

Chapter 82
FAIR HOUSING

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[HISTORY: Adopted by the Town Board of the Town of Henderson 6-8-1994 by L.L. No. 2-1994. Amendments noted where applicable.]

§ 82-1. Purpose.

For the purpose of providing and ensuring fair housing opportunities for all within the Town of Henderson, the Town Board of the Town of Henderson, in the County of Jefferson, State of New York, under the authority of the General Municipal and Town Laws, hereby obtains, enacts and publishes this chapter.

§ 82-2. Definitions.

- A. General. For the purpose of this chapter, certain words or phrases herein shall be interpreted as follows, except where the context clearly indicates the contrary: words used in the singular include the plural, words used in the present tense include the future tense, the word "person" includes a corporation as well as an individual, and the word "shall" is always mandatory.
- B. Specific words or phrases. For the purposes of this chapter, certain terms or words herein shall be interpreted as follows:

DISCRIMINATORY HOUSING PRACTICES — An act that is unlawful under §§ 82-3, 82-4 and 82-5.

DWELLING — Any building, structure or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure or portion thereof.

FAMILY — Includes a single individual.

PERSON — Includes one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers and fiduciaries.

TO RENT — To lease, to sublease, to let and otherwise to grant for a consideration the right to occupy premises not owned by the occupant.

§ 82-3. Discrimination in the sale or rental of housing.

Except as exempted by § 82-6, it shall be unlawful within the Town of Henderson to:

- A. Refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, sex, handicap, familial status or national origin.
- B. Discriminate against any person in the terms, conditions or privileges of sale or rental of a dwelling or in the provision of services or facilities in connection therewith because of race, color, religion, sex, handicap, familial status or national origin.
- C. Make, print or publish, or cause to be made, printed or published, any notice, statement or advertisement with respect to the sale of rental or a dwelling that indicates any preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status or national origin, or an intention to make any such preference, limitation or discrimination.
- D. Represent to any person because of race, color, religion, sex, handicap, familial status or national origin that any dwelling is not available for inspection, sale or rental when such dwelling is in fact so available.
- E. For profit, induce or attempt to induce any person to sell or rent any dwelling by representation regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, sex, handicap, familial status or national origin.

§ 82-4. Discrimination in the financing of housing.

It shall be unlawful within the Town of Henderson for any bank, building and loan association, insurance company, or other corporation, association, firm or enterprise whose business consists in whole or in part in the making of commercial real estate loans, to deny a loan or other financial assistance to a person applying therefor 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 such loan or other financial assistance because of the race, color, religion, sex, handicap, familial status or national origin of such person or of any person associated with him in connection with such loan or other financial assistance, or the purposes of such loan or other financial assistance, or of the present or prospective owners, lessees, tenants or occupants of the dwelling or dwellings in relation to which such loan or other financial assistance is to be made or given, provided that nothing contained in this section shall impair the scope or effectiveness of the exception contained in § 82-6.

§ 82-5. Discrimination in the provision of brokerage services.

It shall be unlawful within the Town of Henderson to deny any person access to or membership or participation in any multiple listing service, real estate broker's 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 such access, membership or participation on account of race, color, religion, sex, handicap, familial status or national origin.

§ 82-6. Exemptions.**A. Sales/rentals by owners.****(1) Nothing in § 82-3, other than Subsection C, shall apply to:**

(a) Any single-family house sold or rented by an owner, provided that such private individual owner does not own more than three such single-family houses at a time; provided, further, that in the case of the sale of any such single-family house by a private individual owner not residing in such house at the time of sale, or who was not the recent resident of such house prior to such sale, the exception granted by this subsection shall apply only with respect to one such sale within any twenty-four-month period; provided, further, that such bona fide private individual owner does not own any interest in, nor is there owned or reserved on his behalf under any express or voluntary agreement, title to any right to all or a portion of the proceeds from the sale or rental of more than three such single-family houses at one time; provided, further, that the sale or rental of any such single-family shall be excepted from the application of this chapter only if such house is sold or rented: without the use in any manner of the sales or rental facilities or the sales or rental services of any real estate broker, agent, salesman, or of such facilities or services of any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, agent, salesman or person; and without the publication, posting, mailing, after notice, of any advertisement or written notice in violation of Article III of this chapter; but nothing in this proviso shall prohibit the use of attorney, escrow agents, abstractors, title companies and other such professional assistance as may be necessary to perfect or transfer title.

(b) Rooms or units in dwellings containing living quarters occupied or intended to be occupied by not more than four families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his residence.

(2) For the purpose of this exemption, a person shall be deemed to be in the business of selling or renting dwellings if:

(a) He has, within the preceding 12 months, participated as principal in three or more transactions involving the sale or rental of any dwelling or any interest therein; or

(b) He has, within the preceding 12 months, participated as agent, other than in the sale of his own personal residence, in providing sales or rental facilities or sales

or rental services in two or more transactions involving the sale or rental of any dwelling or any interest therein; or

- (c) He is the owner of any dwelling designed or intended for occupancy by, or occupied by, five or more families.

B. Sales/rentals by religious organizations. Nothing in this chapter shall prohibit 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, from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color, sex, handicap, familial status or national origin, nor shall anything in this chapter prohibit 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, from limiting the rental or occupancy or such lodgings to its members or from giving preference to its members.

§ 82-7. Fair Housing Officer.

The authority and responsibility for publicizing, administering and enforcing this chapter shall be in the town's Fair Housing Officer, to be designated by the Town Supervisor of the Town of Henderson.

§ 82-8. Report of violations.

Violations of this chapter shall be reported in person or in writing to the town's Fair Housing Officer within a year of the alleged discriminatory housing practice.

§ 82-9. Enforcement.

Where sufficient cause exists to believe that the terms of this chapter have been violated, the Fair Housing Officer shall institute a suit in court against the alleged violator within 120 days following the issuance of the charge.

§ 82-10. Penalties for offenses.

Where a person or organization has been found, after a trial on the merits, in violation of this chapter, a fine shall be imposed on such person or organization not to exceed \$10,000 for a first offense, and \$25,000 for a second offense and \$50,000 for a third offense. The minimum fine for violations of this chapter shall be \$500 for a first offense and \$500 for each additional offense. Each and every separate violation to this chapter shall be deemed an offense for the purposes of imposing the appropriate fine.

§ 82-11. Amendment.

The Town Board may, on its own initiative or on petition, amend, supplement or repeal the provisions of this chapter in conformity with applicable law after public notice and hearing.

§ 82-12. Interpretation.

In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements, adopted for the promotion of the public health, morals, safety or the general welfare. Whenever the requirements of this chapter are at variance with the requirements of any other lawfully adopted rules, regulations or ordinances, the most restrictive, or that imposing the highest standards, shall govern.

§ 82-13. Short title.

This chapter shall be known and may be cited as the "Town of Henderson Fair Housing Law."