

# **AFFORDABLE HOUSING DEVELOPERS**

## **Know Your Rights Under NC's Fair Housing Law**

**If you are an affordable housing developer in North Carolina, you're protected under the North Carolina State Fair Housing Act against discriminatory decisions by local governments opposed to affordable housing. When you enforce your fair housing rights, you may be able to overcome government barriers and decisions meant to stop your development of an affordable housing project.**

- **Can local governments prevent my project because they do not want “affordable housing” built in their jurisdiction?**

Generally, local governments cannot consider the fact that a proposed development project includes affordable housing when making land-use, zoning, or permitting decisions. This includes applications for zoning map amendments for the development of affordable housing, building and construction permits, and applications related to utility or sewer services.

- **What does the anti-discrimination law cover?**

The Federal and State Fair Housing Acts prohibit a broad range of discriminatory conduct based on race, color, religion, national origin, sex, familial status, and disability. The North Carolina State Fair Housing Act also prohibits local governments from considering the fact that the proposed development contains affordable housing, in making their land-use decisions. Discriminatory conduct can include intentional discrimination, or discrimination that disproportionately impacts members of a protected group.

- **What should I do if I believe my project has been discriminated against?**

If your development has been denied any zoning, planning or other approval by a local government agency because it would be an affordable project, or for some other discriminatory reason, contact us to find out about your legal options.



**Fair Housing Project**  
**Legal Aid of North Carolina**  
**1-855-797-FAIR (3247)**  
**[www.fairhousingnc.org](http://www.fairhousingnc.org)**

# Affordable Housing is a Protected Class in Land-Use Decisions



“It is an unlawful discriminatory housing practice to discriminate in land-use decisions or in the permitting of development based on ... the fact that a development or proposed development contains affordable housing units for families or individuals with incomes below eighty percent (80%) of area median income. It is not a violation of this Chapter if land-use decisions or permitting of development is based on considerations of limiting high concentrations of affordable housing.” N.C. General Statutes § 41A-4(g).

## **What does this mean for affordable housing developers?**

In North Carolina, government bodies involved in land-use planning and regulation cannot refuse approval or otherwise discriminate against proposals *because* they include affordable housing.

- At a minimum, this state law covers decisions by zoning boards, planning boards, county commissions and municipal councils.
- It probably also applies to municipal utilities, highway and other transportation planning, and soil and water districts.