

# Local Law Filing

(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  
(Select one.)

of Oneonta

FILED  
STATE RECORDS

DEC 06 2021

Local Law No. 2 of the year 2021 DEPARTMENT OF STATE

A local law known as the Fair Housing Code of the Town of Oneonta, New York  
(Insert Title)

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

County  City  Town  Village  
(Select one.)

of Oneonta

as follows:

§ 239-1 Title.

This chapter shall be known and may be cited as the "Fair Housing Code of the Town of Oneonta, New York."

§ 239-2 Purpose.

It is hereby declared that the general purpose of this chapter is to promote the availability and accessibility of housing and real property to all persons; to prohibit unlawful discriminatory real estate practices in real property transactions, whether direct or indirect, which deny those persons equal rights and opportunities in acquiring, disposing of, or occupying real property; and to provide a enforcement mechanisms for the accomplishment of such purpose. § 239-3 Scope.

Each realtor, owner, corporation, or landlord is responsible for seeing that they follow the requirements of this code in renting, leasing, or selling any dwelling within the Town of Oneonta.

§ 239-4 Definitions.

Discriminate means to extend differential treatment on the basis of race, creed, color, national origin, sex, handicap or marital status, and including discrimination because of the race, color, creed, national origin, sex, handicap or marital status of friends and associates.

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

*Dwelling* means any building, structure or portion thereof which is occupied as, or designed and intended for occupancy as a residence by one or more families or 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.

*Handicap* means a bodily or mental disablement which may be the result of injury, illness or congenital condition for which reasonable accommodation can be made.

*Housing accommodations* include any building, structure, or portion thereof which is used or occupied or is intended, arranged, or designed to be used or occupied, as the home residence or sleeping place of one or more human beings.

*Lease* includes sub-lease, assignment, and rental and includes any contract to do any of the foregoing.

*Lending institution* means any bank, insurance company, savings and loan association, other person in the business of obtaining, arranging, or negotiating loans or guarantees as agent or broker, and any person in the business of buying or selling loans or instruments for the payment of money which are secured by title to or a security interest in real property, but shall not include any religious institution or organization nor any charitable or educational organization operated, supervised or controlled by a religious institution or organization.

*Marital status* includes the state of being married, single, divorced, separated or widowed and the usual conditions associated therewith, including pregnancy or parenthood.

*Owner* includes any person, or any one of a number of persons, in whom is vested all or any part of the legal or equitable ownership, dominion, or title to any real property.

**§ 239-5 Prohibited Acts.**

A. No person who receives or expects to receive pecuniary gain from the sale or rental of real property shall:

(1) Refuse to sell, lease, rent, furnish services, or otherwise deny or withhold any housing accommodations constructed or to be constructed in the city to any person, or refuse to negotiate for the said lease or rental of housing accommodations or otherwise make unavailable to any person, by reason of the race, creed, color, national origin, sex, handicap or marital status of such person.

(2) Represent to any person that any dwelling is not available for inspection, sale or rental when such dwelling is in fact so available.

(3) Discriminate against any person because of his race, creed, color, national origin, sex, handicap or marital status in the terms, conditions or privileges of the sale, rental or lease of any housing accommodations constructed or to be constructed.

(4) Discriminate in the furnishing of information, services or facilities to any person in connection with the sale or rental of real property because of the race, creed, color, national origin, sex, handicap or marital status of such person.

(5) Print or circulate or cause to be printed or circulated any statement, advertisement or publication, or use any form or application for the purchase, lease or rental of any housing accommodation, or make any record or inquiry in connection with the prospective purchase, lease or rental of any housing accommodations which expresses, directly or indirectly, any limitation, specification or discrimination as to race, creed, color, national origin, sex, handicap or marital status, or any intent to make any such limitation, specification or discrimination.

(6) Display listings or show prospective purchasers or renters units for sale or lease on the basis of race, color, national origin, sex, handicap or marital status, or display listings or show prospects units for sale or lease in areas of the city based on race, creed, color, national origin, sex, handicap or marital status.

(7) Induce a real estate transaction from which any such person may benefit financially, by representing that a change has occurred or will or may occur in the composition of the block, neighborhood or area with respect to the race, creed, color, national origin, sex, handicap or marital status of the owners or occupants in the block, neighborhood or area in which the real property is located, and to represent, directly or indirectly, that this change will or may result in undesirable consequences in the block, neighborhood or area in which the real property is located, including but not limited to the physical deterioration of dwellings, the lowering of property values, an increase in criminal or anti-social behavior, or a decline in the quality of schools or other facilities.

B. It shall be unlawful for any real estate broker or dealer or any agent or employee of a real estate broker or dealer to influence or attempt to influence any other person who purports or represents himself to be a prospective purchaser, seller, occupant or tenant or landlord of real property to purchase, sell or rent or to refrain from purchasing or renting or selling real property by referring to the race, creed, color, national origin, sex, handicap or marital status of occupants or prospective occupants of other real property in the area.

C. No bank, trust company, savings bank, savings and loan association or other lending institution, insurance company, finance company or financial services company, to whom application is made for financial assistance for the purchase, acquisition, construction, improvement, repair or maintenance of housing on behalf of such person shall discriminate

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against any applicant because of race, creed, color, national origin, sex, handicap or marital status in the granting, withholding, extending or renewing or in the fixing of the amount, interest rate, duration or other terms or conditions of any such financial assistance; nor shall any such institution refuse financial assistance because such housing accommodation lies in a particular area of the city, if real property is located within the geographic area ordinarily served by such bank or within the community within which the principal or any branch office of such bank is located. For the purpose of this section, discrimination shall include refusal to make loans, differentiating in the type or terms of loans, including interest rates, charges to buyer or seller, duration and amount of loans, influencing appraisals in connection with loans or delaying of loan applications.

D. No person shall aid, abet, incite, compel or coerce the doing of any of the acts forbidden under this article, or attempt to do so. This section may be enforced by appropriate civil actions.

E. No person engaged in any of the prohibited acts as hereinabove defined shall retaliate or discriminate against any person because such person has filed a complaint, testified or assisted in any proceeding under this article.

#### **§ 239-6 Exceptions**

A. Nothing in this chapter shall be construed to apply to:

- (1) The rental of a housing accommodation in a building which contains housing accommodations for not more than two (2) families living independently of each other if the owner or members of his family reside in one of such housing accommodations.
- (2) The restriction of the rental of all rooms in a housing accommodation to individuals of the same sex.
- (3) The rental of a room or rooms in a housing accommodation if such rental is by the occupant of the housing accommodation or by the owner of the housing accommodation and he or members of his family reside in such housing accommodation.

B. Nothing in this article shall require an owner to offer for sale or lease real property to the public at large, nor shall this article be deemed to prohibit discrimination for any reason other than race, creed, color, national origin, sex, handicap or marital status and not otherwise prohibited by law.

#### **§ 239-7 Administration and enforcement.**

A. This code shall be enforced by the local Fair Housing Officer who will be appointed by the Town Board.

- B. The Fair Housing Officer shall have the authority to make, adopt, and promulgate such written rules, regulations, and forms as he or she may deem necessary for the proper enforcement and administration of this code and to secure the intent thereof. Such rules, regulations, and forms shall not be in conflict with the provisions of this code or any other local ordinance. Said rules, regulations, and forms shall be on file and available for public view.
- C. Any person aggrieved in any manner by a violation of any provision of this article may file a written complaint with the Fair Housing Officer. The complaint shall be addressed to the Fair Housing Officer and shall state:
- (1) The name and address of the complainant;
  - (2) The name and address of the person or persons against whom the complaint is brought, if known to the complainant;
  - (3) The address of the property involved;
  - (4) The name and address of all persons believed to have knowledge concerning the alleged violation;
  - (5) The facts surrounding the alleged violation of this article; and
  - (6) Such other information as may be required by the Fair Housing Officer. If any realtor, landlord, or homeowner is reported to be violating or have violated the conditions set forth in this code or in the rules and regulations of the Fair Housing Officer, that person will be investigated.
- (1) If after such investigation, the Fair Housing Officer determines that probable cause does not exist to believe the allegations made in the complaint are true, he or she shall dismiss the complaint and shall so notify the complainant and all other interested parties.
  - (2) If after such investigation, the Fair Housing Officer determines that probable cause does exist to believe the allegations made in the complaint are true, he or she shall set a date for a conference and notify the parties of the time and place thereof. At such conference, the Fair Housing Officer shall interview the complainant and the person or persons against whom the complaint has been directed and shall attempt to resolve the complaint by conciliation.
  - (3) The Fair Housing Officer is authorized to hold closed meetings for conciliation of complaints of discrimination brought pursuant to this chapter. Nothing said or done in
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the course of such meetings shall be made public by the Fair Housing Officer, the complainant, or any other party to the proceedings without the written consent of all persons concerned.

- (4) If the Fair Housing Officer is unable to secure voluntary compliance or effect conciliation and if he or she has made a determination of the probable occurrence of one or more prohibited acts as hereinabove described, the Fair Housing Officer, with the concurrence of counsel, may elect any of the following procedures:
- a. Assist the complainant in the preparation and submission of a housing discrimination complaint (HUD Form 903) with the appropriate division of the United States Department of Housing and Urban Development;
  - b. Assist the complainant in the preparation and submission of a complaint to the State Division of Human Rights under Article 15 of the New York Executive Law; or
  - c. Submit the complaint to the Town Attorney who, on behalf of the Town, may institute and maintain an action in the Town Court to impose any fine or enter judgment for any penalty provided for in this article.

**§ 239-8 Appeals.**

- A. The Town Board is hereby designated to hear and decide any appeals or review any order, requirement, determination, or decision made by the Fair Housing Officer.
- B. Any person aggrieved by a determination or decision made by the Fair Housing Officer shall file a request for review to the Town Board within 30 days of the determination or decision.
- C. Upon receiving a request for review, the Town Board will schedule a hearing on the appeal and notify the parties thereof. The Town Board shall make a decision on the appeal within 35 days of the hearing. The Town Board may reverse or affirm wholly or in part or may modify any order, requirement, decision or determination of the Fair Housing Officer.

**§ 239-7 Penalties for offenses.**

Any person who violates any provision of this chapter shall, upon conviction thereof, be punishable by a fine of not more than \$250 or imprisonment for not more than 15 days, or both.

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(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. 2 of 2021 of the ~~(County)(City)(Town)(Village)~~ of Oneonta was duly passed by the Town Board on November 3 2021, 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 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted *(Elective Chief Executive Officer\*)* on \_\_\_\_\_ 20    , 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 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. *(Elective Chief Executive Officer\*)*

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 \_\_\_\_\_ 20\_\_\_\_, 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 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 20\_\_\_\_, 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 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.

**5. (City local law concerning Charter revision proposed by petition.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ 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 \_\_\_\_\_ 20\_\_\_\_, 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 20\_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 20\_\_\_\_, 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 \_\_\_\_\_ above.

Cheryl A. Shackleton Deputy  
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: 12/2/2021

(Seal)