

TOWN OF TONAWANDA FAIR HOUSING POLICY

The Town of Tonawanda has adopted a Fair Housing Plan to help ensure that all Town residents have equal access to a variety of housing throughout the Town. Central to the Town's Plan is to provide educational material through this Fair Housing Brochure, which identifies the type of discriminatory action and the protection of individuals' rights under Federal State, and Local Laws. A Fair Housing Officer will assist individuals who perceive themselves to be victims of such laws. With the development of the Plan, the future holds greater promise for the Town to encourage new housing opportunities through direct coordination, liaison with home builders, apartment managers and the U.S. Department of Housing and Urban Development. The ultimate result of this plan will be expansion of housing opportunities in the Town.

HOW ARE YOUR RIGHTS PROTECTED:

The following represents the legal bases, coverage and enforcement of fair housing and Equal Opportunity Requirements:

1866 Civil Rights Act:

The Civil Rights Act of 1866 provides that: "All citizens of the United States shall have the same right, in every State and Territory, as is enjoyed by white citizens thereof to inherit, purchase, lease, sell, hold, and convey real and personal property."

In Title VIII of the Civil Rights Act of 1968 (the Fair Housing Law), Congress declared a national policy of providing fair housing throughout the United States. This law makes discrimination based on race, color, religion, sex, 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 1968 Fair Housing Law and the Fair Housing Amendments Act of 1988

The Fair Housing Law and the Fair Housing Amendments Act of 1988 provides protection against the following acts, if they are based on **race, color, religion, sex, familial status, age, military status, sexual orientation** or **national origin**:

- Discriminatory acts to include interfering, coercing, threatening or intimidating a person in the exercise or enjoyment of his/her rights as protected by Sections 804, 805 and 806 of the Act.
- Refusing to sell or rent to, 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 (Section 804(c)).
- Denying that housing is available for inspection, sale or rent when it really is available (Section 804(d)).
- "Blockbusting" - For profit, persuading owners to sell or rent housing by telling them that minority groups are moving into the neighborhood (Section 804(e)).
- Denying or making different terms or conditions for home loans by commercial lenders, such as banks, savings and loan associations and insurance companies (Section 805).
- Denying to anyone the use of or participation in any real estate services, such as brokers' organizations, multiple listing services or other facilities related to the selling or renting of housing (Section 806).

Housing Covered by the 1968 Fair Housing Law and the Fair Housing Amendments Act of 1988

Prohibitions contained in the Fair Housing Law and the Fair Housing Amendments Act of 1988 apply to the following types of housing:

Single-Family housing owned by private individuals when:

- A broker or other person in the business of selling or renting dwellings is used and/or;
- Discriminatory advertising is used;

Single Family houses not owned by private individuals;

Single-Family houses owned by a private individual who owns more than three such houses or who, in any two-year period, sells more than one in which the individual was not the most recent resident;

Multifamily dwellings of five or more units;

Multifamily dwellings containing four or fewer units, if the owner does not reside in one of the units.

Under Title VI of the Civil Rights Act of 1964, it is illegal to deny the benefits of any program or activity receiving Federal financial assistance on the grounds of race, color, or national origin.

Under Section 109 of Title I - Housing and Community Development Act of 1974; and, under the **Age Discrimination Act of 1975, as amended**; and under **Section 504 of the Rehabilitation Act of 1973, as amended**, it is illegal to deny the benefits of, or be subject to discrimination under any activity funded in whole or in part under Housing and Community Development Programs on the bases of race, color, national origin, sex, age or handicap.

Under Section 27 of Title II of the National Housing Act, as amended by Section 808(a) of the Housing and Community Development Act of 1974, no federally related mortgage loan or federal insurance, guaranty or other assistance shall be denied to any person on account of sex.

Under New York State Real Property Law (L. 1980, c. 701) paragraph 236 or 237, it is illegal to not rent any or part of a unit to a person or family solely on the grounds that such person or family has children. This does not mean that a landlord must allow over-crowding. Exempted is housing exclusively for senior citizens.

Under New York State Human Rights Law, it is illegal to discriminate because of race, creed, color, national origin, sex, age, disability or marital status. (Housing exclusively for persons 55 and older is exempted).

Under Erie County Fair Housing Law (Local Law No. 4 of the year 2018), it is illegal to discriminate because of race, color, religion, sex, age, marital status, disability, national origin, source of income, sexual orientation, gender identity, military status, familial status, or immigration and citizenship status in the sale, rental or leasing of housing. Housing exclusively for persons 55 and older is exempted with respect to age and familial status).

WHAT WILL HAPPEN AFTER YOU FILE A COMPLAINT WITH THE FAIR HOUSING OFFICER:

- An attempt may be made to resolve the discriminatory housing practice by informal methods of conference, conciliation and persuasion.
- The Fair Housing Officer will assist you in filing a complaint with the U.S. Department of Housing and Urban Development and the New York State Division of Human Rights.

The Language of Discrimination!

To protect your rights, it is important to recognize the language of discrimination.

- “Sorry, the apartment was just rented. You can call again, but I doubt we will have anything available.”
- “I don’t think you would be happy in this neighborhood.”
- “Do you think that your kids would be happy on this street?”
- “This place costs a fortune to heat.”
- “Yes we advertise, but there is a waiting list for those apartments.”

IF YOU ARE DISCRIMINATED AGAINST CONTACT:

Mr. James Hartz, Fair Housing Officer
Town of Tonawanda
Office of Planning & Development
169 Sheridan Parkside Drive
Tonawanda, New York 14150
Phone: 871-8847, Ext. 1

Or

Housing Opportunities Made Equal (HOME) - 854-1400.
New York State Division of Human Rights - 847-7632.
United States Department of Housing & Urban
Development - 1-800-669-9777.



Fair Housing Plan

Know Your
Housing Rights

Town of Tonawanda
Planning & Development
Parkside Village Community Building
169 Sheridan Parkside Drive
Tonawanda, New York 14150
(716) 871-8847

Fair Housing Community



Equal Housing Lender