

**FAIR HOUSING**  
**VILLAGE OF NUNDA**

## **FAIR HOUSING**

Title VIII of the 1968 Civil Rights Act, the Federal Fair Housing Law and the Fair Housing Amendments Act of 1988, state that it is a policy of the United States to provide Fair Housing for its citizenry, within constitutional limitations. Discrimination in the sale, rental, or financing of dwellings on the basis of race, color, religion, sex, or national origin, handicap, or familial status is specifically prohibited under this law. In addition, specific design and construction criteria are set forth for many new multifamily dwellings opening on or after March 13, 1991 with respect to handicap accessibility.

This brochure has been prepared to provide you with important information when you rent or buy a home. Protect yourself by knowing your rights.

### **WHO MUST OBEY THE FEDERAL FAIR HOUSING LAW?**

All of the following people are always covered by the Fair Housing Act:

- A major actor, such as a landlord, seller or financier involved in three or more sales or rentals in the previous 12 months.
- A rental agent, real estate agent, or sales agent involved in two or more sales or rental transactions in the previous year.
- The owner of a building that can house five or more families.
- An owner-occupied dwelling of four units or less where the owner publishes any notice, statement or advertisement regarding the availability of a unit in said dwelling.
- The owner of a single family house sold or rented by an owner that uses the services of a real estate broker, salesman or agent or an owner who publishes, posts or mails any advertisement for the sale or rental of any single family dwelling.
- The owner of any dwelling provided in whole or part with the aid of loans, advances, grants or contributions made by the Federal Government unless payment thereon has been made in full prior to enactment of this title.

## **DISCRIMINATION IS AGAINST THE LAW**

The Federal Fair Housing Law and New York State's Human Rights and Real Property Laws provide protection against the following if they are based on race, color, religion, sex, national origin, disability, marital status, children, age, or Vietnam Era Veteran status:

- Advertisements that discriminate. This includes newspaper advertisements that say housing is for "adults only" or "no children allowed" unless the housing is intended for older adults as described following.
- Discrimination in the terms or conditions for property rental or purchase.
- Misrepresentations to the effect that property is not available for inspection, rental, or sale, when in fact it is.
- Retaliation because you filed a complaint or opposed practices forbidden by law.
- "Blockbusting", which is any effort by real estate brokers or salespeople to persuade owners to sell their houses by telling them that minority groups are moving into their neighborhood.
- Discrimination in obtaining credit, including mortgage and home improvement loans from banks and other financial institutions.
- Denying use of or participating in any real estate services, such as brokers' organizations, multiple or rental of housing.

## **IS IT EVER LEGAL TO EXCLUDE PERSONS OR FAMILIES WITH CHILDREN FROM HOUSING?**

Laws to prevent discrimination against persons, including families with children do not apply to:

- State or federally subsidized housing designed to assist elderly persons.
- Housing intended for and operated for occupancy by persons 62 years of age and older.
- Housing intended for and operated for occupancy by households which have one person who is 55 years of age or older and at least 80% of the units are to be occupied by at least one person 55 years or older.

## **YOU HAVE A RIGHT!**

In addition to the Fair Housing Laws, New York State Law provides the following protection:

- A "Warranty of Habitability" states that in every rental unit there is an implied guarantee that the house or apartment is safe, livable, and sanitary.
- It is the duty of the landlord to give you a signed rent receipt for payment made in cash stating the date, amount paid, and identifying the premises for which rent was paid.
- Lease agreements must be written in non-technical language and in a clean manner using words with common, everyday meaning and appropriately divided and captioned by its various sections. It cannot be changed while it is in effect unless both parties agree. At a minimum, leases should specify the names and addresses of the parties, the amount and due dates of the rent, the duration of the rental, the conditions of occupancy, and the rights and obligations of both parties.
- Tenants who do not have leases and pay rent on a monthly basis are called month-to-month tenants. Tenancy may be terminated by landlord or tenant by giving one month's notice. The termination notice need not specify why the landlord seeks possession of the apartment. A landlord may not automatically evict a tenant. A landlord may raise the rent of a month-to-month tenant without the consent of the tenant.
- A landlord may enter a tenant's apartment with reasonable prior notice, and at a reasonable time, to provide necessary or agreed upon repairs and services; in accordance with the lease; or to show the apartment to prospective purchasers or tenants. In emergencies, the landlord may enter the apartment without the tenant's consent.
- Only a sheriff, marshal, or constable can carry out a court ordered warrant to evict a tenant. A landlord may not evict a tenant by use of force or unlawful means, remove a tenant's possessions, lock the tenant out of the apartment, or willfully discontinue essential services such as water or heat.
- The landlord must return all but 1% of the interest earned on your security deposit when the deposit is kept in an interest bearing account. If your apartment is in a complex consisting of six or more units, the landlord must put the deposit in an interest bearing account. Interest must be paid when the lease expires. A landlord may use the security deposit as reimbursement for the reasonable costs of repairs beyond normal wear and tear and for any unpaid rent.

- A landlord may not interfere with the rights of tenants to form or participate in the lawful activities of tenants' groups and organizations.

THE CONDITIONS OUTLINED IN THESE LAWS ARE COMPLEX AND YOU ARE ADVISED TO REFER TO THE FULL TEXT OR HAVE YOUR LAWYER DO SO PRIOR TO UNDERTAKING ACTION.

### **WHAT SHOULD I DO IF I THINK I HAVE A HOUSING COMPLAINT?**

- If you have a question or concern over the habitability of your rental unit, you can contact the Village's Fair Housing Officer, the Clerk, at the Village Office, 4 Massachusetts Street, Nunda, New York, 468-2215.
- If you believe that you have been discriminated against in the sale, rental or financing-of any housing, here are some suggestions:
- Write down the name of the person, bank, real estate agency or housing complex that you believe discriminated against you and every detail that you can remember about what occurred, such as dates when it happened and what you were told.
- Retain any copies of rental or lease agreements or contracts of sale that you have received from the landlord, real estate agent or lender. If you know someone who has received a different contract or agreement, and is willing to help, get a copy of that agreement also.
- Save copies of any utility or maintenance bills or receipts that you have received concerning the property.
- Retain any letters, notices or other correspondence from the landlord, real estate agent, or lender; write down conversations with these persons and the dates if you think they are discriminating against you.
- Keep records of information you hear from others about the same property or the same lenders. Some of the information may help you or your attorney show a pattern of discrimination.
- If you feel your housing rights have been violated, you may want to consult a lawyer. If you do not have a lawyer, you can call:

Lawyer Referral Service at 1-800-342-3661

Low Income persons may be eligible for assistance from:

Law Assistance of Western NY  
104 E. Steueben Street  
Bath, New York 14810  
(585) 776-4126

- If you wish to mediate a tenant/landlord dispute (services are free and confidential) you may call:

Center for Dispute Settlement, Inc.  
6 Court Street  
Geneseo, NY 14454  
(585) 243-7007

To obtain HUD Complaint Forms or if you have questions or concerns with respect to discrimination in the sale, rental or financing of housing, please refer these requests for information to:

Fair Housing Office  
HUD Buffalo Area Office  
Lafayette Court  
465 Main Street  
Buffalo, New York 14203  
(716) 551-5755

OR

Office of Fair Housing and Equal Opportunity  
Toll Free Number: 1-800-669-9777  
(8:45 a.m. to 5:15 p.m.; M-F)

The hearing impaired may call this TDD number:  
1-800-927-9275

OR

Online at: [www5.hud.gov/Hud903/main/pagHUD903Form.jsp](http://www5.hud.gov/Hud903/main/pagHUD903Form.jsp)

New York State Division of Human Rights  
333 East Washington Street  
Syracuse, New York 13202  
(315) 428-4633

OR

Fair Housing Officer  
Village of Nunda  
4 Massachusetts Street  
Nunda, NY 14517  
468-2215

**REMEMBER: FAIR HOUSING IS FOR EVERYONE!**

This brochure was prepared by the Village of Nunda with funds provided by the U.S. Department of Housing and Urban Development.



**EQUAL HOUSING  
OPPORTUNITY**