

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

Town

Village

of Belmont

Local Law No. 1 of the year 19~~92~~⁹⁴

A local law Prohibiting Discrimination on the Basis of Race, Color,
(Insert Title)

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

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

County

City

Town

Village

of Belmont as follows:

Local Law No. 1 of the Year 1992 of the Town of Belmont
is hereby revised and restated to read in its entirety as follows:

See Attached pages 2-10.

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

Section 100. Title

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

Section 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 and Town Law, hereby obtains, enacts and publishes this Law.

Section 300. 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 Section 3602 (b), as amended.

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

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

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

(E) "Discriminatory Housing Practice" shall have the meaning set forth in 42 USCA Section 3602 (f) and 24 CFR Part 100, as amended, and shall include an act that is unlawful under Sections 3604, 3605, 3606 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 Section 3602 (h), as amended.

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

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

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

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

(K) "Conciliation Agreement" shall have the meaning set forth in 42 USCA Section 3602 (m), as amended.

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

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

Section 400. Discrimination in the Sale or Rental of Housing

Except as exempted by Section 700, it shall be unlawful within the Town of Bellmont 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 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) a refusal to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling;

(H) a refusal to permit, at the expense of the handicapped person, reasonable modifications of existing premises occupied or to be occupied by such person if such modifications may be necessary to afford such person full enjoyment of the premises.

Section 500. Discrimination in the Financing of Housing

It shall be unlawful in the Town of Bellmont 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 purposes 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 Section 700.

Section 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.

Section 700. Exemptions

701 Sales/Rentals by Owners - Nothing in Section 400 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 any one 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 or who was not the most recent resident of such house prior to such sale, the exemption 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 any one time: Provided further, That after December 31, 1969, the sale or rental of any such single-family house shall be excepted from the application of this title 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 Section 804 (c) of this title; but nothing in this proviso shall prohibit the use of attorneys, escrow agents, abstractors, title companies, and other such professional assistance as 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 one of such living quarters as his residence.

For the purposes of Sections (1) and (2) above, 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.

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.

Section 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. S. 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 person, 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 time during which this administrative proceeding is pending, and includes the time period during which an action 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 therefor;

(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 therefor.

(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 purposes 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.

Section 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.)

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

I hereby certify that the local law annexed hereto, designated as local law No. 7 of 1994 of the ~~(County)(City)(Town)(Village)~~ of Bellmont was duly passed by the Town Board on ~~Dec. 20, 1993~~ Jan. 3, 94 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 _____ on _____ 19____, and was (approved)(not approved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____ 19____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)~~

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 _____ on _____ 19____, and was (approved)(not approved)(repassed after disapproval) by the _____ 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.
(Elective Chief Executive Officer*)

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 _____ on _____ 19____, and was (approved)(not approved)(repassed after disapproval) by the _____ 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*)

* 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 chairperson 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.

(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 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.....1....., above.

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

Laurie Perry, Town Clerk

(Seal)

Date: December 20, 1993

(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 Franklin

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

Brian S. Stewart, Attorney for the Town

Title

County

City of Bellmont

Town

Village

Date: December 20, 1993