October 1, 1989~~, September 13,  
25 1988, who are under 62 years of age, provided that all new occupants  
26 after ~~October 1, 1989~~, September 13, 1988, are 62 years or older; or

27 (3) Intended for and operated for occupancy by at least one person 55  
28 years of age or older per unit as shown by such factors as (i) the  
29 existence of significant facilities and services specifically designed to  
30 meet the physical and social needs of older persons or, if this is not  
31 practicable, that the housing provides important housing opportunities  
32 for older persons, (ii) at least eighty percent (80%) of the units are  
33 occupied by at least one person 55 years of age or older per unit; and  
34 (iii) the publication of and adherence to policies and procedures which  
35 demonstrate an intent by the owner or manager to provide housing for  
36 persons 55 years or older. Housing satisfies the requirements of this  
37 subdivision even though on ~~October 1, 1989~~, September 13, 1988,  
38 under eighty percent (80%) of the units in the housing facility are  
39 occupied by at least one person 55 years or older per unit, provided  
40 that eighty percent (80%) of the units that are occupied by new tenants  
41 after ~~October 1, 1989~~, September 13, 1988, are occupied by at least one  
42 person 55 years or older per unit until such time as eighty percent  
43 (80%) of all the units in the housing facility are occupied by at least  
44 one person 55 years or older. Housing facilities newly constructed for

1 first occupancy after ~~October 1, 1989,~~ March 12, 1989, shall satisfy the  
2 requirements of this subdivision if (i) when twenty-five percent (25%)  
3 of the units are occupied, eighty percent (80%) of the occupied units  
4 are occupied by at least one person 55 years or older, and thereafter (ii)  
5 eighty percent (80%) of all newly occupied units are occupied by at  
6 least one person 55 years or older until such time as eighty percent  
7 (80%) of all the units in the housing facility are occupied by at least  
8 one person 55 years of age or older.

9 Housing satisfies the requirements of subdivisions (2) and (3) of this subsection even  
10 though there are units occupied by employees of the housing facility who are under the  
11 minimum age or family members of the employees residing in the same unit who are  
12 under the minimum age, provided the employees perform substantial duties directly  
13 related to the management of the housing."

14 Sec. 5. G.S. 41A-7(b) reads as rewritten:

15 "(b) A complaint under subsection (a) shall be filed within one year after the  
16 alleged unlawful discriminatory housing practice occurred. A respondent may file an  
17 answer to the complaint against him within 10 days after receiving a copy of the  
18 complaint. With the leave of the ~~Council,~~ Commission, which shall be granted  
19 whenever it would be reasonable and fair to do so, the complaint and the answer may be  
20 amended at any time. Complaints and answers shall be verified. The Commission shall  
21 make final administrative disposition of a complaint within one year of the date the  
22 complaint is filed, unless it is impracticable to do so. If the Commission is unable to do  
23 so, it shall notify the complainant and respondent, in writing, of the reasons for not  
24 doing so."

25 Sec. 6. G.S. 41A-7(g) reads as rewritten:

26 "(g) If the ~~Council-Commission~~ finds reasonable grounds to believe that an  
27 unlawful discriminatory housing practice has occurred or is about to occur it shall  
28 proceed to try to eliminate or correct the discriminatory housing practice by informal  
29 conference, conciliation, or persuasion. ~~Any-Each~~ conciliation agreement arising out of  
30 conciliation efforts by the ~~Council-Commission,~~ whether reached before or after the  
31 Commission makes a determination of the complaint pursuant to subsection (e), shall be  
32 be:

33 (1) ~~an-An~~ agreement between the respondent and the complainant and  
34 shall be subject to the approval of the ~~Council-Commission.~~ The  
35 Council-Commission may also be a party to such conciliation  
36 ~~agreements-agreements; and~~

37 (2) ~~Each conciliation agreement shall be made-Made~~ public unless the  
38 complainant and respondent otherwise agree, and the ~~Council~~  
39 Commission determines that disclosure is not required to further the  
40 purposes of this Chapter."

41 Sec. 7. This act is effective upon ratification.