

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

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HOUSE BILL 459\*  
Committee Substitute Favorable 3/25/09  
Committee Substitute #2 Favorable 4/14/09  
PROPOSED SENATE COMMITTEE SUBSTITUTE H459-PCS70451-RK-63

Short Title: Rocky Mount/Fair Housing Ordinance.

(Local)

Sponsors:

Referred to:

March 9, 2009

1 A BILL TO BE ENTITLED  
2 AN ACT AMENDING THE CHARTER OF THE CITY OF ROCKY MOUNT TO ALLOW  
3 THE CITY TO ENACT A FAIR HOUSING ORDINANCE.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. The Charter of the City of Rocky Mount, being S.L. 2003-327, is  
6 amended by adding a new Article to read as follows:

7 "ARTICLE IX. FAIR HOUSING.

8 "Section 520. Provisions.

9 (a) The City shall have the power to adopt ordinances prohibiting discrimination on the  
10 basis of race, color, sex, religion, handicap, familial status, or national origin in the sale, rental,  
11 or advertising of dwellings, in the provision of real estate brokerage services, or in the  
12 availability of residential real estate related transactions. The ordinances may regulate or  
13 prohibit any act, practice, activity, or procedure related, directly or indirectly, to the sale or  
14 rental of public or private housing, that affects or may tend to affect the availability or  
15 desirability of housing on an equal basis to all persons; may subject the offender to civil  
16 penalties; and may provide that the City may enforce the ordinances by application to a court  
17 for appropriate legal and equitable remedies, including mandatory and prohibitory injunctions  
18 and orders of abatement, attorneys' fees, and punitive damages, and the court shall have  
19 jurisdiction to grant the remedies.

20 (b) The City shall have the power to amend any ordinance adopted pursuant to the  
21 provisions contained in subsection (a) of this Article to ensure that the ordinance remains  
22 substantially equivalent to the federal Fair Housing Act (42 U.S.C. § 3601, et seq.) and  
23 consistent with subsection (a). Any ordinance enacted pursuant to this Article prohibiting  
24 discrimination on the basis of familial status shall not apply to housing for older persons, as  
25 defined in the federal Fair Housing Act (42 U.S.C. § 3601, et seq.).

26 (c) Any ordinance enacted pursuant to this Article may provide for exemption from its  
27 coverage:

- 28 (1) The rental of a housing accommodation in a building containing  
29 accommodations for not more than four families living independently of  
30 each other if the lessor or a member of his family resides in one of those  
31 accommodations.



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- 1           (2)    The rental of a room or rooms in a housing accommodation by an individual  
2           if he or a member of his family resides there.
- 3           (3)    With respect to discrimination based on sex, the rental or leasing of housing  
4           accommodations in single-sex dormitory property.
- 5           (4)    With respect to discrimination based on religion to housing accommodations  
6           owned and operated for other than a commercial purpose by a religious  
7           organization, association, or society, or any nonprofit institution or  
8           organization operated, supervised, or controlled by or in conjunction with a  
9           religious organization, association, or society, the sale, rental, or occupancy  
10          of the housing accommodation being limited or preference being given to  
11          persons of the same religion, unless membership in the religion is restricted  
12          because of race, color, national origin, or sex.
- 13          (5)    Any person, otherwise subject to its provisions, who adopts and carries out a  
14          plan to eliminate present effects of past discriminatory practices or to assure  
15          equal opportunity in real estate transactions, if the plan is part of a  
16          conciliation agreement entered into by that person under the provisions of  
17          the ordinance.
- 18          (d)    The City may create or designate a committee to assume the duty and responsibility  
19          of enforcing ordinances adopted pursuant to this Article. The committee may be granted any  
20          authority deemed necessary by the City Council for the proper enforcement of any fair housing  
21          ordinance, including the power to:
- 22               (1)    Promulgate rules for the receipt, initiation, investigation, and conciliation of  
23               complaints of violations of the ordinance.
- 24               (2)    Require answers to interrogatories, the production of documents and things,  
25               and the entry upon land and premises in the possession of a party to a  
26               complaint alleging a violation of the ordinance; compel the attendance of  
27               witnesses at hearings; administer oaths; and examine witnesses under oath or  
28               affirmation.
- 29               (3)    Apply to a court, upon the failure of any person to respond to or comply with  
30               a lawful interrogatory, request for production of documents and things,  
31               request to enter upon land and premises, or subpoena, for an order requiring  
32               the person to respond or comply.
- 33               (4)    Upon finding reasonable cause to believe that a violation of the ordinance  
34               has occurred, to petition a court for appropriate civil relief on behalf of the  
35               aggrieved person or persons.
- 36          (e)    The City may provide that neither complaints filed with any committee pursuant to  
37          the ordinance nor the results of the committee's investigations, discovery, or attempts at  
38          conciliation, in whatever form prepared and preserved, shall be subject to inspection,  
39          examination, or copying under the provisions of what is now Chapter 132 of the General  
40          Statutes.
- 41          (f)    The City may provide that the statutory provisions relating to meetings of  
42          governmental bodies, presently embodied in Article 33C of Chapter 143 of the General  
43          Statutes, shall not apply to the activity of any committee authorized to enforce the ordinance to  
44          the extent that the committee is receiving a complaint or conducting an investigation,  
45          discovery, or conciliation pertaining to a complaint filed pursuant to the ordinance."

46               **SECTION 2.** This act is effective when it becomes law.