

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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SENATE BILL 810
Commerce Committee Substitute Adopted 5/7/09

Short Title: Affordable Housing/No Discrimination.

(Public)

Sponsors:

Referred to:

March 25, 2009

1 A BILL TO BE ENTITLED
2 AN ACT PROVIDING THAT IT IS A VIOLATION OF THE STATE'S FAIR HOUSING
3 ACT TO DISCRIMINATE IN LAND-USE DECISIONS OR THE PERMITTING OF
4 DEVELOPMENT BASED ON THE FACT THAT A DEVELOPMENT CONTAINS
5 AFFORDABLE HOUSING UNITS.

6 The General Assembly of North Carolina enacts:

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

9 "(f) It is an unlawful discriminatory housing practice to discriminate in land-use
10 decisions or in the permitting of development based on race, color, religion, sex, national
11 origin, handicapping condition, familial status, or, except as otherwise provided by law, the fact
12 that a development or proposed development contains affordable housing units for families or
13 individuals with incomes below eighty percent (80%) of area median income."

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

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

- 16 (1) A ~~person by his~~ person's act or failure to act ~~intends~~ is intended to
17 discriminate against a another person. A person intends to discriminate if, in
18 committing an unlawful discriminatory housing practice described in
19 G.S. 41A-4 ~~he~~ the person was motivated in full, or in any part at all, by race,
20 color, religion, sex, national origin, handicapping condition, ~~or familial~~
21 ~~status,~~ familial status or, in the case of land-use decisions or in the permitting
22 of development, the person was motivated in full, or in any part at all, by the
23 fact that a development or proposed development contains affordable
24 housing units for families or individuals with incomes below eighty percent
25 (80%) of area median income. An intent to discriminate may be established
26 by direct or circumstantial evidence; or
27 (2) A person's act or failure to act has the effect, regardless of intent, of
28 discriminating, as set forth in G.S. 41A-4, against a person of a particular
29 race, color, religion, sex, national origin, handicapping condition, ~~or familial~~
30 ~~status,~~ familial status or, in the case of land-use decisions or in the permitting
31 of development, the person was motivated in full, or in any part at all, by the
32 fact that a development or proposed development contains affordable
33 housing units for families or individuals with incomes below eighty percent
34 (80%) of area median income. However, it is not a violation of this Chapter
35 if a person whose action or inaction has an unintended discriminatory effect,
36 proves that ~~his~~ the action or inaction was motivated and justified by business
37 necessity."



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