

Fifty-sixth
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1043

Introduced by

Legislative Council

(Judiciary Committee)

1 A BILL for an Act to create and enact chapter 14-02.5 of the North Dakota Century Code,
2 relating to discriminatory housing practices; to amend and reenact section 14-02.4-19 of the
3 North Dakota Century Code, relating to actions for discrimination; to repeal sections 14-02.4-12
4 and 14-02.4-13, relating to unfair housing; to provide a penalty; and to provide a continuing
5 appropriation.

6 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

7 **SECTION 1. AMENDMENT.** Section 14-02.4-19 of the North Dakota Century Code is
8 amended and reenacted as follows:

9 **14-02.4-19. Actions - Limitations.** Any person claiming to be aggrieved by a
10 discriminatory practice in violation of this chapter may bring an action in the district court in any
11 district in the state in which the unlawful practice is alleged to have been committed, in the
12 district in which the records relevant to such practice are maintained and administered, or in the
13 judicial district in which the person would have worked or obtained credit were it not for the
14 alleged discriminatory act within three years of the alleged act of wrongdoing. Any person
15 claiming to be aggrieved by a discriminatory practice in violation of this chapter with regard to
16 an employer's discriminatory practice may bring a complaint of discriminating employment
17 practices under this chapter to the department of labor within three hundred days of the alleged
18 act of wrongdoing. Any person claiming to be aggrieved by a discriminatory practice in violation
19 of this chapter with regard to ~~housing or~~ public accommodations or services may bring an
20 action in the district court in any district in the state in which the unlawful practice is alleged to
21 have been committed, or in the judicial district in which the person would have obtained
22 ~~housing or~~ public accommodations or services were it not for the alleged discriminatory act
23 within one hundred eighty days of the alleged act of wrongdoing.

1 **SECTION 2.** Chapter 14-02.5 of the North Dakota Century Code is created and
2 enacted as follows:

3 **14-02.5-01. Definitions.** The definitions in section 14-02.4-02 may be used to
4 supplement the definitions in this chapter. In this chapter, unless the context otherwise
5 requires:

- 6 1. "Aggrieved individual" includes any individual who claims to have been injured by a
7 discriminatory housing practice or believes that the individual will be injured by a
8 discriminatory housing practice that is about to occur.
- 9 2. "Complainant" means a person, including the department, that files a complaint
10 under section 14-02.5-19.
- 11 3. "Conciliation" means the informal negotiations among an aggrieved individual, the
12 respondent, and the department to resolve issues raised by a complaint or by the
13 investigation of the complaint.
- 14 4. "Conciliation agreement" means a written agreement resolving the issues in
15 conciliation.
- 16 5. "Department" means the department of labor.
- 17 6. "Disability" means a mental or physical impairment that substantially limits at least
18 one major life activity, a record of this impairment, or being regarded as having this
19 impairment. The term does not include current illegal use or addiction to any drug
20 or illegal or federally controlled substance and does not apply to an individual
21 because of an individual's sexual orientation or because that individual is a
22 transvestite.
- 23 7. "Discriminatory housing practice" means an act prohibited by sections 14-02.5-03
24 through 14-02.5-09 or conduct that is an offense under section 14-02.5-46.
- 25 8. "Dwelling" means any structure or part of a structure that is occupied as, or
26 designed or intended for occupancy as, a residence by one or more families or
27 vacant land that is offered for sale or lease for the construction or location of a
28 structure or part of a structure as previously described.
- 29 9. "Family" includes a single individual.
- 30 10. "Respondent" means a person accused of a violation of this chapter in a complaint
31 of discriminatory housing practice or a person identified as an additional or

substitute respondent under section 14-02.5-22 or an agent of an additional or
substitute respondent.

11. "To rent" includes to lease, sublease, or let, or to grant in any other manner, for a
consideration, the right to occupy premises not owned by the occupant.

14-02.5-02. Familial status. A discriminatory act is committed because of familial
status if the act is committed because the individual who is the subject of discrimination is
pregnant, in the process of obtaining legal custody of an individual younger than eighteen years
of age, domiciled with an individual younger than eighteen years of age in regard to whom the
person is the parent or legal custodian or has the written permission of the parent or legal
custodian for domicile with that individual.

14-02.5-03. Sale or rental.

1. A person may not refuse to sell or rent, after the making of a bona fide offer, refuse
to negotiate for the sale or rental of, or in any other manner make unavailable or
deny a dwelling to an individual because of race, color, religion, sex, disability, age,
familial status, national origin, or status with respect to marriage or public
assistance.

2. A person may not discriminate against an individual in the terms, conditions, or
privileges of sale or rental of a dwelling or in providing services or facilities in
connection with a sale or rental of a dwelling because of race, color, religion, sex,
disability, age, familial status, national origin, or status with respect to marriage or
public assistance.

3. This section does not prohibit discrimination against an individual because the
individual has been convicted under federal law or the law of any state of the illegal
manufacture or distribution of a controlled substance.

14-02.5-04. Publication. A person may not make, print, or publish or effect the
making, printing, or publishing of a notice, statement, or advertisement that is about the sale or
rental of a dwelling and that indicates any preference, limitation, or discrimination or the
intention to make a preference, limitation, or discrimination because of race, color, religion, sex,
disability, age, familial status, national origin, or status with respect to marriage or public
assistance.

1 **14-02.5-05. Inspection.** A person may not represent to an individual because of race,
2 color, religion, sex, disability, age, familial status, national origin, or status with respect to
3 marriage or public assistance that a dwelling is not available for inspection for sale or rental
4 when the dwelling is available for inspection.

5 **14-02.5-06. Entry into neighborhood.** A person may not, for profit, induce or attempt
6 to induce another to sell or rent a dwelling by representations regarding the entry or prospective
7 entry into a neighborhood of an individual of a particular race, color, religion, sex, disability, age,
8 familial status, national origin, or status with respect to marriage or public assistance.

9 **14-02.5-07. Disability.**

10 1. A person may not discriminate in the sale or rental of, or make unavailable or deny,
11 a dwelling to any buyer or renter because of a disability of the buyer or renter; of an
12 individual residing in or intending to reside in that dwelling after it is sold, rented, or
13 made available; or of any individual associated with the buyer or renter.

14 2. A person may not discriminate against an individual in the terms, conditions, or
15 privileges of sale or rental of a dwelling or in the provision of services or facilities in
16 connection with the dwelling because of a disability of the individual; of an
17 individual residing in or intending to reside in that dwelling after it is sold, rented, or
18 made available; or of any individual associated with the other individual.

19 3. In this section, discrimination includes:

20 a. A refusal to permit, at the expense of the individual having a disability, a
21 reasonable modification of existing premises occupied or to be occupied by
22 the individual if the modification may be necessary to afford the individual full
23 enjoyment of the premises;

24 b. A refusal to make a reasonable accommodation in rules, policies, practices, or
25 services if the accommodation may be necessary to afford the individual
26 equal opportunity to use and enjoy a dwelling; or

27 c. The failure to design and construct a covered multifamily dwelling in a manner
28 that allows the public use and common use portions of the dwellings to be
29 readily accessible to and usable by individuals having a disability; that allows
30 all doors designed to allow passage into and within all premises within the
31 dwellings to be sufficiently wide to allow passage by an individual who has a

disability and who is in a wheelchair; and that provides all premises within the dwellings contain the following features of adaptive design:

- (1) An accessible route into and throughout the dwelling;
- (2) Light switches, electrical outlets, thermostats, and other environmental controls in accessible locations;
- (3) Reinforcements in bathroom walls to allow later installation of grab bars; and
- (4) Kitchens and bathrooms that are usable and have sufficient space in which an individual in a wheelchair can maneuver.

4. Compliance with the appropriate requirements of the American national standard for buildings and facilities providing accessibility and usability for individuals having physical disabilities, commonly cited as "ANSI A 117.1", satisfies the requirements of adaptive design in subdivision c of subsection 3.

5. The adaptive design requirements of subdivision c of subsection 3 do not apply to a building the first occupancy of which occurred on or before March 13, 1991.

6. This section does not require a dwelling to be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals whose tenancy would result in substantial physical damage to the property of others.

7. Covered multifamily dwellings are buildings consisting of four or more units if the buildings have one or more elevators and ground floor units in other buildings consisting of four or more units.

14-02.5-08. Residential real estate-related transaction. A person whose business includes engaging in residential real estate-related transactions may not discriminate against an individual in making a real estate-related transaction available or in the terms or conditions of a real estate-related transaction because of race, color, religion, sex, disability, age, familial status, national origin, or status with respect to marriage or public assistance. A residential real estate-related transaction is the selling, brokering, or appraising of residential real property or the making or purchasing of loans or the provision of other financial assistance to purchase, construct, improve, repair, maintain a dwelling, or to secure residential real estate.

1 **14-02.5-09. Brokerage services.** A person may not deny an individual access to, or
2 membership or participation in, a multiple-listing service, real estate brokers' organization, or
3 other service, organization, or facility relating to the business of selling or renting dwellings, or
4 discriminate against an individual in the terms or conditions of access, membership, or
5 participation in the organization, service, or facility because of race, color, religion, sex,
6 disability, age, familial status, national origin, or status with respect to marriage or public
7 assistance.

8 **14-02.5-10. Sales and rentals exempted.**

9 1. Sections 14-02.5-03 through 14-02.5-09 do not apply to the sale or rental of a
10 single-family house sold or rented by the owner if the owner does not own more
11 than three single-family houses at any one time or own any interest in, nor is there
12 owned or reserved on the person's behalf, under any express or voluntary
13 agreement, title to or any right to any part of the proceeds from the sale or rental of
14 more than three single-family houses at any one time. In addition, the house must
15 be sold or rented without the use of the sales or rental facilities or services of a
16 licensed real estate broker, agent, or realtor, or of an employee or agent of a
17 licensed broker, agent, or realtor, or the facilities or services of the owner of a
18 dwelling designed or intended for occupancy by five or more families; or the
19 publication, posting, or mailing of a notice, statement, or advertisement prohibited
20 by section 14-02.5-04.

21 2. Sections 14-02.5-03 through 14-02.5-09 do not apply to the sale or rental of the
22 rooms or units in a dwelling containing living quarters occupied by or intended to
23 be occupied by not more than four families living independently of each other, if the
24 owner maintains and occupies one of the living quarters as the owner's residence.

25 3. The exemption in subsection 1 applies only to one sale or rental in a
26 twenty-four-month period, if the owner was not the most recent resident of the
27 house at the time of the sale or rental.

28 **14-02.5-11. Religious organization, private club, and appraisal exemption.**

29 1. This chapter does not prohibit a religious organization, association, or society or a
30 nonprofit institution or organization operated, supervised, or controlled by or in
31 conjunction with a religious organization, association, or society from limiting the

1 sale, rental, or occupancy of dwellings that it owns or operates for other than a
2 commercial purpose to individuals of the same religion or giving preference to
3 persons of the same religion, unless membership in the religion is restricted
4 because of race, color, or national origin.

5 2. This chapter does not prohibit a private club that is not open to the public and that,
6 as an incident to its primary purpose, provides lodging that it owns or operates for
7 other than a commercial purpose from limiting the rental or occupancy of the
8 lodging to its members or from giving preference to its members.

9 3. This chapter does not prohibit a person engaged in the business of furnishing
10 appraisals of real property from considering in those appraisals factors other than
11 race, color, religion, sex, disability, age, familial status, national origin, or status
12 with respect to marriage or public assistance.

13 **14-02.5-12. Housing for elderly exempted.** The provisions of this chapter relating to
14 familial status and age do not apply to housing that the department determines is specifically
15 designed and operated to assist elderly individuals under a federal or state program; intended
16 for, and solely occupied by, individuals sixty-two years of age or older; or intended and
17 operated for occupancy by at least one individual fifty-five years of age or older for each unit as
18 determined by department rules.

19 **14-02.5-13. Effect on other law.**

20 1. This chapter does not affect a reasonable local or state restriction on the maximum
21 number of occupants permitted to occupy a dwelling or a restriction relating to
22 health or safety standards.

23 2. This chapter does not affect a requirement of nondiscrimination in any other state
24 or federal law.

25 **14-02.5-14. Duties and powers of department.** The department shall administer this
26 chapter. The department may adopt rules necessary to implement this chapter, but substantive
27 rules adopted by the department must impose obligations, rights, and remedies that are the
28 same as are provided in federal fair housing regulations.

29 **14-02.5-15. Complaints.** As provided by sections 14-02.5-19 through 14-02.5-36, the
30 department shall receive, investigate, seek to conciliate, and act on complaints alleging
31 violations of this chapter.

1 **14-02.5-16. Reports and studies.** The department shall publish in even-numbered
2 years a written report recommending legislative or other action to carry out the purposes of this
3 chapter. The department shall make studies relating to the nature and extent of discriminatory
4 housing practices in this state.

5 **14-02.5-17. Cooperation with other entities.** The department shall cooperate with
6 and may provide technical and other assistance to federal, state, local, and other public or
7 private entities that are designing or operating programs to prevent or eliminate discriminatory
8 housing practices.

9 **14-02.5-18. Gifts and grants - Fair housing fund - Continuing appropriation.** The
10 department may accept gifts and grants from any source for administering this chapter. Gifts
11 and grants received must be deposited to the credit of the fair housing fund in the state
12 treasury. Moneys deposited to the credit of the fund are appropriated to the department on a
13 continuing basis for the purposes of administering this chapter.

14 **14-02.5-19. Complaint.**

- 15 1. The department shall investigate complaints of alleged discriminatory housing
16 practices. An aggrieved individual may file a complaint with the department
17 alleging the discriminatory housing practice. The department may file a complaint.
18 A complaint must be in writing, under oath, and in the form prescribed by the
19 department. A complaint must be filed on or before the first anniversary of the date
20 the alleged discriminatory housing practice occurs or terminates, whichever is later.
21 A complaint may be amended at any time.
- 22 2. On the filing of a complaint, the department shall give the aggrieved individual
23 notice that the complaint has been received, advise the aggrieved individual of the
24 time limits and choice of forums under this chapter, and not later than the twentieth
25 day after the date of the filing of the complaint or the identification of an additional
26 or substitute respondent under section 14-02.5-23, serve on each respondent a
27 notice identifying the alleged discriminatory housing practice and advising the
28 respondent of the procedural rights and obligations of a respondent under this
29 chapter and a copy of the original complaint.

30 **14-02.5-20. Answer.**

1 1. Not later than the tenth day after the date of receipt of the notice and copy of the
2 complaint under subsection 2 of section 14-02.5-19, a respondent may file an
3 answer to the complaint. An answer must be in writing, under oath, and in the form
4 prescribed by the department.

5 2. An answer may be amended at any time. An answer does not inhibit the
6 investigation of a complaint.

7 **14-02.5-21. Investigation.**

8 1. If the federal government has referred a complaint to the department or has
9 deferred jurisdiction over the subject matter of the complaint to the department, the
10 department shall investigate the allegations set forth in the complaint.

11 2. The department shall investigate all complaints and, except as provided by
12 subsection 3, shall complete an investigation not later than the hundredth day after
13 the date the complaint is filed or, if it is unable to complete the investigation within
14 the hundred-day period, shall dispose of all administrative proceedings related to
15 the investigation not later than the first anniversary after the date the complaint is
16 filed.

17 3. If the department is unable to complete an investigation within the time periods
18 prescribed by subsection 2, the department shall notify the complainant and the
19 respondent in writing of the reasons for the delay.

20 **14-02.5-22. Additional or substitute respondent.** The department may join a person
21 not named in the complaint as an additional or substitute respondent if during the investigation
22 the department determines that the person should be accused of a discriminatory housing
23 practice. In addition to the information required in the notice under subsection 2 of section
24 14-02.5-19, the department shall include in a notice to a respondent joined under this section
25 the reasons for the determination that the person is properly joined as a respondent.

26 **14-02.5-23. Conciliation.**

27 1. The department shall, during the period beginning with the filing of a complaint and
28 ending with the filing of a charge or a dismissal by the department, to the extent
29 feasible, engage in conciliation with respect to the complaint. A conciliation
30 agreement between a respondent and the complainant is subject to departmental
31 approval. A conciliation agreement may provide for binding arbitration or another

method of dispute resolution. Dispute resolution that results from a conciliation agreement may authorize appropriate relief, including monetary relief.

2. A conciliation agreement is public information unless the complainant and respondent agree that it is not and the department determines that disclosure is not necessary to further the purposes of this chapter. Statements made or actions taken in the conciliation may not be made public or used as evidence in a subsequent proceeding under this chapter without the written consent of concerned persons. After completion of the department's investigation, the department shall make available to the aggrieved individual and the respondent, at any time, information derived from the investigation and the final investigative report relating to that investigation.

14-02.5-24. Temporary or preliminary relief. The department may authorize a claim for relief for temporary or preliminary relief pending the final disposition of a complaint, if the department concludes after the filing of the complaint that prompt judicial action is necessary to carry out the purposes of this chapter. On receipt of the department's authorization, the attorney general shall promptly file the claim. A temporary restraining order or other order granting preliminary or temporary relief under this section is governed by the applicable statutes and the North Dakota Rules of Civil Procedure. The filing of a claim for relief under this section does not affect the initiation or continuation of administrative proceedings under section 14-02.5-32.

14-02.5-25. Investigative report. The department shall prepare a final investigative report, including the names of and dates of contacts with witnesses, a summary of correspondence and other contacts with the aggrieved individual and the respondent showing the dates of the correspondence and contacts, a summary description of other pertinent records, a summary of witness statements, and answers to interrogatories. A final report under this section may be amended if additional evidence is discovered.

14-02.5-26. Reasonable cause determination.

1. The department shall determine from the facts whether reasonable cause exists to believe that a discriminatory housing practice has occurred or is about to occur. The department shall make this determination not later than the hundredth day

1 after the date a complaint is filed unless making the determination is impracticable,
2 or the department approves a conciliation agreement relating to the complaint.

- 3 2. If making the determination within the period is impracticable, the department shall
4 give in writing to the complainant and the respondent the reasons for the delay. If
5 the department determines that reasonable cause exists to believe that a
6 discriminatory housing practice has occurred or is about to occur, the department
7 shall, except as provided by section 14-02.5-28, immediately issue a charge on
8 behalf of the aggrieved individual.

9 **14-02.5-27. Charge.**

- 10 1. A charge issued under section 14-02.5-26 must consist of a short and plain
11 statement of the facts on which the department finds reasonable cause to believe
12 that a discriminatory housing practice has occurred or is about to occur, must be
13 based on the final investigative report, and is not limited to the facts or grounds
14 alleged in the complaint.
- 15 2. Not later than the twentieth day after the date the department issues a charge, the
16 department shall send a copy of the charge with information about the election
17 under section 14-02.5-31 to each respondent and each aggrieved individual on
18 whose behalf the complaint was filed.
- 19 3. The department shall include with a charge sent to a respondent a notice of the
20 opportunity for a hearing under section 14-02.5-32.

21 **14-02.5-28. Land use law.** If the department determines that the matter involves the
22 legality of a state or local zoning or other land use law or ordinance, the department may not
23 issue a charge and shall immediately refer the matter to the attorney general for appropriate
24 action.

25 **14-02.5-29. Dismissal.** If the department determines that no reasonable cause exists
26 to believe that a discriminatory housing practice that is the subject of a complaint has occurred
27 or is about to occur, the department shall promptly dismiss the complaint. The department shall
28 make public disclosure of each dismissal.

29 **14-02.5-30. Pending civil trial.** The department may not issue a charge alleging a
30 discriminatory housing practice after the beginning of the trial of a civil action commenced by

1 the aggrieved party under federal or state law seeking relief with respect to that discriminatory
2 housing practice.

3 **14-02.5-31. Election of judicial determination.** A complainant, a respondent, or an
4 aggrieved person on whose behalf a complaint was filed may elect to have the claims asserted
5 in the charge decided in a civil action as provided by section 14-02.5-37. The election must be
6 made not later than the twentieth day after the date the person having the election receives
7 service under subsection 2 of section 14-02.5-27 or, in the case of the department, not later
8 than the twentieth day after the date the charge is issued. The person making the election shall
9 give notice to the department and to all other complainants and respondents to whom the
10 charge relates.

11 **14-02.5-32. Administrative hearing.** If a timely election is not made under section
12 14-02.5-31, the department shall provide for a hearing on the charge. Except as provided in
13 this section, chapter 28-32 governs a hearing and an appeal of a hearing. A hearing under this
14 section on an alleged discriminatory housing practice may not continue after the beginning of
15 the trial of a claim for relief commenced by the aggrieved person under federal or state law
16 seeking relief with respect to the discriminatory housing practice.

17 **14-02.5-33. Administrative penalties.**

- 18 1. If the department determines at a hearing under section 14-02.5-32 that a
19 respondent has engaged in or is about to engage in a discriminatory housing
20 practice, the department may order the appropriate relief, including actual
21 damages, reasonable attorneys' fees, court costs, and other injunctive or equitable
22 relief.
- 23 2. To vindicate the public's interest, the department may assess a civil penalty
24 against the respondent in an amount that does not exceed:
- 25 a. Ten thousand dollars if the respondent has been found by order of the
26 department or a court to have committed a prior discriminatory housing
27 practice; or
- 28 b. Except as provided by subsection 3, twenty-five thousand dollars if the
29 respondent has been found by order of the department or a court to have
30 committed one other discriminatory housing practice during the five-year
31 period ending on the date of the filing of the charges and fifty thousand dollars

1 if the respondent has been found by the department or a court to have
2 committed two or more discriminatory housing practices during the
3 seven-year period ending on the date of filing of the charge.

4 3. If the acts constituting the discriminatory housing practice that is the object of the
5 charge are committed by the same individual who has previously been found to
6 have committed acts constituting a discriminatory housing practice, the civil
7 penalties in subdivision b of subsection 2 may be imposed without regard to the
8 period of time within which any other discriminatory housing practice occurred.

9 4. At the request of the department, the attorney general shall sue to recover a civil
10 penalty due under this section. Funds collected under this section must be paid to
11 the state treasurer for deposit in the state treasury to the credit of the fair housing
12 fund.

13 **14-02.5-34. Effect of departmental order.** A departmental order under section
14 14-02.5-33 does not affect a contract, sale, encumbrance, or lease that is consummated before
15 the department issues the order and involves a bona fide purchaser, encumbrancer, or tenant
16 who did not have actual notice of the charge filed under this chapter.

17 **14-02.5-35. Licensed or regulated business.** If the department issues an order with
18 respect to a discriminatory housing practice that occurs in the course of a business subject to a
19 licensing or regulation by a governmental agency, the department, not later than the thirtieth
20 day after the date the order is issued, shall send copies of the findings and the order to the
21 governmental agency and recommend to the governmental agency appropriate disciplinary
22 action.

23 **14-02.5-36. Order in preceding five years.** If the department issues an order against
24 a respondent against whom another order was issued within the preceding five years under
25 section 14-02.5-34, the department shall send a copy of each order to the attorney general.

26 **14-02.5-37. Attorney general action for enforcement.** If a timely election is made
27 under section 14-02.5-31, the department shall authorize and the attorney general shall file not
28 later than the thirtieth day after the date of the election a claim for relief seeking relief on behalf
29 of the aggrieved person in a district court. Venue for an action is in the county in which the
30 alleged discriminatory housing practice occurred or is about to occur. An aggrieved individual
31 may intervene in the action. If the court finds that a discriminatory housing practice has

1 occurred or is about to occur, the court may grant as relief any relief that a court may grant in a
2 civil action under sections 14-02.5-40 through 14-02.5-45. If monetary relief is sought for the
3 benefit of an aggrieved individual who does not intervene in the civil action, the court may not
4 award the monetary relief if that aggrieved individual has not complied with discovery orders
5 entered by the court.

6 **14-02.5-38. Pattern or practice case - Penalties.**

- 7 1. On the request of the department, the attorney general may file a claim for relief in
8 district court for appropriate relief if the department has reasonable cause to
9 believe that a person is engaged in a pattern or practice of resistance to the full
10 enjoyment of a right granted under this chapter or a person has been denied a right
11 granted by this chapter and that denial raises an issue of general public
12 importance.
- 13 2. In an action under this section, the court may award preventive relief, including a
14 permanent or temporary injunction, restraining order, or other order against the
15 person responsible for a violation of this chapter as necessary to assure the full
16 enjoyment of the rights granted by this chapter; award other appropriate relief,
17 including monetary damages, reasonable attorneys' fees, and court costs; and to
18 vindicate the public interest, assess a civil penalty against the respondent in an
19 amount that does not exceed fifty thousand dollars for a first violation and one
20 hundred thousand dollars for a second or subsequent violation.
- 21 3. A person may intervene in an action under this section if the person is a person
22 aggrieved by the discriminatory housing practice or a party to a conciliation
23 agreement concerning the discriminatory housing practice.

24 **14-02.5-39. Subpoena enforcement.** The attorney general, on behalf of the
25 department or another party at whose request a subpoena is issued under this chapter, may
26 enforce the subpoena in appropriate proceedings in district court.

27 **14-02.5-40. Civil action.**

- 28 1. An aggrieved person may file a civil action in district court not later than the second
29 year after the date of the occurrence or the termination of an alleged discriminatory
30 housing practice or the breach of a conciliation agreement entered under this

chapter, whichever occurs last, to obtain appropriate relief with respect to the discriminatory housing practice or breach.

2. The two-year period does not include any time during which an administrative hearing under this chapter is pending with respect to a complaint or charge under this chapter based on the discriminatory housing practice. This subsection does not apply to actions arising from the breach of a conciliation agreement.

3. An aggrieved individual may file a claim for relief whether a complaint has been filed under section 14-02.5-19 and without regard to the status of any complaint filed under that section.

4. If the department has obtained a conciliation agreement with the consent of an aggrieved person, the aggrieved person may not file a claim for relief with respect to the alleged discriminatory housing practice that forms the basis of the complaint except to enforce the terms of the agreement.

5. An aggrieved individual may not file a claim for relief with respect to an alleged discriminatory housing practice that forms the basis of a charge issued by the department if the department has begun a hearing on the record under this chapter with respect to the charge.

14-02.5-41. Court-appointed attorney. On application by a person alleging a discriminatory housing practice or by a person against whom a discriminatory housing practice is alleged, the court may appoint an attorney for the person.

14-02.5-42. Relief granted. If the court finds that a discriminatory housing practice has occurred or is about to occur, the court may award to the plaintiff actual and punitive damages, reasonable attorneys' fees, court costs, and subject to section 14-02.5-43, a permanent or temporary injunction, temporary restraining order, or other order, including an order enjoining the defendant from engaging in the practice or ordering appropriate affirmative action.

14-02.5-43. Effect of relief granted. Relief granted under sections 14-02.5-40 through 14-02.5-45 does not affect a contract, sale, encumbrance, or lease that is consummated before the granting of the relief and involves a bona fide purchaser, encumbrancer, or tenant who did not have actual notice of the filing of a complaint or civil action under this chapter.

14-02.5-44. Intervention by attorney general. On request of the department, the attorney general may intervene in an action under sections 14-02.5-40 through 14-02.5-45 if the

department certifies that the case is of general public importance. The attorney general may obtain the same relief as is available to the attorney general under subsection 2 of section 14-02.5-38.

14-02.5-45. Prevailing party. A court in an action brought under this chapter or the department in an administrative hearing under section 14-02.5-32 may award reasonable attorneys' fees to the prevailing party and assess court costs against the nonprevailing party.

14-02.5-46. Intimidation or interference - Penalty.

1. A person commits an offense if the person, without regard to whether the person is acting under color of law, by force or threat of force, intentionally intimidates or interferes with an individual:

a. Because of the individual's race, color, religion, sex, disability, age, familial status, national origin, or status with respect to marriage or public assistance and because the individual is or has been selling, purchasing, renting, financing, occupying, or contracting or negotiating for the sale, purchase, rental, financing, or occupation of any dwelling or applying for or participating in a service, organization, or facility relating to the business of selling or renting dwellings; or

b. Because the individual is or has been or to intimidate the individual from participating, without discrimination because of race, color, religion, sex, disability, age, familial status, national origin, or status with respect to marriage or public assistance, in an activity, service, organization, or facility described by subdivision a; affording another individual opportunity or protection to so participate; or lawfully aiding or encouraging other individuals to participate, without discrimination because of race, color, religion, sex, disability, age, familial status, national origin, or status with respect to marriage or public assistance, in an activity, service, organization, or facility described in subdivision a.

2. An offense under this section is a class A misdemeanor.

SECTION 3. REPEAL. Sections 14-02.4-12 and 14-02.4-13 of the North Dakota Century Code are repealed.