

# 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 Cazenovia

Local Law No. 3 of the year 2016

A Local Law to Amend Chapter 86 (Fair Housing) of the Code of the Town of Cazenovia

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

County     City     Town     Village  
(Select one:)

of Cazenovia as follows:

## **SECTION 1. LEGISLATIVE INTENT.**

The Board finds that it is in the best interest of the Town of Cazenovia to make amendments to Chapter 86 (Fair Housing) of the Code of the Town of Cazenovia in order to strengthen and broaden the existing protections of the right to fair housing within the Town.

## **SECTION 2. AUTHORITY.**

This local law is enacted pursuant to the New York State Constitution and New York Municipal Home Rule Law §10.

## **SECTION 3. AMENDMENTS TO CHAPTER 86.**

Chapter 86 of the Code of the Town of Cazenovia, adopted by the Town Board of the Town of Cazenovia on November 12, 1990 by L.L. No. 5-1990 is hereby amended to read in its entirety as follows:

### **“§86-1 Purpose.**

For the purpose of providing and ensuring fair housing opportunities for all within the Town of Cazenovia, the Town Board of the Town of Cazenovia hereby obtains, enacts, and publishes this Chapter.

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

# Local Law Filing

---

## §86-2 Word usage and definitions.

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 §§ 86-3, 86-4 and 86-5.

DWELLING - 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.

FAMILIAL STATUS -

1. One or more individuals (who have not attained the age of 18 years) being domiciled with:
  - (a) A parent or another person having legal custody of such individual or individuals; or
  - (b) The designee of such parent or other person having such custody, with the written permission of such parent or other person.
2. The protections afforded against discrimination on the basis of familial status shall apply to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of 18 years.

FAMILY - Includes a single individual.

HANDICAP -

1. a physical or mental impairment which substantially limits one or more of a person’s major life activities; or
2. a record of having such an impairment; or
3. being regarded as having such an impairment, but such term does not include current use of or addiction to a controlled substance, as defined in §102 of the Controlled Substances Act (21 U.S.C. §802).

## *Local Law Filing*

---

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.

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.

**§86-3            Discrimination in the sale or rental of housing and other prohibited practices.**

Except as exempted by §86-6, it shall be unlawful with the Town of Cazenovia:

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 age, race, color, religion, sex, national origin, handicap, sexual orientation, military status, marital status, domestic violence victim status, or familial status;

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 age, race, color, religion, sex, national origin, handicap, sexual orientation, military status, marital status, domestic violence victim status or familial status;

C.     To make, print, 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 age, race, color, religion, sex, national origin, handicap, sexual orientation, military status, marital status, domestic violence victim status or familial status or an intention to make any such preference, limitation or discrimination;

D.     To represent to any person because of age, race, color, religion, sex, national origin, handicap, sexual orientation, military status, marital status, domestic violence victim status or familial status 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 age, race, color, religion, sex, national origin, handicap, sexual orientation, military status, marital status, domestic violence victim status, or familial status.

## *Local Law Filing*

---

F. To discriminate in the sale or rental, or to discriminate against any person in the terms, conditions, or privileges of rental or sale of a dwelling, or to discriminate in the provision of services or facilities in connection with a dwelling, or to otherwise make unavailable or deny, a dwelling to any buyer or renter because of a handicap of:

- (1) that buyer or renter;
- (2) a person residing in or intending to reside in that dwelling after it is sold, rented, or made available; or
- (3) any person associated with that buyer or renter.

G. For any person or other entity whose business includes engaging in residential real-estate transactions to discriminate against any person in making such a transaction, or in the terms or conditions of such a transaction, because of age, race, color, religion, sex, national origin, handicap, sexual orientation, military status, marital status, domestic violence victim status or familial status. As used in this section, the term “residential real estate transaction” means any of the following:

- (1) the making or purchasing of loans or providing other financial assistance for purchasing, constructing, improving, repairing or maintaining a dwelling; or
- (2) the selling, brokering or appraising of residential real property.

### **§86-4 Discrimination in the financing of housing.**

It shall be unlawful within the Town of Cazenovia 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, 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 age, race, color, religion, sex, national origin, handicap, sexual orientation, military status, marital status, domestic violence victim status or familial status of such person or of 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 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 of effectiveness of the exception contained in §86-6.

## *Local Law Filing*

---

### **§86-5            Discrimination in the provision of brokerage services.**

It shall be unlawful within the Town of Cazenovia to deny 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 in the terms or conditions of such access, membership, or participation on account of age, race, color, religion, sex, national origin, handicap, sexual orientation, military status, marital status, domestic violence victim status or familial status.

### **§86-6            Exceptions.**

A.     Sales/rentals by owners.

(1)    Nothing in §86-3 (other than subsection C) of this Chapter shall apply to:

(a)    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 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 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; and 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 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 without the publication, posting, or mailing, after notice, of any advertisement or written notice in violation of §86-3 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; or

## *Local Law Filing*

---

- (b) 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.
- (2) For the purpose of this exemption, a person shall be deemed to be in the business of selling or renting dwellings if:
  - (a) He or she has, within the preceding 12 months, participated as principal in three or more transactions involving the sale or rental of any dwelling or any interest therein;
  - (b) He or she has, within the preceding 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 services in two or more transactions involving the sale or rental of any dwelling of any interest therein; or
  - (c) He or she is the owner of any dwelling designed or intended for occupancy, or occupied by, five 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 age, race, color, sex, national origin, handicap, sexual orientation, military status, marital status, domestic violence victim status, or familial status, nor shall anything in this Chapter prohibit a private club not in fact open to the public which, as an incident to its primary 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.

C. Applicability.

- (1) Nothing in this Chapter limits the applicability of any reasonable local, state, or federal restrictions regarding the maximum number of occupants permitted to occupy a dwelling, nor does any provision in this Chapter regarding

## *Local Law Filing*

---

- familial status apply with respect to housing for older persons.
- (2) As used in this subsection C, the term “housing for older persons” means housing:
    - (a) Provided under any state or federal program that the Secretary of Housing and Urban Development determines is specifically designed and operated to assist elderly persons (as defined in the state or federal program);
    - (b) Intended for, and solely occupied by, persons 62 years of age or older; or
    - (c) Intended and operated for occupancy by at least one person 55 years of age or older per unit.
  - (3) Housing shall not fail to meet the requirements for housing for older persons by reason of:
    - (a) Persons residing in such housing as of the date of enactment of this Chapter who do not meet the age requirements of subsection C(2)(b) or (c), provided that new occupants of such housing meet the age requirements of subsection C(2)(b) or (c); or
    - (b) Unoccupied units, provided that such units are reserved for occupancy by persons who meet the age requirements of subsection C(2)(b) or (c).
  - (4) Nothing in this Chapter prohibits conduct against a person because such person has been convicted by any court of competent jurisdiction of the illegal manufacture or distribution of a controlled substance as defined in §102 of the Controlled Substances Act (21 U.S.C. §802).
  - (5) Nothing in this Chapter requires that a dwelling be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others.

### **§86-7 Interference, coercion, or intimidation.**

It shall be unlawful to coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of having exercised or enjoyed, or on account of having aided and encouraged any other person in the exercise or enjoyment of, any right guaranteed by §§ 86-3, 86-4 or 86-5 of this Chapter.

## *Local Law Filing*

---

### **§86-8 Administration.**

A. Authority and responsibility. The authority and responsibility for publicizing, administering, and enforcing this Chapter shall be in the Code Enforcement Officer for the Town of Cazenovia.

B. Violations. Violations of this Chapter shall be reported in person or in writing to the Code Enforcement Officer.

C. Enforcement. Where sufficient cause exists to believe that the terms of this Chapter have been violated, the Code Enforcement Officer may:

- (1) institute a suit in court against the alleged violator; or
- (2) cause a report and reference to me made to an appropriate State or Federal authority having the power to investigate and prosecute violations of fair housing laws, including but not limited to the New York State Attorney General or the United States Department of Housing and Urban Development.

D. Penalties. Where a person or organization has been found, after a trial on the merits, in violation of this Chapter, 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 Chapter shall be \$100 for a first offense and \$500 for each additional offense. Each and every separate violation of this Chapter shall be deemed an offense. Each and every separate violation of this Chapter shall be \$100 for a first offense and \$500 for each additional offense. Each and every separate violation of this Chapter shall be deemed an offense for the purpose of imposing the appropriate fine.

### **§86-9 Amendments.**

The Town Board of the Town of Cazenovia 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.

### **§86-10 Interpretation.**

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, and safety or the 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.

**§86-11            Short title.**

This Chapter shall be known and may be cited as the “Fair Housing Law of the Town of Cazenovia.”

**SECTION 4.            EFFECTIVE DATE**

This Local Law shall be effective upon filing with the office of the Secretary of State.