

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

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SENATE BILL 810

Short Title: Affordable Housing/No Discrimination. (Public)

Sponsors: Senators McKissick; Atwater, Berger of Franklin, Foriest, Kinnaird, Purcell,  
Stein, and Vaughan.

Referred to: Commerce.

March 25, 2009

A BILL TO BE ENTITLED

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  
DEVELOPMENTS BASED ON THE FACT THAT A DEVELOPMENT CONTAINS  
AFFORDABLE HOUSING UNITS.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 41A-4 is amended by adding a new subsection to read as  
follows:

"(f) It is an unlawful discriminatory housing practice to discriminate in land-use  
decisions or in the 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 or  
individuals with incomes below eighty percent (80%) of area median income."

**SECTION 2.** G.S. 41A-5(a) reads as rewritten:

"(a) It is a violation of this Chapter if:

- (1) A person by his act or failure to act intends to discriminate against a person.  
A person intends to discriminate if, in committing an unlawful  
discriminatory housing practice described in G.S. 41A-4 he was motivated in  
full, or in any part at all, by race, color, religion, sex, national origin,  
handicapping condition, ~~or familial status.~~ familial status, or, in the case of  
land-use decisions or in the permitting of development, he was motivated in  
full, or in any part at all, by the fact that a development or proposed  
development contains affordable housing units for families or individuals  
with incomes below eighty percent (80%) of area median income. An intent  
to discriminate may be established by direct or circumstantial evidence; or
- (2) A person's act or failure to act has the effect, regardless of intent, of  
discriminating, as set forth in G.S. 41A-4, against a person of a particular  
race, color, religion, sex, national origin, handicapping condition, ~~or familial  
status.~~ familial status or, in the case of land-use decisions or in the permitting  
of development, he was motivated in full, or in any part at all, by the fact  
that a development or proposed development contains affordable housing  
units for families or individuals with incomes below eighty percent (80%) of  
area median income. However, it is not a violation of this Chapter if a  
person whose action or inaction has an unintended discriminatory effect,  
proves that his action or inaction was motivated and justified by business  
necessity."



1

**SECTION 3.** This act is effective when it becomes law.