

## Chapter 135, FAIR HOUSING

[HISTORY: Adopted by the Board of Trustees of the Village of Horseheads 7-23-1993 as L.L. No. 2-1993. Amendments noted where applicable.]

### § 135-1. Short title.

This chapter shall be known and may be cited as the "Village of Horseheads Fair Housing Law."

### § 135-2. Purpose.

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

### § 135-3. Definitions and word usage.

- A. General. For the purpose of this chapter, 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.
- B. Specific words or phrases. For the purpose of this chapter, certain terms or words herein shall be interpreted as follows:

**DISCRIMINATORY HOUSING PRACTICE** -- An act that is unlawful under §§ 135-4, 135-5 and 135-6.

**DWELLING** -- Any building, structure or portion thereof which is occupied as or designed or intended for occupancy as a residence by one (1) 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 (1) 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 to grant for a consideration the right to occupy premises not owned by the occupant.

**§ 135-4. Discrimination in sale or rental of housing.**

Except as exempted by § 135-7, it shall be unlawful within the Village of Horseheads:

- 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 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 any 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.

**§ 135-5. Discrimination in financing of housing.**

It shall be unlawful within the Village of Horseheads 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 therefor for the purpose of purchasing, constructing, improving, repairing or maintaining a dwelling; or to discriminate against him or her 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 or her 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 § 135-7.

**§ 135-6. Discrimination in provision of brokerage services.**

It shall be unlawful within the Village of Horseheads to deny to any person access to or membership or participation in any multiple-listing service, real estate brokers' organization or other service, organization or facility relating to the business of selling or renting dwellings or to discriminate against him or her in the terms or conditions of such access, membership or participation on account of race, color, religion, sex, handicap, familial status or national origin.

**§ 135-7. Exceptions.**

A. Sales/rentals by owners. Nothing in § 135-4, (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 (3) such single-family houses at any one (1) 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 recent resident of such house prior to such sale, the exception granted by this subsection shall apply only with respect to one (1) 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 or her behalf under any express or voluntary agreement title to any right to all or a portion of the proceeds from the sale or rental or more than three (3) such single-family houses at one (1) time, provided further that the sale or rental of any such single-family house shall be excepted from the application of this chapter only if such house is sold or rented 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 salesperson 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, salesperson or person and without the publication, posting or mailing, after notice, of any advertisement or written notice in violation of § 135-4 of this chapter, 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.
- (2) Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four (4) families living independently of each other, if the owner actually maintains and occupies one (1) of such living quarters as his or her

residence.

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

[1] He or she has, within the preceding twelve (12) months, participated as principal in three (3) or more transactions involving the sale or rental of any dwelling or any interest therein;

[2] He or she has, within the preceding twelve (12) months, participated as agent, other than in the sale of his or her own personal residence, in providing sales or rental facilities or sales or rental services in two (2) or more transactions involving the sale or rental of any dwelling or any interest therein; or

[3] He or she is the owner of any dwelling designed or intended for occupancy by or occupied by five (5) or more families.

B. Sales/rentals by religious organizations. Nothing in this chapter 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 chapter 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.

#### **§ 135-8. Administration.**

A. Authority and responsibility. The Village Manager of the Village of Horseheads shall have the authority and responsibility for publicizing, administering and enforcing of this chapter.

B. Violations. Violations of this chapter shall be reported in person or in writing to the Village Manager within one (1) year of the occurrence of the alleged discriminatory housing practice.

C. Investigation and enforcement. When the Village Manager has sufficient cause to believe that a discriminatory housing practice, as noted above, has occurred, the Village Manager shall cause an investigation of the allegations. Where, after such investigation, sufficient cause exists to believe that the terms of this chapter have been violated, the Village Manager

shall institute or cause to be instituted a suit in Village Court or other court of proper jurisdiction against the alleged violator within one hundred twenty (120) days following the issuance of the charge(s), unless satisfactory abatement procedures have been taken with procurement of satisfactory consents and stipulations from the alleged violator.

- D. Penalties. Where a person or organization has been found, after trial on the merits, to be in violation of this chapter, a fine shall be imposed on such person or organization not to exceed one thousand dollars (\$1,000.) for a first offense, two thousand dollars (\$2,000.) for a second offense and five thousand dollars (\$5,000.) for third offense. The minimum fine for violations of this chapter shall be fifty dollars (\$50.) for a first offense and five hundred dollars (\$500.) for each additional offense. Each and every separate violation of this chapter shall be deemed an offense for the purposes of imposing the appropriate fine.

**§ 135-9. Amendments.**

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

**§ 135-10. Interpretation; conflict with other provisions.**

In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements adopted for the promotion of the public health, morals, safety or general welfare. Whenever the requirements of this chapter 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. This chapter supersedes and supplants the fair housing practices dated April 1990 and adopted by the Village of Horseheads Board of Trustees by resolution on April 19, 1990.