

CHAPTER 11

HOUSING

Part 1

Fair Housing

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



Part 1

Fair Housing

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

BOARD - the Stroudsburg Hearing Board which in addition to zoning hearings shall also have human relations hearing functions.

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, national origin, or use of a guide dog because of the blindness of the user.

HEARING BOARD - the Stroudsburg Zoning Hearing Board.

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, or person having the right of ownership or possession or the right to sell, or lease any housing unit which is part of a housing accommodation or to furnish services in connection therewith.

PERSON - an association, partnership or corporation, as well as a natural person. When applied to partnerships or other associations, it includes their members, and as applied to corporations, it includes the officers of the corporations.

REAL ESTATE BROKER - any natural person, partnership, association or corporation who, for a fee or other valuable consideration, or other purposes, sales, purchases, exchanges or rents, or negotiates or offers or attempts to negotiate, the sale, purchase, exchange or rental of the real property of another or holds himself/herself out as engaged in the business of selling, purchasing, exchanging or renting the real property of another, or collects rental for the use of the real property of another or attempts to secure the listing for sale or rental of a housing 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 area in which said housing accommodation is located.

REAL ESTATE SALESPERSON or AGENT - any person employed by real estate broker to perform, or to assist in the performance of, any or all of the functions of a real estate broker, or providing any services in connection therewith.

(Ordinance 595, December 29, 1982, §I)

§102. Scope. This Part applies to discriminatory housing units located within territorial limits of the Borough. (Ordinance 595, December 29, 1982, §II)

§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 a 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 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.

4. No person shall include in the terms, conditions, or privileges of the sale, lease, sublease, rental assignment or transfer of a housing unit, which is part of a housing accommodation, any clause, condition or restriction [which will] discriminate 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 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 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.

7. 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.

(Ordinance 595, December 29, 1982, §III)

§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. (Ordinance 595, December 29, 1982, §IV)

§105. Hearings. The Stroudsburg Hearing Board shall hear complaints that a person within the Borough of Stroudsburg has violated this Part. The Hearing Board shall hear the complaint, make a decision and take action pursuant to procedure and regulations which they shall establish. (Ordinance 595, December 29, 1982, §V)

