

(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~~

Town

~~Village~~

of BELLMONT

Local Law No. 1 of the year 19 92

A local law TOWN OF BELLMONT FAIR HOUSING LAW
(Insert Title)

Be it enacted by the TOWN BOARD of the
(Name of Legislative Body)

~~COUNTY~~

~~City~~

Town

~~Village~~

of BELLMONT as follows:

§100. Title

This local law shall be known and may be cited as the "Town of Bellmont Fair Housing Law".

§200. Purposes and Enactment

The purpose of this local law is to provide and ensure fair housing opportunities for all persons within the Town of Bellmont, County of Franklin, State of New York, under the applicable Federal and State law and regulations pertaining thereto, as the same may be amended from time to time, and under the authority of General Municipal Law and Town Law, hereby obtains, enacts and publishes this Law.

§300.1 Definitions

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 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.

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

(A) "Dwelling shall have the meaning set forth in 42 USCA §3602(b), as amended.

(B) "Family" shall have the meaning set forth in 42 USCA §3602(c), as amended.

(C) "Person" shall have the meaning set forth in 42 USCA §3602(d), as amended.

(D) "To Rent" shall have the meaning set forth in 42 USCA §3602(e), as amended.

(E) "Discriminatory Housing Practice" shall have the meaning set forth in 42 USCA §3602(f) and 24 CFR Part 100, as amended, and shall include an act that is unlawful under § 3604, 3605, 2606 or 3617 of Chapter 45 of Title 42 of the United States Code, as amended.

(F) "Handicap" shall have the meaning set forth in 42 USCA §3602(h), as amended.

(G) "Aggrieved person" shall have the meaning set forth in 42 USCA §(i), as amended.

(H) "Complainant" shall have the meaning set forth in 42 USCA §3602(j), as amended.

(I) "Familial Status" shall have the meaning set forth in 42 USCA §3602(k), as amended.

(J) "Conciliation" shall have the meaning set forth in 42 USCA §3602(l), as amended.

(K) "Conciliation Agreement" shall have the meaning set forth in 42 USCA §2602(m), as amended.

(L) "Respondent" shall have the meaning set forth in 42 USCA §3602(n), as amended.

(M) "Prevailing Party" shall have the meaning set forth in 42 USCA §1988, as amended.

§400. Discrimination in the Sale or Rental of Housing

Except as exempted by §700, it shall be unlawful within the Town of Belmont 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 available 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 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 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, 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 of a particular race, color, religion, sex, handicap, familial status, or national origin;

(F) refuse a physically or mentally disabled person (including hearing, mobility and visual impairments, chronic alcoholism, chronic mental illness, AIDS, AIDS Related Complex and mental retardation that substantially limits one or more major life activities), to let make reasonable modifications to a dwelling or common use area, at the expense of the person with the disability, if necessary for the handicapped person to use the housing;

(G) refuse to make reasonable accommodations in rules, policies, practices or services, if necessary for the handicapped person to use the housing.

§500 Discrimination in the Financing of Housing

It shall be unlawful in the Town of Belmont 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 therefore 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 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 owner, lessee, tenant, or occupant of the dwelling 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 §700.

§600. Discrimination in the Provision of Brokerage Services

It shall be unlawful within the town of Bellmont 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.

§700 Exemptions

701 Sales/Rentals by Owners - Nothing in §400 (other than Subsection 3) shall apply to:

702 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 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.

§800. Administration

(A) Any aggrieved person may file a complaint in person or by mail to:

(1) Office of Fair Housing and Equal Opportunity, U.S. Department of Housing and Urban Development, Washington, DC 20410-2000; or

(2) any Regional or Field Office of the U.S. Department of Housing and Urban Development; or

(3) the Town Fair Housing Officer, who shall immediately file a copy thereof with the Regional or Field Office of the U.S. Department of Housing and Urban Development along with a request for a determination as to whether such complaint will be referred to said Officer for administrative disposition.

(B) A complaint may be filed with the assistance of an authorized representative of an aggrieved person, including any organization acting on behalf of an aggrieved person.

(C) No complaint shall be filed more than one year after an alleged discriminatory housing practice has occurred or terminated.

(D) A complaint shall be made on the form prescribed by the U.S. Department of Housing and Urban Development, and shall contain all of the information required therein and thereby.

(E) A complaint may be reasonably and fairly amended at any time as permitted by the U.S. Department of Housing and Urban Development or, upon referral, by the Town Fair Housing Officer.

(F) The respondent may file an answer to any complaint not later than ten days after receipt of notice from either the U.D. Department of Housing and Urban Development or the Fair Housing Officer of the filing of such complaint.

(G) Any complaint and any answer shall be affirmed by the person filing the same.

(H) Upon referral by the U.S. Department of Housing and Urban Development of a complaint duly filed therewith to the Fair Housing Officer, the Fair Housing Officer shall:

(1) serve notice, by certified mail or personal service, upon both the complainant and the respondent containing the following:

(a) acknowledging the referral of the complaint, stating the date that the complaint was accepted for filing, and that the respondent must file an answer within ten days;

(b) include a copy of the complaint;

(c) advise the aggrieved person and the respondent of the time limits applicable to complaint processing and disposition, and of the procedural rights and obligations of the aggrieved persons, under this local law;

(d) advise the aggrieved person and the respondent that the aggrieved person has the right to commence a civil action under Section 813 of the Fair Housing Act in an appropriate United States District Court not later than two years after the occurrence or termination of the alleged discriminatory housing practice, and stating that the computation of said two-year period excludes any tie during which this administrative proceeding is pending, and includes the time period during which an actin arising from a breach of conciliation agreement under Section 814(b)(2) of the Fair Housing Act is pending; and

(e) advise the aggrieved person and the respondent that retaliation against any person because he or she made a complaint or testified, assisted, or participated in an investigation or conciliation under this local law is a discriminatory housing practice that is prohibited under this local law and Section 818 of the Fair Housing Act.

(I) The Town Supervisor or his/her designated agent is hereby designated to be the administrative enforcement officer of this local law, and the following powers and duties are hereby delegated to him/her:

(1) to investigate the allegations of any complaint, including the power to issue subpoenas in connection with such investigation, and complete the investigation in not more than 100 days after receipt of the complaint, unless it is impracticable to do so in which event he/she shall notify the complainant and the respondent in writing of the reasons therefore;

- (2) following completion of the investigation, to issue a final investigative report, which may be amended at any time if additional evidence is discovered, containing at least the following:
- (a) the names and dates of contact with witnesses;
 - (b) a summary of each witness' statement;
 - (c) a summary and the dates of correspondence and other contacts with the aggrieved person and the respondent;
 - (d) a summary description of other pertinent records.
- (3) to conciliate the matters set forth in any complaint and approve any conciliation agreement arising out of such conciliation efforts;
- (4) to make a final administrative disposition of a complaint, after providing the complainant and the respondent with a copy of the final investigative report and thereafter affording the complainant and the respondent of the right to be heard and present evidence in connection with the complaint and/or said final investigative report, within one year of the date of receipt of a complaint, unless it is impracticable to do so in which event he/she shall notify the complainant and the respondent in writing of the reasons therefore.
- (J) In making a final administrative disposition, or in approving any conciliation agreement, the Fair Housing Officer shall have the power and authority to grant to the prevailing party actual damages, injunctive or other equitable relief, and/or assess a civil penalty not in excess of \$1,000.00.
- (K) Any approved conciliation agreement shall be made public unless the complainant and respondent otherwise agree and the Fair Housing Officer determines that disclosure is not required in order to further the purpose of this local law.

- (L) A final administrative disposition shall be subject to judicial review by a proceeding commenced pursuant to Article 78 of the New York Civil Practice Law and Rules and venued in Franklin County Supreme Court, provided that such proceeding is commenced within thirty days of the receipt of such final administrative disposition by the person commencing such proceeding.

§ 900. Miscellaneous Provisions

- 901 Amendment -The Town Board may, on its own initiative or petition, amend, supplement, or repeal the provisions of this Law in conformity with applicable law after public notice and hearing.
- 902 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.
- 903 Validity - The invalidity of any section or provision of this Law shall not invalidate any other section or provision thereof.
- 904 Effective Date - This Law shall take effect immediately upon filing with the Secretary of State after adoption.

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

(Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 1992 of the ~~(County)(City)~~(Town)(~~Village~~) of Bellmont was duly passed by the Town Board (Name of Legislative Body) on 1992, in accordance with the applicable provisions of law.

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.

