

5-98 Fair Housing Law

Be it enacted by the Village Board of the Village of Fonda as follows:

Preamble

A law prohibiting discrimination on the basis of race, color, 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.

Article 1 Purposes and Enactment

Section 100 Purposes and Enactment: For the purpose of providing and ensuring fair housing opportunities for all within the Village of Fonda, the Village Board of the Village of Fonda in the County of Montgomery , State of New York, under general authority of the General Municipal and Village Laws, hereby enacts and publishes this Law.

Article 2 Definitions

Section 200 Definitions

210 General: For the purpose of this Law, certain words or phrases herein shall be interpreted as follows, except where the context indicates on 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 "shall" is always mandatory.

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

" Dwelling " means any building, structure or portion thereof which is occupied as, or designated 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.

" Person " includes one (1) or more individuals, corporations, partnerships, associations, labor organizations, legal representative, 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.

Article 3 Discrimination in the Sale or Rental of Housing

Section 300 Discrimination in the Sale or Rental of Housing: Except as exempted by Article 6 it shall be unlawful within the Village of Fonda:

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.

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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, 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 representation 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

Article 4 Discrimination in the Financing of Housing

Section 400 Discrimination in the Financing of Housing:

It shall be unlawful within the Village of Fonda 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 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, 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 owners, lessees, tenants or occupants 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 Article 6.

Article 5 Discrimination in the Provision of Brokerage Services

Section 500 Discrimination in the Financing of Housing

It shall be unlawful within the Village of Fonda to deny any person access to or membership or participation in any multiple listing service, real estate brokers organization or other service, organization, of 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.

Article 6 Exceptions

Section 600 Exceptions

601 Sales/Rentals by Owners-Nothing in Article 3 (other than Subsection c0 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 a time. Provided further, that in case of the sale of any such

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single family house by a private individual owner not residing in such house at the time of 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 with any twenty-four (24) 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 (3) such single family houses at one time. Provided further, that the sale or rental of any such single family shall be excepted from the application of this Law only if such house is sold or rental (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,, 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, mailing, after notice of any advertisement or written notice in violation of Article 3 of this Law, but nothing in this provision shall prohibit the use of Attorney, escrow agents, abstractors, title companies and other such professional assistance as may be necessary to perfect or transfer title or

(2) rooms or units in dwellings containing living quarters occupied or intended to be occupied by not 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 residence

For the purpose if this exemption, a person shall be deemed to be in the business of selling or renting dwellings if (1) he has a, within the preceding twelve (12) months, participated in three (3) or more transactions involving the sale or rental of any dwelling or any interest therein or (2) he has within the preceding twelve (12) months, participated as agent, other than in the sale of his own personal residence, in providing sales or rental facilities or sales or rental service in two (2) or more transactions involving the sale or rental of any dwelling or any interest therein or (3) he is the owner of any dwelling designated or intended for occupancy by or occupied by five (5) or more families.

602 Sales/Rental by Religious Organization 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 the sale, rental or occupancy of a dwelling which it owns or operates for other 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 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.

Article 7 Administration

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Section 700 Administration

701 Authority and Responsibility The authority and responsibility for publicizing and enforcing this Law shall be the Village's Fair Housing Officer, to be designated by the Mayor of the Village of Fonda

702 Violations Violations of this Law shall be reported in person or in writing to the Village's Fair Housing Officer within a year of the alleged discriminatory housing practice.

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 Court against the alleged violator within one hundred twenty (120) days following the issuance of the charge.

740 Penalties Where a person or organization has been found, to be in violation of this Law a fine shall be imposed on such person or organization not to exceed one thousand (\$1,000.00) dollars for a first offense and two thousand (\$2,000.00) dollars for a second offense and five thousand (\$5,000.00) dollars for the third offense. The minimum fine for violations of this Law shall be five hundred (\$500.00) dollars for the first offense, and five hundred (\$500.00) dollars 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.

Article 8 Miscellaneous Provisions

801 Interpretation 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.

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

803 Short Title: This Law shall be known and may be cited as "The Village of Fonda Fair Housing Law"

804 Effective Date This Law shall take effect immediately upon filing with the Secretary of State.