

# **Fair Housing Ordinance of Lawrence County Ordinance Number 103 of 1989**

## **Section 1. Policy**

It is the policy of the Lawrence County Commissioners to provide, within constitutional limitations, for fair housing throughout the County of Lawrence.

## **Section 2. Definitions**

- a) Dwelling – Any building, structure, or portion thereof which is occupied as, or designed or intended for occupancy as, a residency 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.
- b) Family – Includes a single individual.
- c) Fair Housing Officer for Lawrence County – Shall be the Lawrence County Planning Director.
- d) Person – Includes one or more individuals, corporations, partnerships, association, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers and fiduciaries.
- e) To rent – Includes to lease, to sublease, to let and otherwise to grant for a consideration the right to occupy premises owned by the occupant.
- f) Discriminatory housing practices – An act that is unlawful under sections 4, 5, or 6.
- g) Municipality – Any City, Borough, Town, or Township within the boundaries of Lawrence County.
- h) He – Persons of either gender

## **Section 3. Unlawful Practice**

Subject to the provisions of this subsection (b) and section 7, the prohibitions against discrimination in the sale or rental of housing set forth in section 3 shall apply to:

- a) All dwellings except as exempted by subsection (b).
- b) Nothing in section 4 shall apply to:
  - 1. Any single-family house sold or rented by an owner: Provided, that such private individual owner does not own more than three such single-family houses at any one time: Provided further, that in the case of the sale of any such single-family house by a private individual owner not residing in such house at the time of such sale or who was not the most recent resident of such house prior to such sale, the exemption granted by this subsection shall apply only with respect to one such sale within any twenty-four month period: Provided further, That such bonafide individual owner does not own any interest in, nor is there owned or reserved on his behalf, under any express or voluntary agreement, title to or any right to all or a portion of the proceeds from the sale or rental of, more than three such single-family houses at any one time: Provided further, That the sale or rental of any such single-family house shall be excepted from the application of this Ordinance only if such house is sold or rented (A) without the use in any manner of the sales or rental

facilities or the sales or rental services of any real estate broker, agent, or salesman, or of such facilities or services of any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, agent, salesman, or person and **(B)** without the publication, posting, or mailing, after notice of any advertisement or written notice in violation of section 4(c) of this ordinance, but nothing in this provision shall prohibit the use of attorneys, escrow agents, abstractors, title companies, and other such professional assistance as necessary to perfect or transfer the title, or

2. Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his residence.
- c) For the purpose of subsection (b), a person shall be deemed to be in the business of selling or renting dwellings if:
1. He has, within the preceding twelve months, participated as principal in three or more transactions involving the sale or rental of any dwelling or any interest therein, or
  2. He has, within the preceding twelve months, participated as agent, other than in the sale of his own personal residence in providing sales or rental facilities or sale or rental services in two or more transactions involving the sale or rental of any dwelling or any interest therein, or
  3. He is the owner of any dwelling designed or intended for occupancy by, or occupied by, five or more families.

#### **Section 4. Discrimination in the Sale or Rental of Housing**

As made applicable by section 3 and except as exempted by Sections 3(b) and 7, it shall be unlawful:

- a) To refuse to sell, lease, finance, or rent after the making of a bonafide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, ancestry, sex, national origin, handicap, or disability or to refuse to rent a dwelling to any person due to use of a guide dog because of the blindness or deafness of the user.
- b) To discriminate against any person in the terms, conditions, or privileges of the sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, religion, national origin, ancestry, sex, handicap or disability, or to discriminate against any person in the terms of renting any dwelling or in furnishing facilities, services or privileges in connection with the occupancy or use of any dwelling due to use of a guide dog because of blindness or deafness of the user.
- c) 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 that indicates any preference, limitation, or discrimination based on race, color, religion, national origin, ancestry, sex, handicap or disability or an intention to make any such preference, limitations or discrimination.
- d) To represent to any person because of race, color, religion, national origin, ancestry, sex, handicap, or disability that any dwelling is not available for inspection, sale, or rental when such dwelling is in fact so available.
- e) For profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, national origin, ancestry, sex, handicap or disability.

## **Section 5. Discrimination in the Financing of Housing**

It shall be unlawful for any bank, building or loan association, insurance company or other corporation, association, firm or enterprise whose business consists in whole or in part in the making of commercial real estate loans, to deny a loan or other financial assistance to a person applying therefor for the purpose of purchasing, constructing, improving, repairing, or maintaining a dwelling, or to discriminate against him in the fixing of the amount, interest rate, duration, or other terms or conditions of such loan or other financial assistance, because of the race, color, religion, national origin, ancestry, sex, handicap or disability of such person or of any person associated with him in connection with such loan or other financial assistance, or of the present or prospective owners, leases, tenants, or occupants of the dwelling or dwellings in relation to which such loan or other financial assistance is to be made or given: Provided, that nothing contained in this section shall impair the scope or effectiveness of the exception contained in Section 3(b).

## **Section 6. Discrimination in the Provision of Brokerage Services**

It shall be unlawful to deny any person access to or 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 conditions of such access, membership, or participation, on account of race, color, religion, national origin, ancestry, sex, handicap, or disability.

## **Section 7. Exemption**

Nothing in this ordinance 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 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, national origin, ancestry, sex, handicap, or disability.

Nor shall anything in this ordinance prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodging which it owns or operates 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 8. Administration**

- a) The authority and responsibility for administering this Ordinance shall be in the Chief Elected Official of each municipality within Lawrence County.
- b) The Chief Elected Official may delegate any of these functions, duties, and powers to employees of the municipality or to boards of such employees, including functions, duties, and powers with respect to investigating, conciliating, hearing, determining, ordering, certifying, reporting or otherwise acting as to any work, business, or matter under this ordinance. The Chief Elected Official shall by rule prescribe such rights of appeal from the decisions of his hearing examiners to other hearing examiners or to other officers in the municipality to boards of office4rs or to himself, as shall be appropriate and in accordance with the law.
- c) All executive departments and agencies shall administer their program and activities relating to community development in a manner affirmatively to further the purposes of this ordinance and shall cooperatite with the Chief Elected Official to further such purposes.

### **Section 9. Education and Conciliation**

Immediately after the enactment of this ordinance, the Chairperson of the Board of Commissioners shall send a copy of this Ordinance to the Chief Elected Official of each Municipality within Lawrence County and advise that Chief Elected Official to commence such educational and conciliatory activities as will further the purposes of this ordinance. In addition, the Chief Elected Official of each municipality shall be directed to notify, in writing, the FAIR HOUSING OFFICER FOR THE COUNTY OF LAWRENCE, of the name of the Fair Housing Officer for that municipality and to provide to the County a copy of that municipality's Fair Housing Policy. Both shall be sent to the County's Fair Housing Officer within ninety (90) days of the effective date of this Ordinance.

### **Section 10. Enforcement**

- a) Any person who claims to have been injured by a discriminatory housing practice or who believes that he will be irrevocably injured by a discriminatory housing practice that is about to occur (hereafter "person aggrieved") may file a complaint with the Fair Housing Officer for Lawrence County. Complaints shall be in writing and shall contain such information and be in such form as the Fair housing Officer requires. Upon receipt of such a complaint, the Fair Housing Officer shall furnish a copy of the same to the Fair Housing Officer of the municipality in which the alleged discriminatory housing practice took place. Should a Fair Housing Officer not yet have been named, the complaint shall be sent to the Chief Elected Official of that municipality.
- b) It shall then be the responsibility of that Fair Housing Officer and/or those municipal elected officials to resolve the matter in whatever manner they deem to be appropriate. The County's Fair Housing Officer, however, shall keep a copy of all complaints received for possible notification to the Pennsylvania Human Relations Commission and the U.S. Department of Housing and Urban Development
- c) Any municipality that violates this Ordinance and engages in and/or permits discriminatory housing practices as outlined in Sections 4, 5, and 6 of this Ordinance shall no longer be eligible to receive Community Development Block Grant Funds from the County of Lawrence.

### **Section 11. Interference, Coercion, or Intimidation**

It shall be unlawful to coerce, intimidate, threaten or interfere with any person in the exercise or enjoyment of, or on account of his having exercised or enjoyed, or on account of his having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by Sections 3, 4, 5, or 6. This section may be enforced by appropriate civil action.

### **Section 12. Separability of Provisions**

If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, the remainder of the ordinance and the application of the provision to other persons not similarly situated or to other circumstance and shall not be affected thereby.

**Section 13. Effective Date**

The Fair Housing Ordinance of Lawrence County shall be effective ninety (90) days from the date of final passage.

Date of introduction: 8/15/1989

Date of final passage: 9/5/1989

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Charleen Micco, Chief Clerk

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Elizabeth M. Verterano, Chairperson

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John Hodge, Solicitor

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Frank A. Vitril, Commissioner

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Wendell B. Wagner, Commissioner

Mailing List for letter dated September 8, 1989 with Fair Housing Ordinance No. 103 enclosed:

Richard Christofer, City of New Castle  
Neal Musitano, Bessemer Borough  
Lawrence Costa, Ellwood City Borough  
Edwin Price, Ellport Borough  
Tyrone, Petrich, Enon Valley Borough  
Helen Jackson, New Beaver Borough  
William Blackburn, New Wilmington Borough  
Williard N. Dornbush, S.N.P.J. Borough  
Stanley Kosin, South New Castle Borough  
Robert McGary, Volant Borough  
M. Gene Cody, Wampum Borough  
James Patton, Hickory Township  
Thomas Hudak, Little Beaver Township  
Francis Gregg, Mahoning Township  
Gale Measel, Neshannock Township  
James McDowell, North Beaver Township  
Kenneth Burns, Perry Township  
Robert Burns, Plain Grove Township  
John L. Bartos, Pulaski Township  
Robert Reeher, Scott Township  
Joseph Shinsky, Shenango Township  
Leslie Fisher, Slippery Rock Township  
Douglas Columbus, Taylor Township  
Ralph Nuzzo, Union Township  
Harold McConnell, Washington Township  
William Drotleff, Wayne Township  
James Cyphert, Wilmington Township