LOCAL LAW NO. 2 OF 1993
COUNTY OF OTSEGO, NEW YORK

AMENDING LOCAL LAW NO. 3 OF 1989 - A LOCAL LAW PROHIBITING
DISCRIMINATION ON THE BASIS OF RACE, COLOR, RELIGION,
SEX, NATIONAL ORIGIN, HANDICAPPING CONDITION OR
FAMILIAL STATUS IN THE SALE, RENTAL, FINANCING, OR
PROVISION OF BROKERAGE SERVICES FOR HOUSING WITHIN
OTSEGO COUNTY

Article I: Purposes and Enactment

Section 100 Purposes and Enactment

For the purposes of providing and ensuring fair housing
opportunities for all within the County of Otsego, the Board of
Representatives of the County of Otsego, State of New York,
under the authority of the General Municipal Law, hereby
obtains, enacts, and publishes this Law.

Article II: Definitions

Section 200 Definitions

210 General - For the purposes 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.

"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.

"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.

"Discriminatory housing practice" means an act that is
unlawful under Articles III, IV, V.

Article III: 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 County of Otsego:

(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, national origin,
handicapping condition 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 race, color, religion, sex, national origin, handicapping condition or familial status.

(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, national origin, handicapping condition or familial status, or an intention to make any such preference, limitation, or discrimination.

(d) To represent to any person because of race, color, religion, sex, national origin, handicapping condition 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 race, color, religion, sex, national origin, handicapping condition or familial status.

Article IV: Discrimination in the Financing of Housing

Section 400 Discrimination in the Financing of Housing

It shall be unlawful within the County of Otsego 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, 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, national origin, handicapping condition 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 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 County of Otsego 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, national origin, handicapping condition or familial status.

Article VI: Exceptions

Section 600 Exemptions
Local Law No. 2
Page 3

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 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: 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 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 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--

(1) he has, within the preceding twelve months, participated
as principal in three or more transactions involving the sale or
rental of any dwelling or any interest therein, or

(2) he has, within the preceding twelve 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 or any interest therein, or

(3) 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,
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 race,
color, sex, national origin, handicapping condition or familial
status. 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 County's Fair Housing Officer, to be
designated by the Chairman of the Board of Representatives.

702 Violations - Violations of this Law shall be reported in
person or in writing to the County'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 County 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 $1,000 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 Otsego County Board of Representatives
may, on its own initiative or on petition, amend, supplement, or
repeal the provision 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,
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.

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 County of Otsego Fair Housing Law."

805 Effective Date - This Law shall take effect immediately
upon adoption.

This Local Law is offered by the Intergovernmental Affairs
Committee.

(Note: The words highlighted above have been added.)
RESOLUTION NO. 129

RESOLUTION - ADOPTING A LOCAL LAW
FOR THE YEAR 1993

TRASK, FRANZEOE, HODNE

WHEREAS, there was duly presented to the Board of Representatives of the County of Otsego at a regular meeting duly held in the Meeting Room of the Board of Representatives in the Otsego County Office Building, Cooperstown, New York on April 7, 1993, a Local Law for the year 1993 entitled "A Local Law Amending Local Law No. 3 of 1989 - A Local Law Prohibiting Discrimination on the Basis of Race, Color, Religion, Sex, National Origin, Handicapping Condition or Familial Status in the Sale, Rental, Financing, or Provision of Brokerage Services for Housing within Otsego County"; and

WHEREAS, a public hearing was duly held on the proposed Local Law at the Meeting Room for the Board of Representatives in the Otsego County Office Building, Cooperstown, New York on the 21st day of April, 1993, at 7:30 p.m., at which time all interested persons were heard; now, therefore, be it

RESOLVED, that a local law of the County of Otsego for the year 1993, as above set forth, be and the same is hereby adopted.

STATE OF NEW YORK:

: SS

COUNTY OF OTSEGO:

I, Laura A. Child, Clerk of the Board of Representatives of Otsego County, New York, DO HEREBY CERTIFY that I have compared the foregoing copy of resolution with the original resolution on file in my office and that the same is a true and complete copy thereof as duly adopted by said Board of Representatives while in session on the 21st day of April, 1993.

WITNESS my hand and the official seal of the Board of Representatives of Otsego County, New York, this 22nd day of April, 1993.

(SEAL)

Laura A. Child
Clerk, Board of Representatives
Otsego County, New York