

(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~~ XXX

Town

~~Village~~of Marshall  
Local Law No. 2 of the year 19 90

A local law providing and ensuring fair housing opportunities  
(Insert Title)

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

~~County~~~~City~~ XXX

Town

~~Village~~

of Marshall as follows:

## ARTICLE I: PURPOSES AND ENACTMENT

## Section 100 Purposes and Enactment

For the purpose of providing and ensuring fair housing opportunities for all within the Town of Marshall, the Town Board of the Town of Marshall in Oneida County, New York, under the authority of the General Municipal and Town Laws, hereby obtains, 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 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.

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.

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

"Person" includes one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint stock companies, trust, unincorporated organizations, trustees, trustees in bankruptcy, receivers and fiduciaries.

"Family" includes a single individual.

"To rent" includes to lease, to sub-lease, 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 under Articles III, IV, V.

### 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 VI, it shall be unlawful within the Town of Marshall:

a. To refuse to sell or rent after the making of a bonafide 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.

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, 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 in the neighborhood of a person or persons of a particular race, color, religion, sex or national origin.

#### ARTICLE IV: DISCRIMINATION IN THE FINANCING OF HOUSING

##### Section 400 Discrimination in the Financing of Housing

It shall be unlawful within the Town of Marshall 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 making of commercial real estate loans to deny a loan or other financial assistance to a person applying therefor for the purposes 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 or national origin 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 or effectiveness of the exception contained in Article VI.

#### ARTICLE V: DISCRIMINATION IN THE PROVISION OF BROKERAGE SERVICES

##### Section 500 Discrimination in the Provision of Brokerage Services

It shall be unlawful within the Town of Marshall to deny any person access to, or membership or participation in, any multiple-listing service, real estate broker's 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 race, color, religion, sex or national origin.

#### ARTICLE VI: EXCEPTIONS

##### Section 600 Exemptions

601 Sales/Rentals by Owners - Nothing in Article III (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 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 24 month period. Provided further that such bonafide 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 sale 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 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 proviso 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

a. he 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; or

b. he 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 service in two or more transactions involving the sale or rental of any dwelling or any interest therein; or

c. he is the owner of any dwelling designed or intended for occupancy by, or occupied by, five or more families.

602 Sales/Rentals by Religious Organizations - Nothing in this law shall prohibit a religious organization, association, society or any non-profit 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 person, 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.

## ARTICLE VII: ADMINISTRATION

### Section 700 Administration

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 Supervisor of the Town of Marshall.

702 Violations - Violations of this law shall be reported in person or in writing to the Town's Fair Housing Officer.

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.

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 \$1000. 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.

## ARTICLE VIII: MISCELLANEOUS PROVISIONS

### Section 800 Miscellaneous Provisions

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.

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, moral, 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.

803 Validity - The invalidity of any section or provision of this law shall not invalidate any other section or provision thereof.

804 Short Title - This law shall be known and may be cited as "The Town of Marshall Fair Housing Law."

805 Effective Date - This law shall take effect immediately upon adoption by the Trustees of the Town Board of the Town of Marshall and filing with the Secretary of State.

(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 19 90 of the ~~(County)(City)(Town)(Village)~~ of Marshall was duly passed by the Board of Trustees on August 14 19 90, 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 19 \_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 19 \_\_\_\_, and was (approved)(not disapproved)(repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_ 19 \_\_\_\_, in accordance with the applicable provisions of law.  
(Name of Legislative Body)  
(Elective Chief Executive Officer\*)

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 19 \_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 19 \_\_\_\_, and was (approved)(not disapproved)(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 19 \_\_\_\_. 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 \_\_\_\_\_ 19 \_\_\_\_, in accordance with the applicable provisions of law.  
(Name of Legislative Body)  
(Elective Chief Executive Officer\*)

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 19 \_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 19 \_\_\_\_, and was (approved)(not disapproved)(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 19 \_\_\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 19 \_\_\_\_, in accordance with the applicable provisions of law.  
(Name of Legislative Body)  
(Elective Chief Executive Officer\*)

\*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 chairman 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 19\_\_\_\_ 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 \_\_\_\_\_ 19\_\_\_\_, 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 19\_\_\_\_ of the County of \_\_\_\_\_, State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 19\_\_\_\_, 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 of 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 1, above.

*Dorothy McConnell*

~~Clerk of the County Legislative Body, City, Town or Village Clerk~~  
or officer designated by local legislative body

Dorothy McConnell

Date: September 7, 1990

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized Attorney of locality.)

STATE OF NEW YORK  
COUNTY OF Oneida

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

*William H. Getman*  
Signature

William H. Getman, Town Attorney

Title

~~XXXXXX~~

~~XXXXXX~~

~~XXXXXX~~

~~XXXXXX~~

of Marshall

Town

~~XXXXXX~~

Date: September 5, 1990