

Building Regulations and Codes

CHAPTER 7

FAIR HOUSING

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SECTION 5-701 PURPOSES AND CONSTRUCTION.

The general purposes of this chapter are:

1. To secure for all people equal access to housing in all neighborhoods; and
2. To preserve the public safety, health and welfare.

SECTION 5-702 HOUSING DISCRIMINATION ACTS PROHIBITED.

It is unlawful for any person, real estate broker, real estate salesperson, or corporation:

1. To refuse to sell, lease, rent, assign or otherwise transfer the title or other interest in any housing, or real property upon which residential housing is to be constructed to any person, or to discriminate in the terms or conditions of the sale, rental or leasing of any residential housing unit, because of race, sex, religion or national origin;
2. To refuse to negotiate with any person for the sale, rental, or leasing of any residential property, or to represent that such property is not available for inspection, sale, rental or lease when in fact it is so available, because of such person's race, sex, religion or national origin;
3. To solicit or induce, or attempt to solicit or induce, any person owning any interest in any residential housing to sell, rent or lease, or not to sell, rent or lease such housing to any person on the ground of loss of value due to the present or prospective entry into the neighborhood of a person or persons of another race, sex, religion, or national origin, either by direct solicitation or inducement or by the purchase of other property in the neighborhood for the purpose of such inducement, or to distribute, or cause to be distributed material or making statements designed to induce a residential property owner to sell or lease his property due to such change in neighborhood; or

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4. To file a complaint alleging a violation of this chapter, with knowledge that such complaint is false in any material respect, or to file such complaint for the sole purpose of harassment.

SECTION 5-703 EXEMPTIONS.

A. Nothing herein shall apply to any religious organization, association, society or private club; a religious nonprofit organization, operated, supervised or controlled by or in conjunction with a religious organization, association, or society from limiting the sale or rental of dwelling units owned and operated for other than a commercial purpose.

B. Nothing herein 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 and was not the most recent resident of such house prior to such sale with the exception granted to one such sale within a twenty-four (24) month period; provided further that such owner does not own or retain in his behalf title to a portion of the proceeds from the sale or rental of more than three (3) such single family houses at anyone time; provided further that such sale or rental of such single family house shall be excepted if such house is sold or rented without the use in any manner of a sale or rental facilities or employee thereof; or

2. Any dwellings containing living quarters occupied or intended to be occupied by no more than four (4) families living independent of each other and the owner actually occupies one such living quarter as his residence.

SECTION 5-704 FAIR HOUSING BOARD CREATED.

There is hereby created a fair housing board of the town, hereinafter referred to as "board," composed of the members of the town board of trustees of the town.

SECTION 5-705 DUTIES OF FAIR HOUSING BOARD.

It shall be the duty of the fair housing board to:

1. Initiate, receive, and investigate complaints, charging unlawful housing practices;

2. Seek conciliation of such complaints, hold hearings, make findings of fact, and publish its findings of fact; and

3. Adopt such rules and regulations as may be necessary within the limits of this chapter, and carry out the purposes and provisions of this chapter.

SECTION 5-706 PROCEDURE FOR COMPLAINTS.

A. Any person aggrieved by discriminatory practice prohibited by this chapter may file with the fair housing board a complaint in writing, under oath. The complaint shall be signed by the person claiming to be aggrieved, and shall state the name and address of the person alleged to have violated the provisions of this chapter, and shall further set forth the particulars of the violation, and may include such other information as may be required by the board. Complaints filed under this section must be filed within (30) days after the alleged violation, and failure to file within the time, shall be considered a waiver of the application of this chapter. The board may issue a complaint on its own initiative, at any time it is within the knowledge of the board that a person has violated any of the provisions of this chapter.

B. The board shall investigate each complaint filed with the board, and shall attempt an adjustment of the complaint by means of conference and conciliation. Sixty (60) days shall be allowed for the purpose of investigation, conference and conciliation. Upon determination that a complaint is not well founded, the board shall dismiss the complaint and notify the complainant and respondent in writing of the dismissal. If the board takes no action within ninety (90) days of the filing of the complaint, it shall be considered as dismissed.

C. If conference or conciliation does not result in compliance with this chapter, the board shall cause to be issued and served in the name of the town a written notice, together with a copy of the complaint, requiring the person named in the complaint, hereinafter referred to as respondent, to answer charges of the complaint at a hearing before the board at a time and place to be specified in the notice.

D. At the hearing, provided for in subsection C of this section, the complaint shall be heard by the board. At the hearing, the complainant or person aggrieved may appear in person or by counsel, and the respondent may file a written answer to the complaint and may appear in person or by legal counsel. The board, when conducting any hearing pursuant to this section, may permit amendments to any complaint or answer, and the testimony taken at the hearing shall be under oath, and shall be transcribed at the request of either party, or at the direction of the board. If the board finds at the hearing that the respondent has engaged in any discriminatory practice or practices prohibited by this chapter, it shall state its findings of fact, and shall so certify the matter to the town attorney for appropriate action. No prosecution shall be brought under this chapter except upon such certification. If the board, upon hearing, finds that respondent has not engaged in any discriminatory practice, it shall state its findings of fact and shall issue and file an order dismissing the complaint. The board shall establish rules and regulations to govern and expedite and effectuate the foregoing procedure, and shall maintain the files provided for herein.

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SECTION 5-707 NOTICES.

Any and all notices required under the provisions of this chapter to be served upon any person, may be served personally on such person, or by mailing a copy thereof by certified or registered mail, with return receipt requested, to the most current business or residence address of such person.

SECTION 5-708 PENALTY.

It is unlawful and constitute an offense for any person to violate any of the provisions of this chapter. Any person found guilty of violating any provisions shall be deemed guilty of an offense, and is subject, upon conviction, to punishment as provided in Section 1-108 of this code, plus costs.