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***Statutory reference:***

*For State Act, see G.S. Ch. 41A*

**§ 94.01 SHORT TITLE.**

This chapter shall be known and may be cited as the “Town of Fremont Fair Housing Ordinance.”

('85 Code, § 93.01) (Ord. passed 4-1-82)

**§ 94.02 PURPOSE.**

The general purposes of this chapter are:

(A) To provide for execution within the town of Fremont the policies embodied in Title VIII of the Federal Civil Rights Act of 1968 as amended. (Ord. revised 9-11-19)

(B) To safeguard all individuals within the town from discrimination in housing opportunities because of race, color, religion, national origin, or sex.

('85 Code, § 93.02) (Ord. passed 4-1-82)

**§ 94.03 DEFINITIONS.**

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

***DISCRIMINATION.*** Any direct or indirect act or practice of exclusion, distinction, restriction,

segregation, limitation, refusal, denial, or any other act or practice of differentiation or preference in the treatment of a person or persons because of race, color, religion, national origin, or sex, or the aiding, abetting, inciting, coercing, or compelling thereof.

***FINANCIAL INSTITUTION.*** Any person, as defined herein, engaged in the business of lending money or guaranteeing losses.

***HOUSING ACCOMMODATION.*** Includes improved and unimproved property and means a building, structure, mobile home or trailer, or portion thereof which is used or occupied, or is intended, arranged or designed to be used or occupied as a home or residence of one or more individuals.

***OWNER.*** Includes a lessee, sublessee, co-tenant, assignee, managing agent, or other person having the right of ownership or possession, or the right to sell, rent, or lease any housing accommodation.

***PERSON.*** Includes individuals, children, firms, associations, joint and ventures, partnerships, estates, trusts, business trusts, syndicates, fiduciaries, corporations, and all other groups or combinations.

***REAL ESTATE BROKER*** or ***REAL ESTATE SALESMAN.*** Any individual whether licensed or not, who on behalf of others for a free commission, salary, or other valuable consideration, or who with the intention or expectation of receiving or collecting the same, lists, sells, purchases, exchanges, rents, or leases any real estate or the improvements thereon, including options, or who negotiates or attempts to negotiate such an activity; or who negotiates or attempts to negotiate a loan, secured by a mortgage or other encumbrance upon a transfer of real estate, or who is engaged in the business of charging an advance fee or contracting for collection of a fee in connection with a contract whereby he undertakes to promote the sale, purchase, exchange, rental, or lease of real estate through its listing in a publication issued primarily for such purpose, or an individual employed by or acting on behalf of any of these.

***REAL PROPERTY.*** Includes buildings, structures, real estate, lands, tenements, leaseholds, cooperatives, condominiums, and hereditaments, corporeal and incorporeal, or any interest in the above. ('85 Code, § 93.03) (Ord. passed 4-1-82)

***Statutory reference:***

*For state definitions, see G.S. § 41A-3*

**§ 94.04 UNLAWFUL HOUSING PRACTICES.**

It shall be an unlawful practice for a real estate owner, broker, salesman, or any individual employed by or acting on behalf of any of the above.

(A) To refuse to sell, purchase, rent or lease, or deny to or withhold any housing accommodation from a person because of his race, color, religion, national origin, sex, or place of birth;

(B) To discriminate against a person in the terms, conditions or privileges of the sale, purchase, rental or lease of any housing accommodation, or in the furnishing of facilities or services in connection therewith;

(C) To refuse to receive or transmit a bona fide offer to sell, purchase, rent, or lease any housing accommodation from or to a person because of his race, color, religion, national origin, sex, or place of birth;

(D) To refuse to negotiate for the sale, purchase, rental, or lease of any housing accommodation to a person because of his race, color, religion, national origin, sex, or place of birth;

(E) To represent to a person that any housing accommodation is not available for inspection, sale, purchase, rental, or lease when in fact it is so available, or to refuse to permit a person to inspect any housing accommodation because of his race, color, religion, national origin, sex, or place of birth;

(F) To make, publish, print, circulate, post or mail, or cause to be made, published, printed, circulated, posted or mailed, any notice, statement or advertisement, or to announce a policy, or to sign or to use a form of application for the sale, purchase, rental, lease, or financing of any housing accommodation, or to make a record of inquiry in connection with the prospective sale, purchase, rental, lease or financing of any housing accommodation, which indicates any discrimination or any intent to make a discrimination;

(G) To offer, solicit, accept or use a listing of any housing accommodation for sale, purchase, rental or lease with the understanding that a person may be subjected to discrimination in connection with such sale, purchase, rental or lease, or in the furnishing of facilities or services in connection therewith; or

(H) To induce directly or indirectly, or attempt to induce directly or indirectly, the sale, purchase, rental or lease, or the listing of any of the above, of any housing accommodation by representing that the presence or anticipated presence of persons of any particular race, color, religion, sex, national origin, or place of birth in the area to be affected by the sale, purchase, rental, or lease will or may result in either:

(1) The lowering of property values in the area;

(2) An increase in criminal or antisocial behavior in the area; or

(3) A decline in the quality of the schools serving the area.

(I) To make any misrepresentations concerning the listing for sale, purchase, rental, or lease, or the anticipated listing for any of the above, or the sale, purchase, rental, or lease of any housing accommodation in any area for the purpose of inducing or attempting to induce any such listing or any of the above transactions;

(J) To engage in, or hire to be done, or to conspire with others to commit acts or activities of any nature, the purpose of which is to coerce, cause panic, incite unrest or create or play upon fear, with the purpose of either discouraging or inducing, or attempting to induce, the sale, purchase, rental or lease, or the listing for any of the above, of any housing accommodation;

(K) To retaliate or discriminate in any manner against a person because he has opposed a practice declared unlawful by this section, or because he has filed a complaint, testified, assisted, or participated in any manner in any investigation, proceeding, hearing, or conference under this chapter;

(L) To aid, abet, incite, compel, or coerce any person to engage in any of the practices prohibited by this chapter; or to obstruct or prevent any person from complying with the provisions of this chapter; or any order issued thereunder;

(M) By canvassing, to commit any unlawful practices prohibited by this chapter;

(N) Otherwise to deny to, or withhold any housing accommodation from a person because of his race, color, religion, national origin, sex, or place of birth;

(O) For any financial institution to deny a loan or other financial assistance to a person applying therefore for the purpose of purchasing, constructing, improving, repairing, or maintaining a dwelling, or to discriminate against him in the fixing of the amount, interest rate, duration, or other terms or conditions of the loans or other financial assistance, because of the race, color, religion, sex, or national origin of such person; or

(P) To deny any qualified person access to or membership or participation in any multiple-listing service, real estate brokers' organization, or other service, organization, or facility relating to the business of selling or renting dwellings, or to discriminate against him in the terms or conditions of the access, membership, or participation, on account of race, color, religion, sex, or national origin.

('85 Code, § 93.04) (Ord. passed 4-1-82) Penalty, see § 10.99

**§ 94.05 EXEMPTIONS.**

This chapter shall not apply to:

(A) A religious organization, association, or society or any nonprofit institution or organization operating, supervised, or controlled by or in conjunction with a religious organization, association, or society which limits the sale, rental, or occupancy, of dwellings which it owns or operates for other than commercial purpose to persons of the same religion, or which gives preference to those persons, unless membership in the religion is restricted on account of race, color, sex, or national origin.

(B) A private club not in fact open to the public, which as an incident to its primary purpose or purposes, provides lodgings which it owns or operates for other than a commercial purpose, and which limits the rental or occupancy of such lodgings to its members or gives preference to its members.

(C) 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 the living quarters as his residence.

(D) Any single-family house sold or rented by an owner; provided, that the private individual owner does not own more than three single-family houses at any one time. Further, that in the case of the sale of any single-family house by a private individual owner not residing in the house at the time of the sale, the exemption granted by this section shall apply only with respect to one such sale within any 24-month period: The sale or rental of any single-family house shall be exempted only if the house is sold or rented:

(1) Without employing or using in any manner the services of a real estate broker, or real estate salesman; and

(2) Without the publication, posting, or mailing, after notice, of any advertisement or written notice in violation of the provisions of 42 U.S.C. § 3604(c), but nothing in this provision shall prohibit the use of attorneys, escrow agents, abstractors, title companies, and other professional assistance as necessary to perfect or transfer the title.('85 Code, § 93.05) (Ord. passed 4-1-82)

**§ 94.06 ENFORCEMENT PROCEDURE.**

(A) Any person who claims to have been injured by an unlawful housing practice or who believes that he will be irrevocably injured by an unlawful housing practice that is about to occur may file a complaint with the town.

(B) All complaints shall be filed within 180 days after the alleged unlawful housing practice occurred. Complaints shall be in writing and shall state the facts upon which allegations of a violation of this chapter are based. The respondent may file an answer to the complaint. Both complaint and answer may be amended.

(C) Upon receipt of the complaint, either from the complainant or the Secretary of HUD, the town shall designate an agent to investigate the matter, to notify the person who allegedly committed or one about to commit the alleged unlawful housing practice and to seek to conciliate the alleged violation.

(D) If the town is unable to resolve the alleged discrimination within 30 days, the complainant may file complaint with the Secretary of HUD pursuant to Title VIII of the Civil Rights Act of 1968; but nothing in this provision shall prohibit the complainant from pursuing any other judicial remedy.

('85 Code, § 93.06) (Ord. passed 4-1-82)

**§ 94.07 AGENCY NO DEFENSE.**

It shall be no defense to a violation of this chapter by a real estate owner or operator, real estate broker, real estate salesman, a financial institution, or other person subject to the provisions of this chapter, that the violation was requested, sought, or otherwise procured by a person not subject to the provisions of this chapter. ('85 Code, § 93.07) (Ord. passed 4-1-82)

**§ 94.09 REMEDY.**

The town may sue in a civil action through the General Court of Justice for appropriate remedies to enforce the provision of this chapter, including temporary restraining orders and mandatory and prohibitory injunctions. ('85 Code, § 93.98) (Ord. passed 4-1-82)