

Fair Housing Law

Local Law #1 of 2004

Be it enacted by Resolution 24-37 by the Village Board of Trustees of the Village of Earlville, in the County of Madison, New York, on August 10, 2004, as follows:

Fair Housing Law

A law prohibiting discrimination on the basis of race, color, religion, sex, handicap, familial status, or national origin in the sale, rental or advertising of dwellings in the provision of brokerage services, or in the availability of residential real estate-related transactions.

Article I: Purposes and Enactment

Section 100. *Purposes and Enactment*

For the purpose of providing and ensuring fair housing opportunities for all within the Village of Earlville, the Village Board of the Village of Earlville in the County of Chenango and County of Madison, State of New York, under the authority of the General Municipal and Village Laws, hereby obtains, enacts and publishes this Law.

Article II: Definitions

Section 200. *Definitions*

201 General – For the purpose of this Law, 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 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.

202 Specific Words or Phrases – For the purpose of this Law, certain terms or words herein shall be interpreted as follows:

“Dwelling” means 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.

“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.

“Family” includes a single individual.

“To rent” includes to lease, to sublease, to let and otherwise to grant for a consideration the right to occupy premises not owned by the occupant.

“Discriminatory housing practice” means an act that is unlawful under Articles III, IV, V.

Article III: Discrimination in the Sale or Rental of Housing

Section 300. *Discrimination in the Sale or Rental of Housing*

Except as exempted by Article VI, it shall be unlawful within the Village of Earlville:

- (a). To 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). To discriminate against any person in the terms, conditions or privileges of the 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). To make, print, or publish or cause to be made, printed or published, any notice, statement or advertisement with respect to the sale or rental of 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 such preference, limitation or discrimination.
- (d). To 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, to induce or attempt to induce any person to sell or rent any dwelling by representations 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.

Article IV: Discrimination in the Financing of Housing

Section 400. *Discrimination in the Financing of Housing*

It shall be unlawful within the Village of Earlville, 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 thereof 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 purpose 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 Article VI.

Article V: Discrimination in the Provision of Brokerage Services

Section 500. *Discrimination in the Provision of Brokerage Services*

It shall be unlawful within the Village of Earlville, to deny any person access to or membership or participation in any multiple-listing service, real estate broker's organization, or other services, 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.

Article VI: Exceptions

Section 600. *Exceptions*

601 Sales/Rentals by Owners – Nothing in Article III (other than Subsection c) shall apply to:

602 Sales/Rentals by Religious Organizations – Nothing in this Law 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 Law 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 of such lodgings to its members or from giving preference to its members.

Article VII: Administration

Section 700. *Administration*

701 Authority and Responsibility – The authority and responsibility for publicizing, administering and enforcing this Law shall be the Village's Fair Housing Officer, to be designated by the Mayor of the Village of Earlville.

702 Violations – Violations of this Law shall be reported in person or in writing to the Village's Attorney/Fair Housing Officer within a year of the alleged discriminatory housing practice.

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

704 Penalties – Where a person or organization has been found, after a trial on the merits, in violation of this Law, 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 Law shall be \$50,000 for a first offense, and \$500 for each additional offense. Each and

every separate violation of this Law shall be deemed an offense for the purposes of imposing the appropriate fine.

Article VIII: Miscellaneous Provisions

Section 800. *Miscellaneous Provisions*

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

802 Interpretation – In their interpretation and application, the provisions of this Law 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 Law 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.

803 Validity – The invalidity of any section or provision of this Law shall not invalidate any other section or provision thereof.

804 Short Title – This law shall be known and may be cited as the “The Village of Earlville, Earlville Housing Law.”

805 Effective Date – This law shall take effect immediately upon adoption.

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
162 WASHINGTON AVENUE, ALBANY, NY 12231

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

~~County~~
~~City~~ of Earlville
~~Town~~
Village

Local Law No. 41 of the year 19 2004

A local law Village of Earlville Fair Housing Law
(Insert Title)

Be it enacted by the Village Board of the
(Name of Legislative Body)

~~County~~
~~City~~ of Earlville
~~Town~~
Village as follows:

SEE ATTACHED

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 1 - of 19 2001 of the ~~(County)~~(City)~~(Town)~~(Village) of Earlville was duly passed by the Village Board on 8/10/2001, in accordance with the applicable provisions of law. (Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19 _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ (Name of Legislative Body) on _____ 19____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ (Elective Chief Executive Officer*) and was deemed duly adopted on _____ 19____, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19 _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ (Name of Legislative Body) on _____ 19____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ (Elective Chief Executive Officer*) on _____ 19____. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 19____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19 _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ (Name of Legislative Body) on _____ 19____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ (Elective Chief Executive Officer*) on _____ 19____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 19____, in accordance with the applicable provisions of law.

*Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairman of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

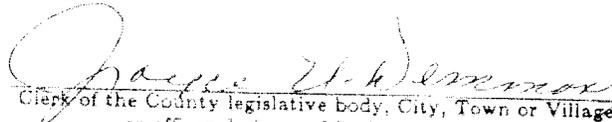
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 19____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the County of _____, State of New York, having been submitted to the electors at the General Election of November _____ 19____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and of a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____, above.


Clerk of the County legislative body, City, Town or Village Clerk
or officer designated by local legislative body

Date: 8/11/04

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized Attorney of locality.)

STATE OF NEW YORK
COUNTY OF _____

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Signature _____

Title _____

County _____
City _____ of _____
Town _____
Village _____

Date: _____