

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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SENATE BILL 305

Short Title: Carrboro/Housing Discrimination. (Public)

Sponsors: Senator Kinnaird.

Referred to: Rules and Operations of the Senate.

March 10, 2011

A BILL TO BE ENTITLED

AN ACT AMENDING THE CHARTER OF THE TOWN OF CARRBORO TO ALLOW THE TOWN TO ADOPT ORDINANCES PROHIBITING HOUSING DISCRIMINATION ON THE BASIS OF SEXUAL ORIENTATION, GENDER IDENTIFICATION, AND GENDER EXPRESSION.

Whereas, on January 24, 2011, the United States Department of Housing and Urban Development published in the Federal Register, Volume 76, No. 15, page 4194, proposed rules citing "evidence...that lesbian, gay, bisexual, and transgender (LGBT) individuals and families are being arbitrarily excluded from some housing opportunities in the private sector"; and

Whereas, the proposed federal regulations seek to address this problem by prohibiting discrimination on the basis of sexual orientation or gender identity in all HUD programs; and

Whereas, the proposed federal regulations, if adopted, would not reach the portion of the housing market that does not participate in HUD sponsored or funded housing programs such as most of the preexisting rental housing that comprises the majority of dwelling units in the Town of Carrboro; and

Whereas, as reported in the proposed federal regulations, 20 states, the District of Columbia, and over 200 local governments in this country have adopted laws prohibiting discrimination in housing based upon sexual orientation or gender identity; Now, therefore, The General Assembly of North Carolina enacts:

SECTION 1. Section 10-1 of the Charter of the Town of Carrboro, being Chapter 476 of the 1987 Session Laws, as amended by S.L. 2009-115, reads as rewritten:

"Section 10-1. **Housing Discrimination.** The board of aldermen may adopt ordinances designed to ensure that all housing opportunities in the Town of Carrboro shall be equally available to all persons without regard to race, color, religion, sex, national origin, familial status, ~~or handicap-handicap~~, sexual orientation, gender identification, or gender expression. Such ordinances may regulate or prohibit any act, practice, activity or procedure related directly or indirectly to the sale or rental of public or private housing that affects or may tend to affect the availability or desirability of housing on an equal basis to all persons, without regard to race, color, religion, sex, national origin, familial status, ~~or handicap-handicap~~, sexual orientation, gender identification, or gender expression. However, ordinances adopted pursuant to the authority contained in this act shall not apply to the rental of rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his residence. Any ordinance passed pursuant to this authorization may be enforced by any method authorized for enforcement of ordinances generally in G.S. 160A-175. In addition, any ordinance adopted pursuant to this authorization may provide that any person



1 aggrieved by any act, practice, activity or procedure prohibited by such ordinance may seek
2 equitable relief in the appropriate division of the General Court of Justice."

3 **SECTION 2.** This act becomes effective October 1, 2011.