

37.100

PROVIDING FAIR HOUSING OPPORTUNITITES

CHAPTER 37

TOWN OF GORHAM

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(History: Adopted by the Town Board of the Town of Gorham, Local Law #1-88; adopted May, 1988)

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

37.100 Purpose and Enactment

For the purpose of providing and ensuring fair housing opportunities for all within the Town of Gorham, the Town Board of the Town of Gorham in the County of Ontario, State of New York, under the authority of the General Municipal and Town Laws, hereby enacts and publishes this law.

37.200 Definitions

37.210 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.

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

“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.

“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.

“Family” includes a single individual.

“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.

“Discriminatory housing practice” means an act that is unlawful hereunder.

37.300 Discrimination in the Sale or Rental of Housing

Except as exempted by Section 37.600, it shall be unlawful within the Town of Gorham:

(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.

© 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 an 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.

37.400 Discrimination in the Financing of Housing

It shall be unlawful within the Town of Gorham 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 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, 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 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 Sections 37.600 through 37.602.

37.500 Exemptions

37.601 Sales/Rentals by Owners – Nothing in Section 37.300, 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 any one time: provided further, that in the case of the sale of any 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 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 one time: provided further, that the sale or rental of any such single-family house shall be excepted from the application of this 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 or selling or renting dwelling, 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 one of 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.

37.602 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, 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 or purposes provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental of occupancy of such lodgings to its members or from giving preference to its members.

37.700 Administration

37.701 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 Town Board of the Town of Gorham.

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

37.703 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 Town Court against the alleged violator.

37.704 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 \$500 for a first offense, and \$1,000 for each additional offense. The minimum fine for violations of this Law shall be \$100 for a first offense, and \$500 for each additional offense. Each and every separate violation of this Law shall be deemed an offense for the purposes of imposing the appropriate fine.

38.800 Miscellaneous Provisions

37.801 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.

37.802 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.

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

37.803 Effective Date – This Law shall take effect immediately upon adoption.