

# Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

☐ County ☐ City ☒ Town ☐ Village  
(Select one:)

of Augusta

Local Law No. 1 of the year 20 19

A local law "Establishing A Fair Housing Policy"  
(Insert Title)

Be it enacted by the Town Board of the  
(Name of Legislative Body)

☐ County ☐ City ☒ Town ☐ Village  
(Select one:)

of Augusta as follows:

"SEE ATTACHED"

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

**1. (Final adoption by local legislative body only.)**

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 2019 of the (County)(City)(~~Town~~)(Village) of Augusta was duly passed by the Town Board on February 20 2019, in accordance with the applicable provisions of law.  
(Name of Legislative Body)

**2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.  
(Name of Legislative Body)  
(Elective Chief Executive Officer\*)

**3. (Final adoption by referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_.  
(Name of Legislative Body)  
(Elective Chief Executive Officer\*)

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

**4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.  
(Name of Legislative Body)  
(Elective Chief Executive Officer\*)

\* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

**5. (City local law concerning Charter revision proposed by petition.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 20\_\_\_\_, became operative.

**6. (County local law concerning adoption of Charter.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 20\_\_\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

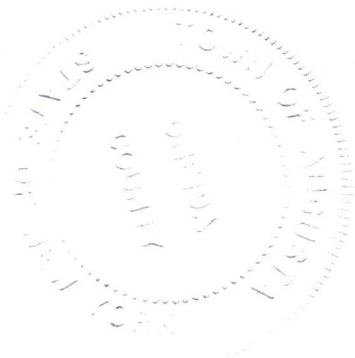
**(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)**

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph \_\_\_\_\_ above.

*Louisa M. Furrless*  
Clerk of the county legislative body, City, Town or Village Clerk or  
officer designated by local legislative body

Date: February 21, 2019

(Seal)





**Local Law #1 of 2019 for the Town of Augusta**  
**"Establishing a Fair Housing Policy"**  
**Proposed February 6, 2019**  
**Adopted February 20, 2019**

**Section I. Declaration of policy.**

It is the policy of the Town of Augusta to provide, within constitutional limitations, for fair housing throughout the town. It is the policy of the Town of Augusta that no person shall discriminate against any individual in the sale, rental, advertising, financing, provision of brokerage services or appraisal of housing within the Town of Augusta in accord with Title VIII of the United States Code and the Human Rights Law of the State of New York.

**Section II. Definitions.**

As used herein, the following terms shall have the meanings indicated:

**DISCRIMINATORY HOUSING PRACTICE** - An act that is unlawful under this chapter.

**DWELLING** - 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.

**FAMILY** - Includes a single individual.

**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.

**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.

**Section III. Prohibited acts.**

A. It shall be unlawful 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 within the Town of Augusta to any person because of race, color, religion, sex, sexual orientation, handicap, familial status or national origin.

B. It shall be unlawful to discriminate against any person in the terms, conditions or privileges of sale or rental of a dwelling in the Town of Augusta, or in the provision of services or facilities in connection therewith, because of race, color, religion, sex, sexual orientation, handicap, familial status or national origin.

C. It shall be unlawful 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 within

the Town of Augusta, which indicates any preference, limitation or discrimination based on race, color, religion, sex, sexual orientation, handicapped, familial status or national origin or an intention to make any such preference, limitation or discrimination.

D. It shall be unlawful to represent to any person because of race, color, religion, sex, sexual orientation, handicap, familial status or national origin that any dwelling within the Town of Augusta is not available for inspection, sale or rental when such dwelling is in fact so available.

E. It shall be unlawful, for profit, to induce or attempt to induce any person to sell or rent any dwelling within the Town of Augusta by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, sex, sexual orientation, handicap, familial status or national origin.

#### **Section IV. Discrimination prohibited in residential real estate related transactions.**

A. It shall be unlawful for any person or other entity whose business includes engaging in residential real estate related transactions within the Town of Augusta to discriminate against any person in making available such a transaction, or in the terms or conditions of such a transaction, because of race, color, religion, sex, sexual orientation, handicap, familial status or national origin.

B. As used in this section, the term "residential real estate related transaction" means any of the following:

- (1) The making or purchasing of loans or providing other financial assistance for purchasing, constructing, improving, repairing or maintaining a dwelling.
- (2) The making or purchasing of loans or providing other financial assistance secured by residential real estate.
- (3) The selling, brokering or appraising of residential real property.

C. Nothing in this section prohibits a person engaged in the business of furnishing appraisals of real property to take into consideration factors other than race, color, religion, national origin, sex, sexual orientation, handicap or familial status.

#### **Section V. Brokerage services.**

It shall be unlawful to deny any person access to a membership or participation in any multiple listing service, real estate brokers organization or other service, organization or facility relating to the business of selling or renting dwellings within the Town of Augusta, or to discriminate against such person in the terms or conditions of such access, membership or participation, on account of race, color, religion, sex, sexual orientation, handicap, familial status or national origin.

#### **Section VI. Exemptions.**



Nothing in this chapter 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 within the Town of Augusta 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 or national origin. Nor shall anything in this chapter 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 within the Town of Augusta 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.

#### **Section VII. Fair Housing Officer.**

There shall be appointed by the Supervisor, subject to approval of the Town Board , a Fair Housing Officer for the Town of Augusta. The duties of the Fair Housing Officer shall be:

- A. To become knowledgeable in the fair housing provisions of federal, state and local laws.
- B. To conduct an analysis of barriers to equal housing opportunity (as per 24 CFR 570.904[c]).
- C. To develop a strategy to overcome any barriers.
- D. To review the local policy for impact on housing choice.
- E. To compile fair housing information and make it available to interested persons.
- F. To make provision for the dissemination of information regarding fair housing to the residents of the Town of Augusta from time to time as such material becomes available.
- G. To receive all complaints from residents of the Town of Augusta with respect to any alleged discrimination on the basis of race, color, religion, sex, sexual orientation, handicap, familial status or national origin in the sale, rental, advertising, financing, provision of brokerage services or appraisal of housing within the Town of Augusta.
- H. Upon receipt of such complaints, to make appropriate referrals of such complaints to the New York State Division of Human Rights, the New York State Attorney General's Office and the United States Department of Housing and Urban Development.
- I. To maintain a record of actions taken pursuant to this plan.

#### **Section VIII. Penalties for offenses.**

- A. Violations of this chapter shall be reported in person or in writing to the Town's Fair Housing Officer within a year of the alleged discriminatory housing practice.
- B. Where sufficient cause exists to believe that the terms of this chapter have been violated, the Town Attorney shall institute a suit in Town Court against the alleged violator within 120 days following the issuance of the charge.

C. Where a person has been found, after a trial on the merits, in violation of this chapter, a fine shall be imposed on such person not to exceed \$500 for a first offense, \$1,000 for a second offense and \$1,500 for a third offense. The minimum fine shall be \$100. Each and every separate violation of this chapter shall be deemed an offense for the purposes of imposing the appropriate fine.

**Section IX. Severability; Suppression of inconsistent provisions.**

If any part of this chapter or its application to any person 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.

**Section X. When Effective.**

This local law shall become effective immediately upon filing with the Secretary of State.



Be it enacted this 20<sup>th</sup> day of February, 2019 by the Town Board of the Town of Augusta, Oneida County, New York, to be effective upon filing with the Secretary of State.

Suzanne Collins, Supervisor absent

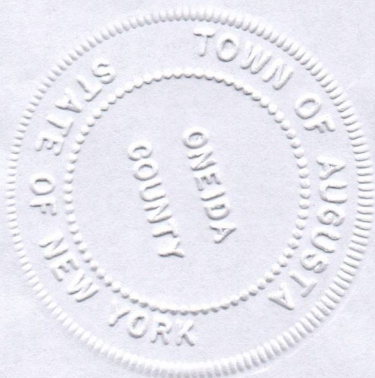
James Dowd, Councilman James W. Dowd

Dean Kimball, Councilman [Signature]

Richard Ritenour, Councilman absent

Travis Wright, Councilman [Signature]

SEAL



ATTEST

Sonya M. Furness  
Sonya M. Furness, Town Clerk



STATE OF NEW YORK  
DEPARTMENT OF STATE

ONE COMMERCE PLAZA  
99 WASHINGTON AVENUE  
ALBANY, NY 12231-0001  
WWW.DOS.NY.GOV

ANDREW M. CUOMO  
GOVERNOR

ROSSANA ROSADO  
SECRETARY OF STATE

March 14, 2019

Town of Augusta  
185 North Main Street  
Oriskany Falls, NY 13425

**RE: Town of Augusta, Local Law 1 2019, filed on 2/26/2019**

Dear Sir/Madam:

The above referenced material was filed by this office as indicated. Additional local law filing forms can be obtained from our website, [www.dos.state.ny.us](http://www.dos.state.ny.us).

Sincerely,  
State Records and Law Bureau  
(518) 474-2755



Department  
of State



# AFFIDAVIT OF PUBLICATION

STATE OF NEW YORK } SS.  
ONEIDA COUNTY

For two

.....  
successive week(s), said publication commencing

on February 13, 2019

.....  
and ending February 20, 2019  
.....

  
Signature

Patricia A. Louise  
Printed Name

of the Village of Waterville, County of Oneida, State of New York, being duly sworn, doth depose and say she is, and during the time of the publication was, the editor of the newspaper called THE WATERVILLE TIMES, a public newspaper printed and published in the Village of Waterville, County of Oneida. Deponent further says that the notice of which a printed copy is hereto annexed, was published in said newspaper at least once each week.

**PUBLIC NOTICE  
NOTICE OF PUBLIC HEARING  
ON PROPOSED LOCAL LAW #1  
OF 2019 THE**

**TOWN OF AUGUSTA,  
AS SET FORTH HEREIN**

**LEGAL NOTICE IS HEREBY  
GIVEN** that pursuant to Section 20 of the Municipal Home Rule Law of the State of New York, the said Town Board will hold a public hearing at the Town Hall, 185 N. Main Street, Oriskany Falls, Town of Augusta, on the 20th day of February, 2019 at 5:45 PM, titled

**"ESTABLISHING A FAIR  
HOUSING POLICY"**

Said hearing may be adjourned from time to time as necessary.

Further information, including access to a copy of said proposed Local Law, may be obtained at the Town Clerk's Office, 185 N. Main Street, Oriskany Falls, New York 13425.

TOWN BOARD OF THE  
TOWN OF AUGUSTA  
By Sonya M. Furness,  
Town Clerk  
Feb. 13 & Feb. 20, 2019

Subscribed and sworn to before me

this 28th day of Feb. 2019

  
.....  
Notary Public

VALERIE LOCKWOOD  
Notary Public, State of New York  
NO. 0114 8263603  
Qualified in Oneida County  
Commission Expires June 11th, 2020