

ORDINANCE NO. 145

AN ORDINANCE OF THE BOROUGH OF NEW MILFORD, COUNTY OF SUSQUEHANNA, COMMONWEALTH OF PENNSYLVANIA ESTABLISHING A HUMAN RELATIONS COMMISSION OF THE BOROUGH OF NEW MILFORD, DEFINING AND PROHIBITING UNFAIR HOUSING PRACTICES AND ESTABLISHING THE POWERS AND DUTIES OF SAID HUMAN RELATIONS COMMISSION.

BE IT ORDAINED AND ENACTED by the COUNCIL OF NEW MILFORD BOROUGH COUNTY of Susquehanna, Commonwealth of Pennsylvania that;

SECTION 1 DEFINITIONS

- A. Commercial Housing means housing accommodations held or offered for sale or rent by:
1. A real estate broker, salesperson or agent or by another pursuant to authorization of the owner;
  2. The owner himself/herself; or
  3. Legal Representatives.
- B. COMMISSION refers to the Human Relations Commission of the Borough of New Milford.
- C. DISCRIMINATION means any difference in treatment in the sale, lease, rental or financing of housing because of race, color, religion, creed, ancestry, age (eighteen years minimum); sex, national origin, or use of a guide dog because of the blindness of the user.
- D. HOUSING ACCOMMODATION means any building, structure or portion thereof which is used or occupied or is intended, arranged or designed to be used or occupied as a home residence or sleeping place of one or more individuals, groups or families, and any vacant land offered for sale or lease for commercial housing.
- E. OWNER includes lessee, sublessee, assignee, manager, agent or other person(s) having the right of ownership or possession or the authority to sell, rent or lease any housing accommodation including the Borough of New Milford, its departments, boards and commissions.
- F. PERSONAL RESIDENCE means a building or structure containing living quarters occupied or intended to be occupied by only two individuals, two groups or two families living independently of each other and one of which must be used by the owner thereof as a bonafide residence for himself/herself and any members of his/her family forming his/her household.
- G. LENDING INSTITUTION means any bank, insurance company, savings and loan association or other person or organization regularly engaged in the business of lending money or guaranteeing loans.
- H. AGE as used in this Ordinance refers to all persons above the age of eighteen (18) years.
- I. STEERING means any effort, practice, policy, procedure, or other means of directly or indirectly influencing or attempting to influence an individual in connection with housing or services in connection therewith because of the race, color, religion, creed, ancestry, age, sex, national origins or use of a guide dog because of the blindness of the user.

## SECTION 2: UNLAWFUL HOUSING PRACTICES

A. It shall be an unlawful housing practice for:

1. The owner of any commercial housing to refuse to sell, rent or lease or in any way discriminate because of the race, color, religion, creed, ancestry, age, sex, or national origins in the terms, conditions or privileges of the sale, rental or lease of any commercial housing unit or in the furnishing of facilities or services in connection therewith.

2. For any person with the intention of defeating the purposes of this chapter to sell, lease, or transfer or offer advertise or make available for sale, lease or transfer any housing unit which is the subject of a written verified complaint filed with the Commission until final determination of the complaint.

3. For any person, after a complaint regarding a housing accomodation has been filed and prior to a final determination by the Commission, to fail to include a notice of the complaint in any subsequent lease or agreement of sale involving that housing accomodation.

4. For any person being the owner, lessee, manager, superintendent, agent or broker of any commercial housing, or any other person whose duties, whether voluntary or for compensation, relate to the rental, sale or leasing of commercial housing, to establish, announce or follow a policy of denying or limiting, through a quota system or otherwise, the housing opportunities of any individual or group because of race, color, religion, creed, ancestry, age, sex, national origins, or use of a guide dog because of the blindness of the user.

5. For any person to harass, threaten, harm, damage, or otherwise penalize any individual, group or business because he or they exercised his or their rights under this chapter, or because he or they have complied with the provisions of this chapter, or enjoyed the benefits of this chapter, or because he or they have made a charge, testified, or assisted in any manner in any investigation, proceeding or hearing hereunder.

6. For any person to give false or misleading information, written or oral with regard to the sale or rental of any commercial housing for the purpose of discriminating on the basis of race, color, religion, creed, ancestry, age, sex, national origins, or use of a guide dog because of the blindness of the user.

7. For any person to aid, abet, incite, induce, compel or coerce the foing of an unlawful housing practice prohibited by this chapter or to obstruct or prevent any person from complying with the provisions of this Chapter or any order issued hereunder.

8. For any person selling, renting, or leasing housing accomodations, as broker or agent or as an employee or representative of a broker or agent, to refuse to sell, rent, or lease, or to refuse or limit service to any person on the basis of race, color, religion, creed, ancestry, age, sex, nation origins, or use of a guide dog because of the blindness of the user or to accept or retain a listing of any housing accomodation for sale, rent or lease with an understanding that discrimination may be practiced in connection with the sale, rental or lease thereof.

9. For any real estate broker, or agent, or the employee or representative thereof to solicit any property for sale or rental, or the listing of any property for sale or rental at any time after such broker, agent, employee or representative shall have notice that any owner of such real estate does not desire to sell such real estate, or does not desire to be solicited, either by such broker or agent, or by any and all brokers or agents.

10. For any real estate broker or real estate salesperson or agent, or any other person for business or economic or other purposes to induce, directly or indirect or to attempt to induce, directly or indirectly, the sale or rental or the listing for sale or rental, of a housing accomodation 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 area in which said housing accomodation is located.

11. Any lending institution to discriminate against any person because of the race, color, religion, creed, ancestry, age, sex, national origins, or use of a guide dog because of the blindness of such person in lending, guaranteeing loans, accepting mortgages or otherwise making available funds for the purchase, acquisition, construction, rehabilitation, repair or maintenance of any housing accomodation.

12. Any person to print or to cause to be printed or circulated any statement, advertisement or publication, or to use any form of application for the purchase, rental or lease of housing accomodations or to make real estate appraisals, financial or credit reports or any record or inquiry in connection with the prospective purchase rental or lease of housing accomodations which expresses, directly or indirectly any limitation, specification or discrimination as to race, color, religion, creed, ancestry, age, sex, nation origins, or the use of a guide dog because of the blindness of the user, or any intent to make any such limitation, specification or discrimination.

13. Nothing above shall prevent the Commission from requiring reports, information or answers to questions regarding race, color, religion, creed, ancestry, age, sex, nation origins or use of a guide dog because of blindness in connection with their compliance procedure of affirmative action or educational programs.

B. Nothing herein contained shall bar any religious or denominational institution or organization, or any religious or denominational organization operated for charitable or educational purposes, 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 with regard to the occupancy leasing, sale or purchase of real estate, or from making such selection as is calculated by such organization to promote the religious principles for which it is established or maintained provided that such selection or preference is not on the basis of race, color, creed, ancestry, age, sex, national origins, or the use of a guid dog because of blindness.

### SECTION 3 HUMAN RELATIONS COMMISSION - POWERS AND DUTIES

A. There is hereby established the Human Relations Commission of the Borough of New Milford to be composed of three members, who shall be residents of the Borough of New Milford appointed by the Borough Council and who may also be members of the council and shall serve without compensation. Original Appointees to the Commission shall serve terms of one for three years, one for the term of two years and one for the term of one year, respectively. Thereafter, all appointments shall be for three year terms; Provided, that any vacancy shall be filled for the unexpired term in a like manner as the original members were appointed, and:

1. All three (3) commissioners shall be appointed within sixty (60) days of the adoption of this Ordinance.

2. Any vacancy on the Commission arising from expiration of term or other cause shall be filled within sixty days from the date of its occurrence with a qualified candidate.

3. A Commissioner whose term has expired shall serve until replaced by a duly qualified commissioner.

B. The Commission is hereby vested with the Authority to administer and enforce this article and in connection therewith it shall have the following powers and duties:

1. To establish and maintain a central office in the Municipal Building.

2. To meet and function at any place within the Borough.

3. To appoint employees and agents as it may deem necessary. Fix their compensation subject to the prior approval of the Borough Council and prescribe their duties. Legal services shall be supplied through the office of the Borough Solicitor in accordance with the provisions of the Borough Code.

4. To adopt, promulgate, amend and rescind rules and regulations to affectuate the policies and provisions of this article.

5. To initiate, receive, investigate and pass upon complaints charging unlawful discriminatory practices.

6. To study the problems of discrimination in all the areas of life in the Borough and foster through Community effort or otherwise, good will among the groups and elements of the population of the Borough of New Milford.

7. To publish the results of its investigations and research which in its judgement will promote good will and minimize discrimination within the Borough of New Milford.

8. From Time to time, but not less than once a year, file a written report describing in detail the investigations, researches, complaints and findings of the Commission.

9. To elect one of its members as Chairman plus such other officers as the commission may deem as necessary.

#### SECTION 4: ENFORCEMENT AND JUDICIAL REVIEW

The complainant, the Borough of New Milford or the Commission may secure enforcement of the orders of the Commission or other appropriate relief by the Court of Common Pleas of Susquehanna County. When the Commission has heard and decided any complaint brought before it, enforcement of its order shall be initiated by the filing of a petition in such Court of Common Pleas together with a transcript of the record of the hearing before the commission and issuance and service of a copy of such petition as in proceedings in equity. When enforcement of a Commission order is sought, the Court may make and enter, upon the pleadings, testimony and proceedings set forth in such transcript, an order or decree enforcing, modifying and enforcing as so modified, or setting aside, in whole or in part, the order of the Commission, and the jurisdiction of the Court shall not be limited by acts pertaining to equity jurisdiction of the Courts. An appeal may be taken as in other Civil Actions. Any failure to obey an order of the Court may be punished by such court as a contempt thereof.

#### SECTION 5: CONFLICT

Where a provision of this Ordinance is found to be in conflict with a provision of any other Ordinance of the Borough of New Milford, or any regulation issued under authority of such Ordinance, the provisions which establish the higher standard for the protection of health, safety and welfare shall prevail.

SECTION 6: PENALTY

Whoever violates any of the provisions of this Ordinance shall upon conviction thereof, be fined not more than three hundred (\$300.00) dollars, plus costs, and in default of payment thereof, be imprisoned for a period not exceeding ninety (90) days, or both, to any order or decree that may be issued by any court.

SECTION 7: SEVERABILITY

If for any reason any word, phrase, sentence, paragraph, section or other portion of this Ordinance shall be found to be invalid, illegal, unconstitutional or inapplicable to any person or circumstance by a Court of Competent Jurisdiction it is hereby declared to be the legislative intent that this Ordinance would have been adopted had not the offending portion been included and originally adopted.

SECTION 8: EFFECTIVE DATE

This Ordinance shall take effect immediately upon its passage.

ENACTED AND ORDAINED THIS 2nd DAY OF DECEMBER 1982

James L. Carpenetti  
PRESIDENT

ATTEST:

James M. Jones  
SECRETARY

Russell D. Richardson  
MAYOR

## LEGAL NOTICES

### NEW ORDINANCES

The following Ordinances will be enacted by the New Milford Borough Council December 2, 1982. There will be a public hearing at 6:30 P.M. December 2nd prior to the regularly scheduled meeting. These Ordinances are available for public inspection at the home of the borough secretary.

#### No. 144 - Building Energy Conservation Act.

This ordinance is to grant units of local government to exercise specific authority in building construction to assure that such construction will provide energy conservation in the future operation and maintenance of said buildings.

No. 145 - To Establish a Human Relations Commission defining and prohibiting Unfair Housing practices and to establish the powers and duties of said commission.

#### No. 146 - The Boca Basic Property Maintenance Code.

The code is intended to establish the minimum acceptable standards for the maintenance of existing buildings, structures, premises and facilities. The intent of this code is that if the facility is installed legally, according to a building code or such other building regulations legally in force in a jurisdiction at the time of its installation or construction, that facility may be maintained or repaired until a time that the facility is no longer serviceable. This code deals primarily with conditions which must be maintained in existing building, structures, premises and facilities to protect health, safety and general welfare.

#### No. 147 - The Boca Basic Building Code.

The Code covers the following items - Administration and Enforcement, Group Classifications, Types of Construction classified, General Building limitations, Special Use and occupancy requirements, Light, Ventilation and sound transmission control, Means of Structural Loads and stresses, foundation systems, materials and tests, Steel Masonry,

Concrete, Gypsum and Lumber construction, Building enclosures, walls and thicknesses, Fire resistive construction requirements, Chimneys, Flues and Vent Pipes, Mechanical Equipment and systems, Fire protection systems, Electrical Wiring and equipment, Plumbing systems and energy conservation.

### BIDS REQUESTED

The New Milford Borough Council will accept bids for one used industrial type tractor with loader. Specifications may be obtained from the borough secretary. Bids must be received by 6:00 P.M. December 2, 1982 when they will be opened at the regular meeting Dec. 2, at 7:00 P.M. The borough reserves the right to reject any or all bids.

New Milford Borough Council

Agnes M. Jones, Secy.

## LEGAL NOTICES

### BUDGET ORDINANCE

The budget for New Milford Borough has been prepared and is available for public inspection for a period of 10 days starting November 22, 1982 at the home of the secretary.

The Tax Rate Millage has been set for the fiscal year of 1983 at 4 mills for Police Protection and 23 mills for general purposes. The per capita tax ordinance and the Real Estate Transfer Tax remains the same.

New Milford Borough Council  
Agnes M. Jones, Secy.

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### ORDINANCE NOTICE

An amended ordinance has been presented to the New Milford Borough Council by Wilmarth's Television concerning the Cable Television Franchise in the borough of New Milford.

This ordinance will be acted upon at the next regular meeting on December 2, 1982.

A full copy of the ordinance may be examined at the home of the borough secretary.

New Milford Borough Council  
Agnes M. Jones, Secy.

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