

TOWN OF HAMBURG FAIR HOUSING LAW "LOCAL LAW #3; 2005"

On March 14, 2005, the Hamburg Town board formally approved Local Law #3 which amended the original Town of Hamburg Fair Housing Law originally passed as Local Law #8; 1986. The amended Local Law is found in the Code of the Town of Hamburg at Section 109.

★ **It is the policy of the Town of Hamburg to provide Fair Housing throughout the town."**

★ **This local law shall apply to all residential structures located within the Town as well as land zoned for residential uses.**

★ **109 - 3; Unlawful Acts; It shall be unlawful:**

- A: To refuse to sell or rent or refuse to negotiate for the sale or to deny any dwelling to any person because of race, color, religion, sex, age, marital status, disability, national origin, source of income, sexual orientation or because the person has a child or children.
- B: To discriminate against any person in the terms, conditions or provision of services or facilities in connection with the sale or rental of a dwelling because of race, color, religion, sex, age, marital status, disability, national origin, source of income, sexual orientation or because the person has a child or children.
- C: 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 person of a particular race, color, religion, sex, age, marital status, disability, national origin, source of income, sexual orientation or because the person has a child or children.
- D: For a person offering residential property for sale or rent or anyone acting on behalf of such a person to print or circulate or cause to be printed or circulated any statement, advertisement or publication or to use any form of application for the sale or rental of a dwelling or to make any record or inquiry in connection with the sale or rental of a dwelling which expresses, directly or indirectly, any limitation, specification or discrimination as to race, color, religion, sex, age, marital status, disability, national origin, source of income, sexual orientation or because the person has a child or children.

For purposes of this chapter, discrimination shall include (I) a

refusal to permit, at the expense of a disabled person, reasonable modifications of existing premises occupied or to be occupied by such person if such modifications may be necessary to afford such person full enjoyment of the premises (except that, in the case of rental, the landlord may where it is reasonable to do so condition permission for a modification on the renter agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted), and (ii) a refusal to make reasonable accommodations in the rules, policies, practices or services when such accommodation may be necessary to afford such person equal opportunity to use and enjoy a dwelling.

★ **Education and promotion of housing goals:**

Immediately after the enactment of this chapter, the Town shall commence educational activities which will explain the law and help to promote the Town's fair housing goals. Such activities shall continue while this chapter remains in force.

- A) Housing providers or real estate brokers selling or renting twenty (20) or more dwelling units within a calendar year shall formulate an Affirmative Fair Housing Marketing Plan, which must be filed with the Director of Community Development or his designee. At minimum, such Affirmative Fair Housing Marketing Plans shall include: (a) a statement of non-discrimination and (b) a marketing plan designed to attract a diverse pool of applicants. The Town may require annual reports of housing providers' compliance with their plans.
- B) Housing providers or real estate brokers selling or renting twenty (20) or more dwelling units within a calendar year shall be required to use the equal opportunity logotype on applications and marketing materials and to display in rental or real estate offices a public notice of equal opportunity housing.

★ **Penalties for offenses:**

- A) Any person found to have violated any provision of this chapter shall be subject to the following:
 - 1) A fine of not more than five-thousand (\$5,000) dollars for a first violation and not more than ten thousand dollars (\$10,000) for a respondent adjudged to have committed any prior discriminatory housing practice. The Town may choose to designate a portion of any recovery to further the purposes of this chapter.
 - 2) Revocation or suspension of any license or permit necessary for the operation of the dwelling unit in question.
 - 3) Costs, expenses and disbursements incurred by the Town, necessary to obtain complete compliance by the respondent

with the chapter; and /or Restraining orders and temporary or permanent injunctions necessary to obtain complete compliance with this chapter.

- 4) Each day a violation continues shall constitute a separate violation of this chapter.
- 5) The Town Attorney may institute criminal action to punish a violation of this chapter by imprisonment for a term not exceeding thirty (30) days if the above proceeding does not result in compliance with this chapter.
- 6) The Town may choose to designate a portion of any penalties recovered to further the purposes of this chapter including: further public information; the engagement of a fair housing agency or agencies to further promote fair housing activities within the town; the participation by the town in/with any other organization whose principal goal is to provide fair housing and/or housing counseling activities; the offset of any fees and/or expenses originated with the pursuit of this chapter.

★ **Court action:**

Any person claiming to be aggrieved by an unlawful discriminatory practice as defined by Section 109 - A - 3 of this chapter, shall have a cause of action in any court of competent jurisdiction within one (1) year from the date of the occurrence for damages and such other remedies as may be appropriate. The court may:

- A) Award actual damages, including but not limited to mental anguish, embarrassment and humiliation.
- B) Award punitive damages.
- C) Award reasonable attorney's fees in the case of a prevailing plaintiff; and/or
- D) Grant as relief it deems appropriate any permanent or temporary injunction, temporary restraining order or other order. No bond shall be required prior to the issuance of injunctive relief.

★ **Other remedies:**

Nothing in this chapter shall be construed to limit the rights of the complainant to pursue, at any time prior to or after the filing of a complaint, any other remedies which the complainant may have under the law of any state, the United States or any jurisdiction. Pursuit of one (1) or more remedies available under this chapter shall not preclude the pursuit of any other remedy available under this chapter.

**IF YOU THINK YOU HAVE BEEN
DISCRIMINATED AGAINST, CONTACT ANY
OF THE FOLLOWING AGENCIES:**

- ★ **HOUSING OPPORTUNITIES MADE EQUAL
(HOME) 854-1400**
- ★ **NEW YORK STATE DIVISION OF HUMAN
RIGHTS 847-7632**
- ★ **UNITED STATES DEPARTMENT OF
HOUSING & URBAN DEVELOPMENT
(HUD) 1-800-669-9777**
- ★ **TOWN OF HAMBURG DEPARTMENT OF
COMMUNITY DEVELOPMENT 648-6216**

THE LANGUAGE OF DISCRIMINATION!

To protect your rights, it is important to recognize the language of discrimination. Some examples are;

- ▶ “Sorry, the apartment was just rented. You can call again, but I doubt we will have anything available.”
- ▶ “I don’t think you would be happy in this neighborhood.”
- ▶ “Do you think your kids would be happy on this street?”
- ▶ “This place costs a fortune to heat.”
- ▶ “Yes we advertised, but there is a waiting list for those apartments.”
- ▶ “We do not accept housing vouchers as payment of rent here.”

YOUR RIGHTS ARE PROTECTED!

The Town of Hamburg is an Equal Housing Opportunity provider who complies with all federal, state and town Fair Housing Laws and Regulations!

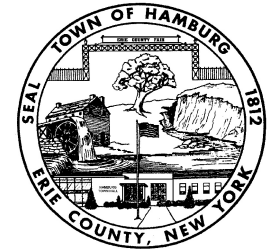


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FAIR HOUSING “IT’S THE LAW”

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