

BYLAWS OF THE ERIE COUNTY FAIR HOUSING BOARD

ARTICLE I. NAME.

The name of this board shall be the Erie County Fair Housing Board.

ARTICLE II. PURPOSE AND DUTIES

Section 1. The purpose of the Erie County Fair Housing Board (“Board”) is to promote equal opportunity in housing and secure for all individuals in Erie County freedom from discrimination in housing because of race, color, religion, sex, age, marital status, disability, national origin, source of income, sexual orientation, gender identity, military status, familial status, or immigration and citizenship status in accordance with Erie County Local Law 4 of 2018, entitled, “Fair Housing in Erie County.”

Section 2. The Board shall have the following powers and duties:

- (a) To advise and consult with the County Executive and County Legislature on all matters related to fair housing within Erie County, and recommend policies or practices to promote equal opportunity in housing;
- (b) To conduct hearings when a fair housing complaint is certified to the Board; and
- (c) To render an annual written report to the County Executive and Erie County Legislature detailing the Board’s activities and recommendations over the past year.

ARTICLE III. MEMBERSHIP

Section 1. The Board shall have five (5) voting members appointed by the County Executive, subject to confirmation by the Erie County Legislature, as follows:

- (a) One member upon recommendation from the Buffalo Niagara Association of Realtors;
- (b) One member upon recommendation from the Western New York Law Center or Neighborhood Legal Services;
- (c) One member upon recommendation from Belmont Housing Resources for Western New York or the Rental Assistance Corporation of Buffalo;
- (d) The Erie County Commissioner of Public Advocacy; and
- (e) The Erie County First Deputy Commissioner of the Department of Social Services – Family Independence.

Section 2. The Board shall be staffed by the Department of Environment and Planning and its Commissioner shall serve as an ex-officio, non-voting member of the Board.

Section 3. The Erie County Department of Law shall represent the Board and shall designate an Assistant County Attorney to attend all Board meetings and provide legal counsel and support.

Section 4. Voting members shall be appointed to serve for a term of three (3) years, except the terms of the initial voting members, which are described herein by Article III, Section 5.

Section 5. To establish the initial terms of members, during the inaugural meeting of the Board the members shall draw lots (or have a lot drawn for them if they are unable to attend) so that one member is assigned an initial term of one (1) year, two (2) members are assigned an initial term of two (2) years, and two (2) members are assigned an initial term of three (3) years. All subsequent terms shall be for a three-year period.

Section 6. No person shall serve more than two (2) consecutive three-year terms as a voting member on the Board, including the completion of a term of another voting member. Any previous member who has served such two (2) consecutive three-year terms shall not be eligible to serve again until two (2) years following the last date of the most recent of such consecutive terms served.

Section 7. Members of the Board shall serve without compensation.

Section 8. An individual member of the Board may not act in an official capacity except through the action of the Board.

Section 9. In the event a vacancy occurs prior to the expiration of a term, such vacancy shall be filled for the balance of such term in the same manner as members are appointed to full terms.

Section 10. A vacancy on the Board shall not impair the right of the remaining members to exercise all the powers of the Board.

Section 11. Members serve at the pleasure of the County Executive.

Section 12. Members of the Board shall be required to complete and file financial disclosures on an annual basis as required by Erie County Local Law No. 2 of 2018, as amended.

ARTICLE IV. OFFICERS

Section 1. The Erie County Executive shall designate one of the Board members as Chairperson.

Section 2. The Board shall elect from among its members a Vice-Chairperson, Secretary, and such other officers as it deems necessary.

Section 3. The Chairperson shall preside over all public hearings and meetings of the Board. The Chairperson shall produce and submit a report of all activities of the Board to the County Executive and Clerk of the Erie County Legislature.

Section 4. The Vice-Chairperson shall assist the Chair in executing the Board's duties. The Vice-Chairperson, in the absence of the Chairperson, shall carry out the responsibilities of the Chairperson.

Section 5. The Secretary will be responsible for taking roll, recording votes of the members at meetings and communication with groups that the members of the Board request come before the Board to comment. The Secretary will also be responsible for disseminating the minutes of the

meeting to Board members and assisting the Chairperson of the Board to produce an annual written report. The Secretary shall monitor compliance with New York State open meeting requirements. The Secretary shall, in the absence of the Chairperson and Vice-Chairperson, carry out the responsibilities of the Chairperson.

Section 6. All Board officers shall serve a term of one year. A person may not serve as an officer in a designated position of the Board for more than three consecutive one-year terms. A person who has served as an officer for three consecutive terms is not eligible for re-election to that designated office until the expiration of two years after the last date of the person's service in that office. The Board may override the term limit provision for an officer by an affirmative vote of three members.

Section 7. A member may not hold more than one office on the Board at a time.

Section 8. All vacancies of the Board officers shall be filled at the next regular meeting.

ARTICLE V. MEETINGS

Section 1. Meetings of the Board shall be held quarterly at a regularly scheduled date and time determined by the Board and said dates and times shall be posted on the official website of the County of Erie. The Board shall conduct its meetings in accordance with Article 7 of the New York State Public Officers Law.

Section 2. The Board shall convene to conduct hearings whenever a fair housing complaint is certified to the Board in accordance with the Erie County Local Law No. 4 of 2018. Following hearings, Board deliberations on whether to confirm or dismiss complaints are exempt from Open Meetings Law in accordance with §108(1).

Section 3. Three members of the Board shall constitute a quorum. A majority vote shall be required for any Board action.

Section 4. A notice of each scheduled meeting of the Board shall be given in writing by the Secretary, or a designee, to each member of the Board not less than four days prior to the date set for the meeting.

Section 5. Special meetings may be called by the Chairperson or by any three members of the Board.

Section 6. Time shall be set aside at the end of each meeting for public comment on issues relevant to the stated purpose and duties of the Fair Housing Board. Requests to comment can be made by filing such request with the Department of Environment and Planning at least five (5) business days prior to the Meeting of the Board. The Chairperson of the Board will determine the length of time granted for public comment during each meeting and will maintain order and decorum during the public comment period of the meeting. All comments made during the

meeting shall be directed to the Chairperson of the Board. If no such individuals or organizations have contacted the Department of Environment and Planning to request time to comment, the Board will forego the time for public comment at that meeting of the Board.

Section 7. Board meetings shall be governed by Robert's Rules of Order, newly revised, unless otherwise noted in these Bylaws.

Section 8. The Chairperson has the same voting privilege as any other member.

Section 9. The Clerk of the Erie County Legislature shall retain annual reports, and bylaws. The Department of Environment and Planning shall retain all other Board documents.

Section 10. The minutes of each meeting must include the vote of each member on each item before the Board and indicate whether a member is absent or failed to vote on an item.

Section 11. At each meeting, each member of the Board shall sign an attendance sheet which indicates that the member does not have a conflict of interest with any item on that agenda, or identifies each agenda item on which the member has a conflict of interest. Failure to sign the sheet shall result in the member being counted as absent and his or her votes not counted.

Section 12. A member who cannot attend a meeting must notify the Chairperson of the Board or the staff liaison of the reason for the absence at least 24 hours prior to the meeting to be considered an excused absence. If a member does not notify the Chairperson of the Board or the staff liaison prior to the scheduled meeting, that member's absence will be considered unexcused. Three unexcused absences by a member will be considered cause for removal of that member from the Board. The Chairperson of the Board, in his or her discretion, may make a formal request in writing to the County Executive for removal of that member.

ARTICLE VI. ANNUAL REPORTS

Section 1. The Board shall produce an annual written report detailing the Board's activities and recommendations over the past year.

Section 2. The report is to be filed with the Erie County Executive and the Clerk of the Erie County Legislature.

ARTICLE VII. HEARINGS

Section 1. The Board shall receive complaints of housing discrimination from Erie County, or its designee, when there is probable cause to believe a discriminatory act has occurred, as determined by the County, or its designee.

Section 2. The Board shall convene a public hearing within thirty (30) days wherein both the respondent and complainant are given the opportunity to be heard.

Section 3. At the conclusion of the hearing, the Board shall vote to either confirm or dismiss the complaint.

Section 4. In the event the Board votes to confirm the complaint, the matter shall be referred to the Erie County Attorney's Office, which shall institute proceedings in a court of competent jurisdiction.

Section 5. If the Board votes to dismiss the complaint, the complainant may seek to pursue a private cause of action.

ARTICLE VIII. AMENDMENT TO BYLAWS

Section 1. The Bylaws may be amended by a vote of three (3) members present at a meeting of the Board, provided that prior notice of said meeting and the proposed amendment shall have been delivered to all members of the Board at least ten (10) days prior to said meeting. Such prior notice may be waived if all members of the Board consent thereto at or prior to such meeting and said written waiver shall be appended to the minutes of said meeting.