

March 24, 2009

S 810. AFFORDABLE HOUSING/NO DISCRIMINATION. Filed 3/24/09. *PROVIDING THAT IT IS A VIOLATION OF THE STATE'S FAIR HOUSING ACT TO DISCRIMINATE IN LAND-USE DECISIONS OF THE PERMITTING OF DEVELOPMENTS BASED ON THE FACT THAT A DEVELOPMENT CONTAINS AFFORDABLE HOUSING UNITS.*

Enacts a new GS 41A-4 to make it an unlawful discriminatory housing practice to discriminate in land-use decisions or in permitting of development based on race, color, religion, sex, national origin, handicapping condition, familial status, or, except as otherwise provided by law, the fact that a development or proposed development contains affordable housing units for families and individuals with incomes below 80% of area median income. Makes conforming changes to GS 41A-5(a) (violation under the State Fair Housing Act).

Intro. by McKissick.

GS 41A

May 7, 2009

S 810. AFFORDABLE HOUSING/NO DISCRIMINATION. Filed 3/24/09. Senate committee substitute makes the following changes to 1st edition. Makes technical and stylistic changes only.

May 12, 2009

S 810. AFFORDABLE HOUSING/NO DISCRIMINATION. Filed 3/24/09. Senate amendment makes the following changes to 2nd edition. Amends new GS 41A-4(f) and proposed changes to GS 41A-5(a)(1) and (2) by providing that it is not a violation of Chapter 41A if land-use decisions are based on considerations of limiting high concentrations of affordable housing.

July 23, 2009

S 810. AFFORDABLE HOUSING/NO DISCRIMINATION. Filed 3/24/09. House committee substitute makes the following changes to 3rd edition. Deletes amendments to subsections (a)(1) and (a)(2) of GS 41A-5 (regarding proof of violations of the State Fair Housing Act), which prohibited discrimination by a person in land-use decisions or the permitting of development based on the inclusion of affordable housing in a development or a proposed development.

Enacts new subsection (a)(3) to GS 41A-5 to provide that if a local government acts or fails to act in land-use decisions or in the permitting of local development with the intent to discriminate against affordable housing, then it is a violation of the State Fair Housing Act (FHA). Provides that a local government intends to discriminate if in engaging in an unlawful discriminatory housing practice as described in new subsection (f) to GS 41A-4, it was motivated by the fact that the development or proposed development contains affordable housing units for families or individuals with incomes below 80% of the area median income. Provides that it is not a violation of the FHA if the land-use decisions or permitting of development is based on considerations of limiting high concentrations of affordable housing. Provides that the intent to discriminate may be established by direct or circumstantial evidence.

Enacts new subsection (a)(4) to GS 41A-5 to provide that if a local government's act or failure to act results in discrimination against affordable housing in land-use decisions or in the permitting of development, regardless of intent, it is a violation of the FHA. However, also includes the exemption that it is not a violation if the land-use decisions are based on considerations of limiting high concentrations of affordable housing. Also provides that it is not a violation of the FHA if the local government whose action or inaction has an unintentional discriminatory effect can prove that the action or inaction was motivated and justified by a legitimate and substantial government interest.

July 27, 2009

S 810. AFFORDABLE HOUSING/NO DISCRIMINATION. Filed 3/24/09. House amendment makes the following changes to 4th edition. Provides that if Senate Bill 465 becomes law, then GS 41A-4(f) as enacted by Section 1 of the act is recodified as GS 41A-4(g) and GS 41A-5(a)(3) as enacted by Section 2 of the act is recodified as GS 41A-5(a)(4).

July 28, 2009

S 810. AFFORDABLE HOUSING/NO DISCRIMINATION. Filed 3/24/09. House amendment makes the following changes to 4th edition, as amended. Clarifies in proposed GS 41A-5(a)(4) that it is not a violation of GS Chapter 41A if a local government whose action or inaction has an unintended discriminatory effect proves that the action or inaction was motivated and justified by a legitimate, bona fide (was, legitimate and substantial) government interest.

September 1, 2009

SL 2009-533 (S 810). AFFORDABLE HOUSING/NO DISCRIMINATION. AN ACT PROVIDING THAT IT IS A VIOLATION OF THE STATE'S FAIR HOUSING ACT TO DISCRIMINATE IN LAND-USE DECISIONS OR THE PERMITTING OF DEVELOPMENT BASED ON THE FACT THAT A DEVELOPMENT CONTAINS AFFORDABLE HOUSING UNITS. Summarized in *Daily Bulletin* 3/24/09, 5/7/09, 5/12/09, 7/23/09, 7/27/09, and 7/28/09. Enacted August 28, 2009. Effective August 28, 2009.