

Local Law Filing

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

Town of Fine

A Local Law No 4 of the year 1996

A Local Law to prohibit discrimination in the provision of housing services and encourage fair housing in the Town of Fine.

Be It enacted by the Town Board of the Town of Fine as follows:

Town of Fine
Fair Housing Law

A Law prohibiting discrimination on the basis of race, color, religion, sex, or national origin in the sale, rental, financing, or provision of brokerage services within the Town of Fine.

ARTICLE I: PURPOSES AND ENACTMENT

Section 100 Purposes and Enactment

For the purpose of providing fair housing opportunities for all within the Town of Fine, the Town Board of the Town of Fine in the County of St. Lawrence, State of New York, under the authority of the General Municipal and Town Laws, hereby ordains, enacts, and publishes this Law.

ARTICLE II: DEFINITIONS

Section 201 General Definitions

For the purpose of this Law, certain words or phrases herein shall be interpreted as follows, except when 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.

Section 202 Specific Words or Phrases

For the purpose of this Law, certain terms or words herein shall be interpreted as follows:

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

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.

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

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 Town of Fine:

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, or national origin.

B. To 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, 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, or national origin, or any intention to make any such preference, limitation, or discrimination.

D. To represent to any person because of race, color, religion, sex, 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, 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 Town of Fine 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 there 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, 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 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 Town of Fine to deny any person access to or membership 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, or national origin.

ARTICLE VI: EXCEPTIONS

Section 601 Sales/Rentals by Owners

Nothing in Article III (other than Subsection c) shall apply to:

(1) 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 anyone 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 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 houses at one time; Provided further, that the sale or rental of any such single-family house shall be excepted from the application of the Law only if such house is sold or rented (A) without the use in any manner of the sales or rental facilities or the sales or rental services of any real estate

broker, agent, or 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 (B) without the publication, posting, or mailing, after notice, of any advertisement or written notice in violation of Article III of this Law; but nothing in this provision shall prohibit the use of attorneys, escrow agents, abstractors, title companies, and other such professional assistance as may be necessary to perfect or transfer the title; or

(2) rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently of each other, if the owner actually maintains and occupies such living quarters as his residence.

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

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

(2) he has, within the preceding twelve 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

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

Section 602 Sales/Rentals by Religious Organizations

Nothing in this Law shall prohibit a religious organization, association, or society, or any non-profit 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, or national origin. Nor shall anything in the 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 701 Authority and Responsibility

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

Section 702 Violations

Violations of this Law shall be reported in person or in writing to the Town's Fair Housing Officer.

Section 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 the Town Court against the alleged violator.

Section 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 five hundred dollars (\$500) for a first offense, and one thousand dollars (\$1,000) for each additional offense. The minimum fine for violations of this Law shall be one hundred dollars (\$100) for a first offense, and five hundred dollars (\$500) for each additional offense. Each and every separate violation of this Law shall be deemed an offense for the purpose of imposing the appropriate fine.

ARTICLE VIII: MISCELLANEOUS PROVISIONS

Section 800 Amendment

The Town 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.

Section 801 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. Wherever 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.

Section 802 Validity

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

Section 803 Short Title

This Law shall be known and may be cited as "The Town of Fine Fair Housing Law."

Section 804 Effective Date

This Law shall take effect immediately upon adoption.