

## A Summary of Fair Housing Legislation

### FEDERAL LAW

The Civil Rights Act of 1866 states all U.S. Citizens have the same rights in every state and territory to inherit, purchase, lease, sell, hold and convey real estate and personal property.

In Title VIII of the Civil Rights Act of 1968 (the Fair Housing Law), Congress declared a national policy providing fair housing throughout the United States. This law makes discrimination based on race, color, religion, sex, handicap, familial status or national origin illegal in connection with the sale or rental of most housing and any vacant land offered for residential construction or use.

### Acts Prohibited by the Fair Housing Law

The Fair Housing Law provides protection against the following acts, if they are based on race, color, religion, sex, handicap, familial status or national origin.

- Refusing to sell or rent, deal or negotiate with any person (Section 804(a)).
- Discriminating in terms or conditions for buying or renting housing (Section 804(b)).
- Discriminating by advertising that housing is available only to persons of a certain race, color, religion, sex, handicap, familial status or national origin.
- Denying that housing is available for inspection, sale or rent when it really is available (Section 804(d)).

### STATE LAW

New York State adopted a "Warranty of Habitability" provision, which implies that in every rental agreement there is an implied guarantee that the house or apartment is safe and livable.

New York State Real Property Law makes it unlawful in any Town for landlords to refuse to rent to families solely because they have children. But landlords may provide separate living areas for those families with children.

New York General Obligations Law 5-702, otherwise known as the "Plain English Law", requires that every written lease agreement entered into after November 1, 1978 be written in non-technical language and in a clear manner using words with common, everyday meaning, and appropriately divided and captioned by its various sections.

New York State Executive Law (Article 15-Human Rights Law) makes unlawful discrimination practices in sale, rental, or leasing of any housing accommodations, land or commercial space to any person or group of persons because of race, color, religion, sex, handicap, familial status or national origin.

New York State and Federal laws prohibit discrimination in housing based upon race, color, religion, sex, handicap, familial status or national origin.

Visit the HUD Fair Housing web page at:

[www.hud.gov/fhe/fhehous.html](http://www.hud.gov/fhe/fhehous.html)

## Town of Union Planning Department

# A Guide To Fair Housing Legislation



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BROCHURE WAS  
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UNITED STATES  
DEPARTMENT OF  
HOUSING AND  
URBAN DEVELOPMENT

The Town of Union Fair Housing Office was created to protect Town residents from housing discrimination and answer questions about fair housing in the Town of Union. If you are a prospective homeowner, tenant, landlord or real estate agent, please take time to acquaint yourself with this summary of fair housing legislation. This brochure clarifies legal responsibilities and provides information about fair housing rights regarding the sale and rental of housing in the Town of Union.

If there are questions about fair housing which are not answered in this brochure, or to file a complaint, please contact the Town of Union Fair Housing Office at 786-2975 send an e-mail to [cdbg@townofunion.com](mailto:cdbg@townofunion.com) or visit the department at:

Town of Union Fair Housing Office  
Department of Planning  
Town Hall, 3111 East Main Street  
Endwell, New York 13760

### Important Fair Housing Related Phone Numbers

New York State Division of Human Rights  
Binghamton Office 773-7713

Department of Housing and Urban Development  
Buffalo Area Office (716) 551-5755

Fair Housing Hotline Toll Free Number 1-800 669-9777  
Hearing Impaired (TDD) 1-800 927-9275

Broome County Board of Realtors 729-6285

Broome Legal Assistance Corporation 723-7966

Broome Lawyer Reference Service 723-6331

### Housing Code Information

Town of Union Department of  
Permits/Code Enforcement 786-2921

### If You Are A Landlord Or Real Estate Agent

- It is against the law for any real estate broker, salesperson, or agent to refuse to rent or sell housing because of race, color, religion, sex, handicap, familial status, or national origin.
- Landlords, at reasonable times and upon reasonable notice, have the right to inspect, repair, or show a dwelling to prospective tenants.
- Landlords are responsible for damage or injury to tenants, which result from the landlord's negligence.
- Landlords cannot lock a tenant outside of his/her apartment or hold tenant furniture.
- Landlords have the right to initiate eviction proceedings against a tenant for non-payment of his/her lease or violation of a lease.

### If You Are A Tenant

- State and Federal laws prohibit discrimination in the

sale or rental of housing.

- In New York State a lease must be written in common everyday English.
- Tenants have a right to joint or form a tenant group.
- A landlord cannot require tenants to be or remain childless.
- Tenants have the right to a copy of your written lease.
- Tenants have a right to fair and appropriate notice to the termination of your lease.
- Tenants cannot be held responsible for utilities unless you agree to pay for them in a written or oral lease.

### Prospective Tenants And Homeowners

State and Federal law prohibits discrimination in the sale or rental of housing. Persons may not be denied housing because of your race, color, religion, sex, handicap, familial status or national origin.

If, as a prospective tenant or homeowner, you feel you have been denied a loan, insurance policy or other services from bankers, insurance or real estate agents because of your race, color, religion, sex, handicap, familial status, or national origin, please contact the Town of Union Fair Housing Officer.

### Remember

- It is unlawful to indicate a racial preference in a housing advertisement.
- It is unlawful for anyone to say an apartment or house is not available for rent or ownership when in fact it is available for rent. You cannot misrepresent the availability of housing because of race, color, religion, sex, handicap, familial status or national origin.
- A landlord cannot require tenants to be or remain childless.
- If you are utilizing the services of a rental agency to aid you in your search for housing, make sure you understand what services are being offered and how much they cost.
- Before you sign a lease or pay a security deposit make sure you inspect the apartment or house carefully. Point out existing damage or defects to the landlord and ask when they will be fixed.
- Be courteous and dress neatly when you search for housing. A landlord could reject you on arbitrary grounds such as attitude or appearance.



## Your Lease

- In New York State, the law requires a lease to be written in common everyday English. This means the writing must be easily understandable and non-technical.
- A lease is a contract between a landlord and tenant. A lease in written or oral form conveys the rights to possession of a dwelling unit for a designated length of time and for a specific amount of money.
- In New York State anyone 18 years of age or older may be held responsible for adhering to any legally enforceable contracts to which they agree, including rental agreements. Even persons under 18 may enter and be held accountable for contractual agreements for shelter and other "necessities of life".
- If you sign a lease you have a right to a copy of it for your own records.
- If the terms of your lease are unreasonably favorable to the landlord and you had no meaningful choice of alternative rental property at the time it was signed, please contact the Town of Union Fair Housing Office. Possibly the courts will find that such a lease is "unconscionable" and refuse to enforce it. The courts could also find that certain clauses of the contract are unenforceable.
- Usually a landlord cannot raise the rent during the time covered by the lease, however, if the landlord agrees to break the lease early, he/she could be able to ask a higher rent from the next tenant.

## Tenant Rights

*Your most fundamental right as a tenant is to quiet enjoyment of the property you are renting.* If you live in an apartment building you have the right to use public areas of the building such as halls, elevators and laundry room.

- You have the right to privacy. Landlords may not enter the property you are renting without your permission whenever he/she simply pleases to check up on you. Your landlord is permitted reasonable entry to your property in order to inspect, repair and maintain the premises or to show it to prospective buyers or tenants.
- You cannot be held responsible for utility bills or taxes unless so specified in the lease or otherwise agreed upon in advance.
- A landlord does not have the right to lock you out of your apartment, lock furniture in, or put your possessions outside. If you live in a multiple dwelling complex you have the right to install your own lock as long as the landlord is provided with a key upon request.
- You have the right to join, form or participate in any tenant group.
- If your apartment complex is composed of six or more family dwelling units, you have the right to interest on your security deposit.
- You have the right to invite anyone inside your own apartment or house to participate in any activity that

is legal or within the stipulation of your lease. Specific regulations and rights depend on your locality and the conditions of your lease. If you have any questions or concerns about tenant's rights, please call the Town of Union Fair Housing Office at 786-2975.

## Tenant Responsibilities

It is your responsibility to keep all receipts from rental and deposit payments. These are valuable records. It is wise to use checks or money orders rather than cash. Protect yourself.

- DO NOT WITHHOLD RENT TO FORCE A LANDLORD TO MAKE REPAIRS. Withholding rent renders you liable to eviction proceedings. The only way that you can legally withhold rent is to consult an attorney and have the rent put in an escrow account. If you are having difficulties with your dwelling unit and your landlord will not respond, contact the Town of Union Fair Housing Office and the Town of Union Division of Code Enforcement, or the Town of Union Town Attorney.
- It is your responsibility to exterminate insects, rodents, or other pests within your dwelling if your unit is the only unit on the premises that is infested.
- If your tenancy is indefinite (i.e., you do not have a lease), you are entitled to a timely and appropriate notice if the landlord wants you to leave. If you have any questions, concerns or a complaint, please call the Town of Union Fair Housing Office at 786-2975.

## Moving?

*You must leave your apartment or house on the expiration date of your lease if the landlord requests it.* In order to end a month-to-month lease agreement, the landlord or the tenant may do so by giving a 30-day notice before the next month's rent is due.

- IF A TENANT WANTS TO BREAK A WRITTEN LEASE BEFORE THE TIME PERIOD COVERED BY THE LEASE HAS ENDED:
  1. You may be able to rent the dwelling to another person for use during the time remaining on your lease (this is called subletting).
  2. You may offer the landlord money in return for an early ending of the lease.
  3. You may offer the landlord the dwelling to re-rent for his/her benefit.
- Your best bet to terminating a lease early is to work out an agreement that will benefit you and your landlord.
- The security deposit should be returned in full shortly after you move unless the landlord has informed you that he/she is holding you responsible for damages. Remember, your security deposit is not your final payment unless your landlord agrees to make it your final payment. If you feel the landlord has wrongfully withheld your security deposit you may take your problem to Small Claims Court. When you move from your apartment or house:
  1. Leave your dwelling in a clean orderly condition.
  2. Cancel utilities for which you are responsible.

3. Leave a forwarding address at the post office.

## Landlord Rights & Responsibilities

*Landlords have the right to reasonable entry, upon reasonable notice, to rental property in order to inspect, make repairs or show the dwelling to prospective tenants or buyers.* Landlords do not have the right to enter the property whenever you please to check up on tenants. Landlords cannot harass tenants with unnecessary complaints or demands.

- Tenants of multi-dwelling complexes have the right to install their own locks. Landlords are entitled to a key upon request to enter this property for legitimate reasons.
- Landlords have the right to initiate eviction procedures against a tenant for non-payment of rent, violation by the tenant of terms agreed upon in the lease, or failure of the tenant to leave after the lease's expiration or established termination of tenancy.
- Landlords may not lock a tenant outside of his/her apartment, lock furniture in, or put his/her possessions outside. If you are having problems call the Town of Union Fair Housing Office or contact the Human Rights Commission.
- A landlord's obligation for specific repairs or maintenance depends on the terms of the lease and the applicable laws of the Town of Union, the State of New York and the United States Government. It is the landlord's responsibility to be familiar with the appropriate housing codes and to comply with the requirements therein, and to be aware of the laws that will affect your obligations as landlord.
- Landlords are responsible for damage or injury to the tenant that results from your negligence or that of your agents.
- Landlords must respect the tenant's rights to quiet enjoyment of the rented premises.

## Preparing Your Lease

Landlords may not insert clauses that attempt to protect you from liability for injuries or damages caused by a landlord's own negligence, nor forbid tenants to have children.

- Landlords do have the right to include in the lease, regulatory clauses such as the following:
  1. A "No Pets" Clause.
  2. An additional fee for each late rental payment.
  3. A restriction on subletting.
  4. A provision for rent increase contingent upon some event such as an increase in taxes, utility rates, or the cost of living.
- LEASES IN NEW YORK STATE MUST BE WRITTEN CLEARLY AND IN "PLAIN ENGLISH."

## Termination of Tenancy

It is the landlord's responsibility to give a tenant fair and appropriate notice (at least one rental period in advance) if the landlord would like the tenant to move out at the expiration of the lease or when there is no lease.

- Some leases provide for automatic renewal unless either party follows a prescribed termination procedure. In these cases, landlords are required to remind the tenant at least 15 days in advance, but not more than 30 days before the deadline specified for proper notice of termination, that the term will be renewed unless specifically terminated.

## Renting and Selling a Housing Unit

When a landlord sells or rents any house or apartment, the landlord must abide by New York State and Federal law that prohibits discrimination based upon race, color, religion, sex, handicap, familial status or national origin.

- If a landlord is a public agency, or if there is a sufficiently close relationship between a private landlord and a government agency, then the landlord must establish tenant eligibility on the basis of clear-cut standards and procedures that will satisfy the constitutional requirements of due process and equal protection under the law.
- It is against the law to indicate a racial preference in a housing advertisement, or to anyone because of race, color, religion, sex, handicap, familial status or national origin, that a house or apartment is unavailable when in fact it is available for occupancy.
- It is against the law for any real estate broker, salesperson, or agent thereof:
  - (a) to refuse to rent, sell or lease any housing accommodation to any person because of race, color, religion, sex, handicap, familial status or national origin of such a person, or to represent that a housing accommodation is not available when, in fact, it is.
  - (b) to print or circulate any statement or advertisement, or to use any form of application for the purchase, rental or lease of any housing accommodation, or to make any inquiry in connection with the prospective purchase, rental or leasing of any housing accommodation which expresses, directly or indirectly, any limitation, specifications, or discrimination as to race, color, religion, sex, handicap, familial status, or national origin. (Sec. 296, subd. 5 or New York State Executive Law).
- Under Section 296 (Executive Law) a homeowner is excluded from the provisions of the statute with the reference to the rental of a room in a one-family house and the rental of an apartment in a two-family house in which the owner resides. This exemption is not extended to licensed brokers and sales people.
- It is also illegal to discriminate in the financing of housing or the provision of real estate brokerage services, or by engaging in blockbusting activities because of race, color, religion, sex, handicap, familial status, or national origin.