

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.