

Chapter 19 - DISCRIMINATION IN HOUSING ^[41]

⁽⁴¹⁾ **Editor's note**— Chapter 19 was added to the Code by Ord. of 9-2-86.

ARTICLE I. - GENERAL PROVISIONS
ARTICLE II. - PROHIBITED PRACTICES
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⁽⁴¹⁾ **Charter reference**— Gastonia Fair Housing Act, § 7.1. (Back)

ARTICLE I. - GENERAL PROVISIONS

[Sec. 19-1. - Title.](#)

[Sec. 19-2. - Purpose.](#)

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Sec. 19-1. - Title.

This chapter shall be known and may be cited as the "Fair Housing Ordinance of the City of Gastonia."

(Code 1982, § 19-1)

Sec. 19-2. - Purpose.

(a) The general purpose of this chapter is to provide all individuals within the city freedom from discrimination in connection with real estate transactions because of race, color, religion, national origin, sex, familial status or handicap; to secure against domestic strife and unrest; to preserve the public safety, health and general welfare; and to promote the interests, rights and privileges of individuals within the city.

(b) This chapter is intended to carry out in the city the policies and procedures provided for in various federal rules, regulations and laws prohibiting housing discrimination, including but not limited to title VIII of the Civil Rights Act of 1968, as amended. For enabling legislation, see chapter 902 of the 1985 Session Laws of the General Assembly of North Carolina, as amended by chapter 931, Session Laws of 1987, and chapter 510, Session Laws of 1989.

(c) This chapter is not intended to expand the authority or powers of the local enforcing agency beyond those covering any person, as defined by this chapter, by federal laws, rules or regulations in effect at the time in question.

(d) This chapter shall be construed according to the fair import of its terms and shall be liberally construed to further the general purpose as stated in this section and the special purposes of the

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particular provision involved, and any and all actions and proceedings under this chapter are of a civil nature.

(Code 1982, § 19-2; Ord. of 10-15-91)

Sec. 19-3. - Definitions.

For the purposes of this chapter:

- (1) *Task force* means the Gastonia New Horizons Fair Housing Task Force as established by the council of the City of Gastonia by resolution dated June 3, 1980.
- (2) *Person* includes one or more individuals, political subdivisions of the state and instrumentalities thereof, including the city or any government entity or agency thereof, partnerships, associations, corporations, labor organizations, legal representatives, mutual companies, joint-stock companies' trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers, or any other legal or commercial entity.
- (3) *Family* includes a single individual.
- (4) *National origin* includes the national origin of an ancestor.
- (5) *Discriminatory practice* means an act that is unlawful under this chapter.
- (6) *Real property* includes buildings, structures, real estate, lands, tenements, leaseholds, cooperatives, condominium and hereditaments, corporeal and incorporeal, or any in interest therein.
- (7) *Real estate transaction* includes the sale, exchange, or rental or lease of real property, or an interest therein.
- (8) *Housing accommodation* includes any improved or unimproved real property or part thereof which is used or occupied, or is intended, arranged or designed to be used or occupied, as the home or residence of one or more individuals.
- (9) *Real estate broker or salesman* means a person, whether licensed or not, who, on behalf of others, for a fee, 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 real property, or the improvements thereon, including options; or who negotiates or attempts to negotiate on behalf of others such activities; or who negotiates or attempts to negotiate on behalf of others a loan secured by mortgage or other encumbrances upon real property; or who is engaged in the business of listing real property in a publication; or a person employed by or acting on behalf of any of these.
- (10) *Gender*. Words importing the masculine gender shall include the feminine and neuter.
- (11) *Familial status* means one or more individuals (who have not attained the age of 18 years) being domiciled with either:
 - a. A parent or other individual having legal custody of such an individual or individuals; or
 - b. The designee of such parent or legal guardian with the written permission of such

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parent or guardian.

The protection against discrimination on the basis of familial status shall apply to a person who is pregnant or is in the process of obtaining legal custody of any person who is not yet 18 years old.

(12) *Handicap* means, with respect to a person:

- a. A physical or mental impairment which substantially limits one or more of such person's major life activities;
- b. A record of having such an impairment; or
- c. Being regarded as having such an impairment, but such term does not include current illegal use of or addiction to a controlled substance (as defined in section 102 of the Controlled Substance Act, 21 USC 802).

(13) *Complainant* means any person who files a complaint with the task force.

(14) *Complaint* means a sworn statement filed with the task force either on the form provided for this purpose by the task force, or otherwise containing the information required by section 19-68

(15) *Respondent* means any person or group of persons accused by the complaint of having committed a violation of this chapter.

(Code 1982, § 19-3; Ord. of 10-15-91)

Cross reference— Definitions generally, § 1-1.

Secs. 19-4—19-25. - Reserved.

ARTICLE II. - PROHIBITED PRACTICES

[Sec. 19-26. - Discriminatory practices unlawful.](#)

[Sec. 19-27. - Discrimination in real estate transactions.](#)

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Sec. 19-26. - Discriminatory practices unlawful.

It is unlawful to commit or to attempt to commit directly or indirectly a discriminatory practice as defined in this chapter.

(Code 1982, § 19-9)

Sec. 19-27. - Discrimination in real estate transactions.

It is a discriminatory practice for an owner or any other person engaging in real estate transactions, or for a real estate broker or salesman, or for any other person, because of race, color, religion, national origin, sex, familial status or handicap:

- (1) To refuse to engage in a real estate transaction with a person;
- (2) To discriminate against a person in the terms, conditions or privileges of a real estate transaction or in the provision of services or facilities in connection therewith;
- (3) To refuse to receive or to fail to transmit a bona fide offer to engage in a real estate transaction from a person;
- (4) To refuse to negotiate for a real estate transaction with a person;
- (5) To represent to a person that real property is not available for inspection, sale, rental or lease when in fact it is so available, or to fail to bring a property listing to a person's attention, or to refuse to permit a person to inspect real property;
- (6) To print, circulate, post, mail or cause to be so published a statement, advertisement or sign, or to use a form of application for a real estate transaction, or to make a record or inquiry in connection with a prospective real estate transaction, which indicates, directly or indirectly, an intent to make a limitation, specification or discrimination with respect thereto;
- (7) To offer, solicit, accept, use or retain a listing of real property with the understanding that a person may be discriminated against in a real estate transaction or in the provision of facilities or services in connection therewith; or
- (8) To otherwise make unavailable or deny real property.

(Code 1982, § 19-10; Ord. of 10-15-91)

Sec. 19-28. - Exemptions.

The provisions of section 19-27 (other than subsection (6)) do not apply:

- (1) To the rental of a room or rooms in a residence or a housing accommodation containing accommodations for not more than four families living independently of each other, if the lessor or a member of his family resides on the premises;
- (2) With respect to discrimination based on sex, to the rental or leasing of housing accommodations in a single-sex dormitory property; or
- (3) With respect to discrimination based upon religion, to housing accommodations owned and operated for other than a commercial purpose by a religious organization, association or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association or society, the sale, rental or occupancy of such housing accommodation being limited or preference being given to persons of the same religion, unless membership in such religion is restricted because of race, color, national origin or sex.

(Code 1982, § 19-11; Ord. of 10-15-91)

Sec. 19-29. - Discrimination in real estate related transactions.

It is a discriminatory practice for any person engaged in real estate related transactions to discriminate against any person, in making available such a transaction or in the terms of such a transaction, because of race, color, religion, national origin, sex, familial status or handicap. The term "real estate related transaction" shall mean any of the following:

- (1) The making or purchasing of loans or providing other financial assistance, for purchasing, constructing, rehabilitating, repairing or improving real property, and secured by residential real estate (home equity loans for education purposes); or
- (2) The selling, brokering or appraising of real property.

(Code 1982, § 19-12; Ord. of 10-15-91)

Sec. 19-30. - Discrimination in the provision of brokerage services.

It is a discriminatory practice to deny any person who is otherwise qualified by state law, membership in, access to or participation in any real estate brokers' organization, multiple listing service, or other service, organization or facility relating to the business of engaging in real estate transactions, or to discriminate in the terms or conditions of such membership because of race, color, religion, national origin, sex, handicap or familial status.

(Code 1982, § 19-13; Ord. of 10-15-91)

Sec. 19-31. - Other unlawful practices.

(a) It is an unlawful practice for any person against whom a complaint has been filed under this chapter to fail to preserve or to fail to make available to the task force or its duly authorized representative any evidence or possible sources of evidence with regard to that complaint.

(b) It is an unlawful practice for a person, for profit, to induce or attempt to induce any person to sell or rent real property by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, national origin, sex, handicap or familial status.

(c) Restrictive covenants and conditions.

(1) Every provision in an oral agreement or a written instrument relating to real property which purports to forbid or restrict the conveyance, encumbrance, occupancy or lease thereof to individuals of a specified race, color, religion, national origin, sex, handicap or familial status is a discriminatory practice and is void.

(2) Every condition, restriction or prohibition, including a right of entry or possibility of reverter, which directly or indirectly limits the use or occupancy of real property on the basis of race, color, religion, national origin, sex, handicap or familial status is a discriminatory practice and is void except as a limitation of use on the basis of religion of real property held by a religious or charitable organization operated, supervised or controlled by a religious institution or organization and used for religious or charitable purposes.

(3) It is an unlawful practice to insert in a written instrument relating to real property a provision that is void under this section or to honor or attempt to honor such a provision in the chain of title.

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(d) It is an unlawful practice for a person, as a party to a conciliation agreement made under this chapter, to violate the terms of the agreement.

(e) It is an unlawful practice for a person or for two or more persons to conspire:

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

(2) To aid, abet, incite, compel or coerce a person to engage in any of the acts or practices declared unlawful by this chapter;

(3) To obstruct or prevent a person from complying with the provisions of this chapter or any order issued thereunder; or

(4) To resist, prevent, impede or interfere with the task force or any of its members or representatives in the lawful performance of duty under this chapter.

(Code 1982, § 19-14; Ord. of 10-15-91)

Sec. 19-32. - Acting for another person no defense.

It shall be no defense to a violation of this chapter by a person that the violation was requested, sought or otherwise procured by another person.

(Code 1982, § 19-15)

Secs. 19-33—19-65. - Reserved.

ARTICLE III. - ENFORCEMENT ^[42]

⁽⁴²⁾ **Editor's note**— Ord. No. 02-397, § 1, adopted March 19, 2002, repealed ch. 19, art. III's, title, in its entirety and enacted a new title to read as herein set out. Prior to amendment, ch. 19, art. III, title catchline was entitled Fair Housing Agency and derived from an Ord. of Sept. 2, 1986.

[Sec. 19-66. - Procedures for fair housing complaints.](#)

[Sec. 19-67. - Gastonia New Horizons Fair Housing Task Force.](#)

[Sec. 19-68. - Complaint and subsequent proceedings.](#)

[Sec. 19-69. - Hearing.](#)

[Sec. 19-70. - Dismissal after hearing.](#)

[Sec. 19-71. - Determination of discriminatory practice: relief.](#)

[Sec. 19-72. - Judicial review of task force order.](#)

[Sec. 19-73. - Enforcement of task force orders.](#)

[Sec. 19-74. - Civil action for unlawful housing practice.](#)

[Sec. 19-75. - Third parties protected.](#)

[Sec. 19-76. - Access to records.](#)

[Sec. 19-77. - Public records.](#)

Sec. 19-66. - Procedures for fair housing complaints.

(a) The fair housing officer shall review reports, complaints and allegations contending that the provisions of this ordinance and other applicable state and federal fair housing laws have been violated within the city limits.

(b) Upon receipt of a complaint from any person alleging denial of equal housing opportunity, the fair housing officer shall:

(1) Refer the complaint to the Gastonia New Horizons Fair Housing Task Force or such other agency as the city council may have, in its discretion appointed to investigate complaints and enforce this chapter as hereinafter set forth.

(2) If no such task force or agency has been appointed, the fair housing officer shall refer the complaint with all necessary documentation to the North Carolina Human Relations Commission or other state agency with jurisdiction over discrimination in housing and shall provide the complainant with information regarding procedures under federal law.

(Ord. No. 02-397, § 2, 3-19-02)

Editor's note— Ord. No. 02-397, § 2, adopted March 19, 2002, repealed § 19-66, in its entirety and enacted new provisions to read as herein set out. Prior to amendment, § 19-66, pertained to Gastonia New Horizons Fair Housing Task Force declared agency and derived from Code 1982, § 19-22; Ord. of July 19, 1988; and Ord. of Oct. 15, 1991.

Sec. 19-67. - Gastonia New Horizons Fair Housing Task Force.

(a) The city council may, in its discretion, appoint a task force which shall be the fair housing agency for the city and which shall be called the Gastonia New Horizons Fair Housing Task Force.

(b) Within the limitations provided by law, and in additions to its rules, regulations and bylaws, the task force shall have the following powers:

(1) To meet and exercise its powers at any place within the municipality.

(2) To receive, initiate, investigate, seek to conciliate, hold hearings on and pass upon complaints, and to mediate alleged violations of this chapter.

(3) To subpoena witnesses, administer oaths and compel the production of evidence to the same extent and subject to the same limitations as would apply if the matter were pending in the civil division of the general court of justice. If a person fails or refuses to obey a subpoena issued by the task force, the task force may apply to the general court of justice for an order requiring that its order be obeyed; and the court shall have jurisdiction to issue such orders after notice to all other parties. No testimony of any witness before the task force pursuant to a subpoena issued in exercise of the power conferred by this chapter may be used against him on the trial of any criminal action other than a prosecution for false swearing committed on the examination. If any person, while under oath administered pursuant to this subdivision, willfully swears falsely, he shall be guilty of a misdemeanor.

(4) To adopt, promulgate, amend and rescind rules and regulations to effectuate the purposes and policies of this chapter, including regulations providing for the delegation of certain powers and duties to a fair housing officer appointed by the city council and regulations requiring the

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posting or inclusion in advertising material or notices prepared or approved by the task force. Any actions taken by a fair housing officer pursuant to such rules and regulations shall be subject to review by the task force.

(5) To render at least annually a comprehensive written report to the council.

(Ord. No. 02-397, § 3, 3-19-02)

Editor's note— Ord. No. 02-397, § 3, adopted March 19, 2002, repealed § 19-67, in its entirety and enacted new provisions to read as herein set out. Prior to amendment, § 19-67, pertained to powers of the task force and derived from Code 1982, § 19-22; Ord. of July 19, 1988; and Ord. of Oct. 15, 1991.

Sec. 19-68. - Complaint and subsequent proceedings.

(a) A person claiming to be aggrieved by a discriminatory practice, his agent or a member of the task force may file with the task force a sworn or affirmed written complaint stating what discriminatory practice has been committed, setting forth the facts upon which the complaint is based, and setting forth facts sufficient to enable the task force to identify the person charged. The task force shall promptly investigate the allegations of discriminatory practice set forth in the complaint and shall immediately furnish the complainant with a written notification of receipt of the complaint and the respondent with a copy of the complaint. The task force must commence proceedings within 30 days of receipt of the complaint. The complaint must be filed within 180 days after the alleged discriminatory practice occurs. The complaint may be amended at any time during the process before final determination, providing the respondent is notified of each amendment and has the opportunity to respond.

(b) The task force will encourage the parties to settle the charge on terms which are mutually agreeable by means of conference and conciliation. The task force will work with the parties to attain such a conciliation agreement. The terms of the conciliation agreement reached with the respondent may require him to refrain in the future from committing discriminatory practices of the type stated in the agreement and to take such remedial action as in the judgment of the task force will carry out the purpose of this chapter, including but not limited to:

- (1) Sale, exchange, lease, rental, assignment or sublease of real property to an individual;
- (2) Extension to all individuals of the full and equal enjoyment of the advantages, facilities, privileges and services of the respondent;
- (3) Reporting as to the manner of compliance;
- (4) Posting of notices in conspicuous places in the respondent's place of business in form prescribed by the court or the task force; or
- (5) Payment to the complainant of actual damages, including compensation for humiliation and embarrassment, and reasonable attorney's fees.

Any conciliation agreement is subject to the approval of the task force. If a conciliation agreement is reached it shall be made public unless both the complainant and the respondent agree not to make it public and the task force determines it is not necessary to further the purpose of this chapter.

(c) At any time in its discretion the task force may investigate whether the terms of the conciliation agreement are being complied with by the respondent. Upon finding that the terms of the agreement

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are not being complied with by the respondent, the task force shall take appropriate action to assure compliance.

(d) The task force must complete all investigation and conciliation activity within 100 days of receipt of the complaint. If the task force is unable to meet the 100-day deadline, it must give written notification to the complainant and respondent explaining the delay.

(e) Within 100 days of receipt of the complaint the task force shall issue an investigative report which shall include the following:

- (1) Names and dates of contacts with witnesses;
- (2) Summary and dates of correspondence with aggrieved person and respondent;
- (3) Summary description of other pertinent records;
- (4) Summary of witness statements;
- (5) Answers to interrogatories; and
- (6) Conciliation activity.

(f) Within 100 days of receipt of the complaint the task force shall determine, based on the facts, whether or not just cause exists to believe that a discriminatory practice has taken place or is about to take place.

(g) If it is determined by the task force that there is not reasonable cause to believe that the respondent has engaged in a discriminatory practice, the task force shall issue an order dismissing the complaint, and written notice of such dismissal shall be sent to the complainant, the respondent, and such other public officers and persons as the task force deems proper.

(h) The task force may administratively close the case should it determine that it does not have jurisdiction, if the complainant fails to cooperate or cannot be located, or if the complainant requests that the case be withdrawn.

(i) The complainant, within two weeks after the date of an order dismissing the complaint, may file with the task force an application for reconsideration of the order. Upon such application, the task force shall make a new determination whether there is a reasonable cause to believe that the respondent has engaged in a discriminatory practice. If it is determined after the application is filed that there is no reasonable cause to believe that the respondent has engaged in a discriminatory practice, the task force shall issue an order dismissing the complaint and furnish a copy of the order to the complainant and such other public officers and persons as the task force deems proper.

(Code 1982, § 19-23; Ord. of 10-15-91)

Sec. 19-69. - Hearing.

(a) If the task force determines that there is reasonable cause to believe that the respondent has engaged in a discriminatory practice, within 120 days after the cause determination has been issued, the task force shall serve on the respondent by registered or certified mail a written notice, together with a copy of the complaint as it may have been amended, requiring the respondent to answer the allegations of the complaint at a hearing before three or more members of the task force or a hearing

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examiner at a time and place specified in the notice. A copy of the notice shall be furnished to the complainant and such other public officers and persons as the task force deems proper. The task force may seek such collateral or ancillary remedies (such as injunctive relief) as may be available and appropriate pursuant to the North Carolina Rules of Civil Procedure if prompt judicial action is deemed necessary.

(b) A member of the task force who initiated the complaint and/or the fair housing officer who investigated the complaint shall not preside at the hearing or participate in the subsequent deliberation of the task force except as a witness.

(c) The respondent shall file a written answer with the task force in person or by registered or certified mail in accordance with the rules of the task force. The task force shall furnish a copy of the answer to the complainant and any other party to the proceeding. The task force or the complainant may amend the complaint, and the respondent may amend an answer at any time prior to the issuance of an order based on the complaint; but no order shall be issued unless the respondent has had the opportunity of a hearing on the complaint or amendment on which the order is based.

(d) The case in support of the complaint may be presented at the hearing by the complainant, with or without representation, or by the fair housing officer or representative.

(e) A respondent who has filed an answer or whose default in answering has been set aside for good cause shown may appear at the hearing, with or without representation, may examine or cross examine witnesses and the complainant, and may offer evidence. The complainant may examine and cross examine witnesses and may present evidence. The North Carolina Rules of Civil Procedure shall apply.

(f) If the respondent fails to answer the complaint, the task force or the hearing examiner may enter his default; and the hearing shall proceed on the evidence in support of the complaint. The default may be set aside for good cause shown upon equitable terms and conditions.

(g) Testimony taken at the hearing shall be under oath or affirmation and transcribed. If the testimony is not taken before the task force, the task force, upon notice to all parties with an opportunity to be heard, may take further evidence or hear argument. No testimony of any witness before the task force pursuant to a subpoena issued by the task force may be used against him on the trial of any criminal action other than a prosecution for false swearing committed on the examination. If any person while under oath administered swears falsely, he is guilty of a misdemeanor.

(Code 1982, § 19-24; Ord. of 10-15-91)

Sec. 19-70. - Dismissal after hearing.

The task force shall make its determination and render a decision within 60 days of the closing date of the hearing. If after the hearing the task force determines that the respondent has not engaged in a discriminatory practice, the task force shall state its findings of fact and conclusions of law and shall publicly issue an order dismissing the complaint and furnish a copy of the order to the complainant, the respondent, and such other public officers and persons as the task force deems proper.

(Code 1982, § 19-25; Ord. of 10-15-91)

Sec. 19-71. - Determination of discriminatory practice; relief.

If after the hearing the task force determines that the respondent has engaged in a discriminatory practice, the task force shall state its findings of fact and conclusions of law and shall issue an order

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requiring the respondent to cease and desist from the discriminatory practice and to engage in such additional remedial action as may be appropriate. Such order may, to vindicate the public interest, assess a civil penalty against the respondent:

- (1) In an amount not exceeding \$10,000.00 if the respondent has not been adjudged to have committed any prior discriminatory housing practice;
- (2) In an amount not exceeding \$25,000.00 if the respondent has been adjudged to have committed one other discriminatory housing practice during the five-year period ending on the date of the filing of the subject complaint; or
- (3) In an amount not exceeding \$50,000.00 if the respondent has been adjudged to have committed two or more other discriminatory housing practices during the seven-year period ending on the date of the filing of the subject complaint;

except that if the act constituting the discriminatory housing practice which is the object of the complaint then pending was committed by the same natural person who has been previously adjudged to have committed an act constituting a discriminatory housing practice, then the civil penalties set forth in subsections (2) and (3) above may be imposed without regard to the period of time within which any subsequent discriminatory housing practice occurred.

(Code 1982, § 19-26; Ord. of 10-15-91)

Sec. 19-72. - Judicial review of task force order.

Judicial review of any final task force order pursuant to sections 19-70 and 19-71 of this chapter shall be in accordance with article 4 of chapter 150B of the North Carolina General Statutes; however, the provisions of G.S. 150B-45 notwithstanding, petitions for judicial review shall be filed in the superior court of Gaston County.

(Code 1982, § 19-27)

Sec. 19-73. - Enforcement of task force orders.

(a) If within 60 days after entry of an order of the task force, a respondent has neither complied with nor sought review of such order, the findings of fact and order shall be conclusive in connection with any enforcement action relative to the order. The task force, after approval of the city council, or any aggrieved person, may apply to the superior court of Gaston County for an order of the court enforcing the order of the task force.

(b) Within 30 days after the court's receipt of the petition for enforcement of the task force's order or within such additional time as the court may allow, the task force shall transmit to the court the original or a certified copy of the entire record of the proceedings leading to the order. With the permission of the court, the record may be shortened by stipulation of all parties; any party unreasonably refusing to stipulate to limit the record may be taxed by the court for such additional costs as may be occasioned by the refusal. The court may require or permit subsequent corrections or additions to the record when deemed desirable.

(c) The hearing on the petition for enforcement of the task force's order shall be conducted by the court without a jury. The court shall hear oral arguments and receive written briefs but shall take no evidence not offered at the task force hearing, the hearing before the court being in the nature of certiorari; except that in cases of alleged irregularities in procedure before the task force not shown in

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the record, testimony thereon may be taken by the court; and except that where no record was made of the proceeding or the record is inadequate, the judge in his discretion may hear all or part of the matter de novo.

(d) The court shall issue the order requiring compliance with the task force's order unless it finds that enforcement of the task force's order would prejudice substantial rights of the party against whom the order is sought to be enforced because the task force's findings, inferences, conclusions or decisions are:

- (1) In violation of constitutional provisions;
- (2) In excess of the statutory authority of jurisdiction of the task force;
- (3) Made upon unlawful procedure;
- (4) Affected by other error of law;
- (5) Unsupported by substantial evidence in view of the entire record as submitted; or
- (6) Arbitrary or capricious.

(e) If the court declines to enforce the task force's orders for one of the reasons specified in subsection (d) of this section, it shall either:

- (1) Dismiss the petition;
- (2) Modify the task force's order and enforce it as modified; or
- (3) Remand the case to the task force for further proceedings.

(f) Any party to the hearing on the petition for enforcement of the task force's order may appeal the court's decision to the appellate division under the rules of procedure applicable to other civil cases.

(Code 1982, § 19-28; Ord. of 7-19-88; Ord. of 10-15-91)

Sec. 19-74. - Civil action for unlawful housing practice.

(a) *Authority to bring.* Any complainant dissatisfied with the task force's final disposition of a matter may bring a civil action in the superior court division of the general court of justice of Gaston County against the person allegedly engaging in the unlawful practice. Such civil action for an unlawful housing practice may not be brought more than one year after a charge thereof was filed with the task force or more than 60 days after the complainant's receipt of notification of the task force's final disposition of the matter, whichever is later. Where a conciliation agreement has been reached, an aggrieved party must bring an action for the breach thereof within two years of the occurrence of the breach.

(b) *Injunctions; equitable relief.* If the court finds that the respondent has engaged in or is engaging in an unlawful housing practice charged in the complaint, the court may grant as relief, as it deems appropriate, any permanent or temporary injunction, temporary restraining order, or other order, and may award to the complainant actual damages, including compensation for humiliation and embarrassment, and not more than \$1,000.00 in punitive damages, together with court costs and reasonable attorney's fees in the case of a prevailing complainant.

(c) *Attorney's fees.* In any action or proceeding under this chapter, the court, in its discretion, may

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allow the prevailing party, other than the task force, a reasonable attorney's fee as part of the costs.

(Code 1982, § 19-29; Ord. of 10-15-91)

Sec. 19-75. - Third parties protected.

Any relief granted under the provisions of this chapter shall not affect any contract, sale, encumbrance or lease consummated before the granting of such relief and involving a bona fide purchaser, encumbrancer or tenant without actual notice of the filing of a complaint with the task force or a civil action under this chapter.

(Code 1982, § 19-29.1; Ord. of 10-15-91)

Sec. 19-76. - Access to records.

(a) The task force at all reasonable times, for the purposes of examination, shall have access to and the right to copy any evidence of any person being investigated that relates to an unlawful housing practice under this chapter and relevant to the charge under investigation.

(b) Upon proper service of a complaint, a respondent shall maintain and preserve all records relevant to the determination of whether discriminatory practices have been or are being committed by such respondent, and shall continue to preserve such records for such periods of time as may be designated by the task force.

(c) Information discovered during such an investigation shall not be made public by the task force until offered into evidence in an administrative hearing or judicial proceeding.

(Code 1982, § 19-30)

Sec. 19-77. - Public records.

Public records concerning the investigation, conciliation or mediation of alleged violations of this chapter are not subject to the provisions of G.S. 132-6 and G.S. 132-9.

(Code 1982, § 19-31; Ord. of 10-15-91)