

CITY OF GLEN COVE FAIR HOUSING POLICY

Fair Housing Officer (2019):

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Chapter 139. Fair Housing

[HISTORY: Adopted by the City Council of the City of Glen Cove 12-13-1983 (Ch. 29 of the 1981 Code). Amendments noted where applicable.]

§ 139-1. Office established; administrator.

It is hereby ordained and directed that the City of Glen Cove by this chapter, adopts and establishes an Office of Fair Housing which will be administered under the supervision of the Mayor. This chapter establishes policy and procedures to be followed by the city in maintaining a fair housing policy for city residents.

§ 139-2. Policy and purpose.

A.

In accord with Title VIII of the United States Code and the Human Rights Law of the State of New York, as amended, it is the policy of the City of Glen Cove to provide fair housing.

B.

The purposes of this chapter are those in accord with Title VIII of the United States Code and § 296 of the Executive Law of the State of New York as such section applies to fair housing.

§ 139-3. Definitions.

All such definitions of Title VIII of the United States Code and the Human Rights Law of the State of New York, as amended, as pertain to fair housing are hereby restated by the City of Glen Cove as the provisions of this chapter.

§ 139-4. Unlawful discrimination practices; applicability.

Except as otherwise provided below:

A.

It shall be unlawful discriminatory practice:

(1)

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 or national origin.

(2)

To discriminate against any person in the terms, conditions or privileges of sale or rental of a dwelling, or in the provision of services for facilities in connection therewith, because of race, color, religion, sex or national origin.

(3)

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 natural origin, or any intention to make any such preference, limitation or discrimination.

(4)

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.

(5)

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 or national origin.

B.

Nothing in this section 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 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 sale 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 publication, posting or mailing, after notice, of any advertisement or written notice in violation of Subsection A(3) of this section.

(2)

The rental of a housing accommodation in a building which contains housing accommodations for not more than four families living independently of each other, if the owner resides in one of such housing accommodations.

(3)

A religious organization, association or society or any nonprofit organization, or controllee of, from limiting the sale, rental or occupancy of dwelling which it owns or operates for other than a commercial purpose, to promote the religious premise for which it was established and operated, unless membership is restricted on account of race, color or national origin.

(4)

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 or occupancy of such lodgings to its members or from giving preference to its members.

C.

All such unlawful discriminatory practices contained in Executive Law of the State of New York, as amended, § 296 through § 301 pertaining to fair housing, are hereby restated by the City of Glen Cove as the provisions of this chapter. All such procedures as delineated within § 296 through § 301 pertaining to fair housing are hereby supplemented by the provisions set forth in § 139-6 of this chapter.

§ 139-5. Fair Housing Office.

There is hereby established a Fair Housing Office which is designated to administer this chapter. The fair housing officer shall be appointed by the Mayor and shall hereinafter be called the fair housing officer of the City of Glen Cove. This position may be assigned as an additional duty of an employee of the city.

§ 139-6. Powers and duties of Fair Housing Office.

The Fair Housing Office, by and through the fair housing officer, shall have the following functions, powers and duties:

A.

To establish and maintain a principal office within the City of Glen Cove as may be necessary.

B.

To function at any place within the City of Glen Cove.

C.

To employ such personnel as may be necessary to effectively carry out its powers and duties.

D.

Upon request, to obtain and utilize the services of all governmental departments and agencies.

E.

To formulate policies to effectuate the purpose of this chapter and to make recommendations to agencies and officers of the City of Glen Cove in and of such policies and purposes.

F.

To receive and investigate complaints alleging violations of this chapter.

G.

To have access at all reasonable times to premises, records, documents, individuals and other sources of evidence to examine, record and copy to conclude any investigation.

H.

In conjunction with the City Attorney of the City of Glen Cove, to subpoena any such evidence as required to compel compliance.

I.

In conjunction with the City Attorney of the City of Glen Cove, to obtain court orders to enforce all findings and discrimination.

J.

To develop human rights plans and policies for the City of Glen Cove and to assist in their execution, upon adoption. To make investigations and studies appropriate to effectuate this chapter to inform persons of the rights assured and remedies provided under this chapter, to promote good will and to minimize or eliminate discrimination.

K.

To render each year to the Mayor a written report of all of its activities and recommendations.

L.

To furnish any person with such technical assistance that the Office deems appropriate to further compliance with the purposes or provisions of this chapter.

M.

Such other powers and duties described hereinafter and as may be designated by the Mayor and authorized by the City Council.

§ 139-7. Grievance procedures.

A.

Any person claiming to be aggrieved by any lawful discriminatory practice may, by himself or by his or her attorney, make, sign and file with the fair housing officer a verified complaint which shall state the name and address of the person or persons alleged to have committed the unlawful discriminatory practice complained of and which sets forth the particulars thereof and contains such other information as may be requested by the Office.

B.

After the filing of the complaint, the Fair Housing Office shall make a prompt investigation in connection therewith.

C.

If, in his or her judgment, the circumstances so warrant, he or she may at any time after the filing of the complaint, endeavor to eliminate such discriminatory practice by conference, consolation and persuasion.

D.

In the case of failure to eliminate such discriminatory practices, the fair housing officer, in conjunction with the City Attorney of the City of Glen Cove, (may) issue an order to cease and desist such discriminatory practices and further initiate positive mechanisms to effectuate the intent of this chapter.

E.

Nothing contained in this chapter shall be construed so as to limit or prohibit investigation by any other governmental unit of competent jurisdiction, nor shall anything contained herein limit any aggrieved party from pursuing any remedy available therefrom. In the event of such a situation, the fair housing officer is hereby empowered to place any and all of its material obtained through the investigation at the disposal of such governmental unit.

§ 139-8. Severability; inconsistent laws.

If any of this chapter or its application to any persons or circumstances is adjudged by a court to be invalid or ineffectual, such judgment shall not affect the remainder of the chapter or its application to any other person or circumstance. This chapter shall supersede all laws inconsistent with it to the extent of such inconsistency, but, in all other respects, shall be deemed supplemental to such laws.

§ 139-9. Penalties for offenses.

Any person violating any provision of this chapter shall be liable to a penalty set in accordance with Chapter 1, General Provisions, Article II, General Penalty.

[1]

Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I).