

Chapter 11

Housing

Part 1 Fair Housing

- §11-101. Definitions
- §11-102. Scope
- §11-103. Prohibited Acts
- §11-104. Exemptions
- §11-105. Enforcement

Part 2 Landlord Reports

- §11-201. Purposes
- §11-202. Definitions and Interpretation
- §11-203. Reports by Landlords
- §11-204. Reports by Persons Upon Becoming Landlords
- §11-205. Reports of Changes in Use or Occupancy
- §11-206. Duties of the Borough Secretary
- §11-207. Penalties

Part 1**Fair Housing****§11-101. Definitions.**

As used in this Part, unless a different meaning clearly appears from the content, the following terms shall have the following meanings:

Commission—the Human Relations Commission of the Borough of Troy.

Discriminate or discrimination—any difference in treatment in the sale, lease, rental or financing of housing units or housing accommodations because of race, color, religion, creed, ancestry, age, sex, national origin or use of a guide dog because of the blindness of the user.

Housing unit—a single room or suite of rooms, or an apartment or dwelling, occupied or intended for occupancy as separate living quarters by an individual or a family, or a parcel of real property or a lot available for the construction of a housing unit.

Lending institution—any person, as defined in this Part, regularly engaged in the business of lending money or guaranteeing loans.

Owner—the lessee, sub-lessee, assignee, managing agent person having the right of ownership or possession, or the right to sell, lease any housing unit which is part of a housing accommodation or to services in connection therewith.

Person—an association, partnership or corporation, as a natural person. When applied to partnerships or other associations, including their members, and as applied to corporation, it includes the officers of the corporation.

Real estate broker—any natural person, partnership, association or corporation who, for a fee or other valuable consideration, or other remuneration, sells, purchases, exchanges or rents, or negotiates or offers or attempts to negotiate the sale, purchase, exchange or rental of the real property of another, presenting himself/herself as engaged in the business of selling, purchasing, exchanging or renting the real property of another, or collects rental for the use of said property of another or attempts to secure the listing for sale or rental of existing unit by representing that a change has occurred or will or may occur with respect to the racial, religious or ethnic composition of the street, block, neighborhood or other area in which said housing accommodation is located.

Real estate salesperson or agent—any person employed by a real estate broker to perform, or to assist in the performance of, any or all of the duties of a real estate broker or providing any services in connection therewith.

(Ord. 78-3, 5/8/1978, §I)

§11-102. Scope.

This Part applies to discriminatory housing units located within territorial limits of the Borough.

(Ord. 78-3, 5/8/1978, III)

§11-103. Prohibited Acts.

1. No real estate broker or real estate salesperson or agent, or owner or other person shall refuse to sell, lease, sublease, rent, assign or otherwise transfer, or refuse to negotiate for the sale, lease, sublease, rental, assignment or other transfer of the title, leasehold or other interest in any housing unit to any person, or represent that a housing unit is not available for inspection, sale, lease, sublease, rental, assignment or other transfer when in fact it is so available, or otherwise deny or withhold any housing unit from any person because of race, color, religion, creed, ancestry, age, sex, national origin or use of guide dog because of the blindness of the user.

2. No owner shall refuse to sell, lease, sublease, rent, assign or otherwise transfer the title, leasehold or other interest in any housing unit which is part of a housing unit to any person, or otherwise deny or withhold such housing unit or deny or withhold the furnishing of services in connection therewith from any person because of race, color, religion, creed, ancestry, age, sex, national origin or use of a guide dog because of the blindness of the user.

3. No real estate broker or real estate salesperson or agent shall include in the terms, conditions or privileges or services in connection therewith of any sale, lease, sublease, rental, assignment or other transfer of any housing unit, any clause, condition or restriction discriminating against any person in the use of occupancy of such housing unit because of race, color, religion, creed, ancestry, age, sex, national origin or use of a guide dog because of the blindness of the user.

4. No person shall include in the terms, conditions or privileges of the sale, lease, sublease, rental, assignment or other transfer of a housing unit, which is part of a housing accommodation, any clause, condition or restriction discriminating against any person in the use or occupancy of such housing unit because of race, color, religion, creed, ancestry, age, sex, national origin or use of a guide dog because of the blindness of the user.

5. No person shall discriminate in the furnishing of any facilities or services for a housing unit which is part of a housing accommodation because of race, color, religion, creed, ancestry, age, sex, national origin or use of a guide dog because of the blindness of the user.

6. No lending institution shall discriminate in lending money, guaranteeing loans, accepting mortgages or otherwise making available funds for the purchase, acquisition, construction, rehabilitation, repair or maintenance of any housing unit or housing accommodation because of race, color, religion, creed, ancestry, age, sex, national origin or use of a guide dog because of the blindness of the user.

7. No real estate broker, real estate salesperson or agent, owner or any other person or any lending institution shall publish or circulate, or cause to be published or circulated, any notice, statement or advertisement, or announce a policy or use any form of application for the purchase, lease, rental or financing of housing, or make any record or inquiry in connection with the prospective purchase, rental or lease of housing, which expresses directly or indirectly any limitation, specification or discrimination as to race, color, religion, creed ancestry, age, sex, national origin or use of a guide dog because of the blindness of the user, or any intent to make any such limitation, specification or discrimination.

8. No person, whether or not a real estate broker, real estate salesperson or agent,

owner or lending institution, shall aid, incite, compel, coerce or participate in the doing of any act declared to be unlawful housing practice under this Part, or obstruct or prevent enforcement or compliance with the provisions of this Part, of any rule, regulation or order of the Commission, or attempt directly or indirectly to commit any act declared by this Part to be an unlawful housing practice.

(Ord. 78-3, 5/8/1978, §III)

§11-104. Exemptions.

Nothing in this Part shall bar any religious or denominational institution or religious or denominational organization which is operated, supervised or controlled by or in connection with a religious organization from limiting admission to or giving preference to persons of the same religion or denomination, or from making such selection as is calculated by such organization to promote the religious principles for which it is established or maintained, as long as such selection or preference is not on the basis of race, color, creed, ancestry, age, sex, national origin or use of a guide dog because of the blindness of the user.

(Ord. 78-3, 5/8/1978, §IV)

§11-105. Enforcement.

The provisions of this Part shall be enforced by the Human Relations Commission of the Borough of Troy pursuant to procedures and regulations which they shall establish. The Mayor and Borough Council shall serve as the Human Relations Commission of Troy Borough.

(Ord. 78-3, 5/8/1978, §V)

Part 2**Landlord Reports****§11-201. Purposes.**

This Part is enacted to provide for the uniform and equitable distribution of the tax levies in the Borough and upon the inhabitants thereof and to promote the health, safety, morals and general welfare of the inhabitants of the Borough.

(A.O.)

§11-202. Definitions and Interpretation.

As used in this Part, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

Business unit—a parcel of real estate, with or without improvements located thereon utilized by any person or person for any commercial activity or purpose.

Dwelling unit—one or more rooms used for living and sleeping purposes arranged for occupancy by one family or by one or more persons.

Landlord—a lessor or person who acts as agent for the lessor of any parcel of real estate located in the Borough, or a lessor, or person who acts as agent for the lessor, of any improvements on real estate or any building located in the Borough.

Person—any individual, partnership, association, firm or corporation.

Tenant—a person who has the use, either by himself or with others, of a dwelling unit or a business unit owned by a person other than himself, for a period exceeding 30 days.

(A.O.)

§11-203. Reports by Landlords.

Within 30 days from the effective date of this Part, each landlord shall submit to the Borough Secretary a report form supplied by the Borough Secretary, which includes the following information:

A. List of the dwelling units and business units owned by the landlord, located within the Borough limits, whether occupied or not occupied.

B. Address of each dwelling unit or business unit.

C. Brief description of each unit or business unit.

D. Whether or not said dwelling unit or business unit is inhabited or utilized by tenants.

E. Names of the tenant or tenants utilizing the aforementioned dwelling unit or business unit, if any.

(A.O.)

§11-204. Reports by Person upon Becoming Landlords.

After the effective date of this Part, any person who becomes a landlord of any parcel of real estate or any improvement on real estate or building located in the

Borough by agreement of sale, by deed or by any other means shall, within 30 days thereafter, report to the Borough Secretary the information and data set forth in §11-203 above on forms to be provided by the Borough Secretary.

(A.O.)

§11-205. Reports of Changes in Use or Occupancy.

After the effective date of this Part, each and every landlord of property within the Borough shall report to the Borough Secretary on a report form supplied by the Borough Secretary, any change in the use or occupancy of any dwelling unit or business unit owned by such landlord. The reported change shall include the name or names of new tenants of such dwelling unit or business unit, the date when such change was effected and the forwarding address of the old tenant or tenants, if known. A landlord of a hotel, inn or boarding house shall not be required to report a person as a “tenant” until that person has resided in such landlord's establishment for a period exceeding 30 days. In the event that a dwelling unit or business unit was used or utilized by a tenant and then becomes vacant, this change shall also be reported to the Borough Secretary. All reports required by this Section shall be made within 10 days after a landlord has knowledge that such a unit has had a change in occupancy or has become vacant.

(A.O.)

§11-206. Duties of the Borough Secretary.

The Borough Secretary under the authority of this Part, shall:

A. Maintain on file at the Borough office, the names of the landlords owning dwelling units and business units in the Borough, said list to include the names of the current tenants of said dwelling units and business units.

B. Maintain a supply of forms for landlords to use in making reports to the Borough Secretary as required by §§11-203, 11-204 and 11-205 of this Part.

C. Notify the Chief of Police and the Fire Chief of the Borough of the address and description of any dwelling unit or business that is vacant, unoccupied and not in use.

(A.O.)

§11-207. Penalties.

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have violated shall constitute a separate offense.

(A.O.)