

Ordinance #2021-9

ORDINANCE AMENDING CHAPTER 38, ARTICLE IV ENTITLED "FAIR HOUSING" OF
THE CITY CODE OF THE CITY OF WINSTON-SALEM

BE IT ORDAINED, by the Mayor and Winston-Salem City Council as follows:

Section 1. Chapter 38, Article IV Entitled "Fair Housing", in particular Section 38-104. Definitions, is hereby amended to read as follows:

"Sec. 38-104. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Words importing the masculine gender shall include the feminine and the neuter.

Aggrieved person includes any person who:

- (1) Claims to have been injured by a discriminatory housing practice; or
- (2) Believes that such person will be injured by a discriminatory housing practice that is about to occur.

Commission means the city human relations commission as established by chapter 2, article III, division 8.

Complainant means a person or group of persons that has filed a complaint with the commission in accordance with the provisions of this article.

Complaint means a written complaint, which has been filed with the commission in accordance with the provisions of this article, alleging one or more discriminatory practices.

Conciliation means attempted resolution of issues raised by a complaint, or by the investigation of such complaint, through informal negotiation involving the aggrieved person or complainant, the respondent and a duly authorized enforcing agent.

Conciliation agreement means a written agreement or statement setting forth the terms of the agreement, mutually signed and subscribed to by both complainant and respondent, witnessed by the director, and approved as to form by the city attorney or his designee.

Covered multifamily dwellings means buildings consisting of four or more units if such buildings have one or more elevators, and ground floor units in other buildings consisting of four or more units.

Director means the director of the city human relations department, or, in his absence or inability to serve, the assistant director or senior staff member.

Discriminatory practice means an act that is unlawful under this article.

Familial status means one or more individuals who have not attained the age of 18 years being domiciled with:

- (1) A parent or another person having legal custody of such individual; or
- (2) The designee of such parent or other person having such custody, with the written permission of such parent or other person.

The protections afforded against discrimination on the basis of familial status shall apply to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of 18 years.

Family includes a single individual.

Handicap means, with respect to a person:

- (1) A physical or mental impairment which substantially limits one or more of such person's major life activities;
- (2) A record of having such an impairment; or
- (3) 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 Substances Act (21 USC 802).

Hearing board means the five hearing officers appointed to conduct hearings under this article.

Housing accommodation or facilities 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.

National origin includes the national origin of an ancestor.

Person includes one or more individuals, political subdivisions of the state and instrumentalities 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.

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 a fee, commission, salary or other valuable consideration, 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 an activity, or who advertises or holds himself out as engaged in such activities, or who negotiates or attempts to negotiate on behalf of others a loan secured by mortgage or other encumbrances upon real property in a publication, or a person employed by or acting on behalf of any of these.

Real estate transactions includes the sale, exchange, brokerage, appraisal, rental or lease of real property or of an interest therein, mobile home parks, and the secondary mortgage activities with respect to securities affected or supported by dwellings as well as the making and purchasing of loans and other financial assistance.

Real property includes buildings, structures, real estate, lands, tenements, leaseholds, cooperatives, condominiums and hereditaments, corporeal and incorporeal, or any interest therein.

Respondent means a person who is alleged to have committed a discriminatory practice and against whom a complaint has been filed pursuant to this article.

Sex- consistent with the decision of United States Supreme Court in *Bostock v. Clayton County*, 140 S. Ct. 1731 (2020), the term “sex” or the phrase on the “basis of sex” or “because of

sex” shall expressly include sexual orientation, gender identity, gender expression and any other protected category held to be covered by said term and phrases in the aforementioned case.

Single-sex dormitory means university or college dormitories.”

Section 2. This ordinance shall become effective upon adoption.