

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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SENATE BILL 259*

Short Title: Fair Housing/Ads and Temp. Relief.

(Public)

Sponsors: Senator Goldston.

Referred to: Judiciary III.

February 23, 1989

A BILL TO BE ENTITLED

AN ACT TO AMEND THE STATE FAIR HOUSING ACT TO CLARIFY PROVISIONS REGARDING DISCRIMINATORY ADVERTISING AND THE AVAILABILITY OF TEMPORARY RELIEF PENDING RESOLUTION OF A DISCRIMINATION COMPLAINT.

The General Assembly of North Carolina enacts:

Section 1. G.S. 41A-6 reads as rewritten:

"§ 41A-6. Exemptions.

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

(1) The rental of a housing accommodation in a building which contains housing 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 the housing accommodations;

(2) 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;

(3) Religious institutions or organizations or charitable or educational organizations operated, supervised, or controlled by religious institutions or organizations which give preference to members of the same religion in a real estate transaction, as long as membership in such religion is not restricted by race, color, sex, or national origin;

(4) Private clubs, not in fact open to the public, which incident to their primary purpose or purposes provide lodging, which they own or operate for other than a commercial purpose, to their members or give preference to their members;

1 (5) With respect to discrimination based on sex, the rental or leasing of housing
2 accommodations in single-sex dormitory property;

3 (6) Any person, otherwise subject to its provisions, who adopts and carries out a
4 plan to eliminate present effects of past discriminatory practices or to assure equal
5 opportunity in real estate transactions, if the plan is part of a conciliation agreement
6 entered into by that person under the provisions of this Chapter or under the provisions
7 of the Federal Fair Housing Act, 42 U.S.C. § 3601 **et seq.** or is voluntary and is
8 consistent with the purposes thereof;

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

12 Sec. 2. G.S. 41A-7 reads as rewritten:

13 **"§ 41A-7. Enforcement.**

14 (e) Upon receipt of a complaint, the Council shall investigate the complaint to
15 ascertain the facts relating to the alleged unlawful discriminatory housing practice. If
16 the complaint is not resolved before the investigation is complete, upon completion of
17 the investigation, the Council shall determine whether or not there are reasonable
18 grounds to believe that an unlawful discriminatory housing practice has occurred. The
19 Council shall make a determination within 90 days after receiving the complaint, unless
20 the Council determines that good cause exists for further delay.

21 If the Council concludes at any time following the filing of a complaint under this
22 section that prompt judicial action is necessary to carry out the purposes of this Chapter,
23 the Council may commence a civil action for, and the court may grant, appropriate
24 temporary or preliminary relief pending final disposition of the complaint. Any
25 temporary restraining order or other order granting preliminary or temporary relief shall
26 be issued in accordance with the North Carolina Rules of Civil Procedure. The
27 commencement of a civil action under this subsection does not affect the continuation
28 of the Council's investigation or the initiation of a separate civil action pursuant to
29 subsections (f), (h), or (i) of this section."

30 Sec. 3. This act is effective upon ratification.