

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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SENATE BILL 258*

Short Title: Fair Housing/Sexual Harassment.

(Public)

Sponsors: Senator Goldston.

Referred to: Judiciary III.

February 23, 1989

A BILL TO BE ENTITLED

AN ACT TO AMEND THE FAIR HOUSING ACT TO PROHIBIT SEXUAL HARASSMENT IN THE RENTAL OF RESIDENTIAL PROPERTY.

The General Assembly of North Carolina enacts:

Section 1. Chapter 41A of the General Statutes is amended by adding a new section to read as follows:

"§ 41A-4.1. Sexual harassment.

(a) Unlawful discrimination. It is an unlawful discriminatory housing practice for any lessor of residential real property or the agent of any lessor of residential real property to harass on the basis of sex any lessee, or person residing with the lessee, of the property. For purposes of this section, 'harassment' shall include unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when (i) submission to such conduct is made either explicitly or implicitly a term of the continuation of the lease agreement, (ii) submission to or rejection of such conduct by an individual is used to determine whether normal privileges under the lease are provided, or (iii) such conduct has the purpose or effect of unreasonably creating an intimidating, hostile, or offensive living environment for the lessee.

(b) The lessor shall be liable for the act or acts of sexual harassment committed by his agent against a lessee or prospective lessee of the residential real property only if:

(1) The lessor authorized or encouraged the act or acts of sexual harassment;

(2) The lessor knew or reasonably should have known of the occurrence of the act or acts of sexual harassment and the act or acts were committed

1 by the agent during or in conjunction with the performance of an
2 assigned duty; or

3 (3) The lessor knew of the occurrence of the act or acts of sexual
4 harassment, the act or acts were committed by the agent on the lessor's
5 premises, and the lessor failed to take adequate steps to protect the
6 lessee from further sexual harassment by the agent.

7 This subsection shall not affect a lessor's liability for negligence in hiring or
8 retaining an agent who commits an act or acts of sexual harassment."

9 Sec. 2. This act is effective upon ratification.