



CHAPTER 8 - FAIR HOUSING POLICY

8-8-1: DECLARATION OF POLICY

In the exercise of its power to regulate for the protection of the public health, safety, morals, and welfare, it is declared to be the public policy of this municipality to assure fair housing and freedom from discrimination throughout the community, to protect the community from the effects of residential segregation by race, color, religion, sex, physical or mental handicap, familial status or national origin, age, ancestry, sexual orientation, marital status, parental status, military discharge status, source of income, gender identity, housing status and protected classes and to secure to its citizens the economic, social, and professional benefits of living in a stable, integrated society. Complaints related to Fair Housing are referenced to the Building Committee of the Village of Hodgkins, as outlined in the Fair Housing Ordinance.

8-8-2: CONSTRUCTION

This ordinance shall be construed according to the fair import of its terms, and shall be liberally construed to further the purposes and policy stated and the special purposes of the particular provisions involved.

8-8-3: SEVERABILITY

If any court of competent jurisdiction shall adjudge any provision of this ordinance to be invalid, such judgment shall not affect any other provision of this ordinance not specifically included in said judgment. If any court of competent jurisdiction shall adjudge invalid the application of any provision of this ordinance to any person or circumstance, such judgment shall not affect the application of said provision to any other person or circumstance not specifically included in said judgment.

8-8-4: DEFINITIONS

As used in this ordinance, the following terms have the following meanings:

Accessible, when used with respect to the public and common use areas of a building containing multifamily dwellings, means that the public or common use areas of the building can be approached, entered, and used by individuals with physical handicaps.

Accessible Route means a continuous unobstructed path connecting accessible elements and spaces in a building or within a site that can be negotiated by a person with a severe disability using a wheelchair and that is also safe for and usable by people with other disabilities. A route that complies with the appropriate requirements of the American National Standards Institute's ANSI A117.1-1986 or a comparable standard is and "accessible route".

Administrator, for purposes of this ordinance, shall mean the Village Clerk.

Administering Agency, for purposes of this ordinance, shall mean the Village Building Committee.

Adjudicative Agency, for purposes of this ordinance, shall mean the Village Zoning Board of Appeals.

Affirmative Marketing means attempting to attract all prospective buyers and renters with special efforts to attract persons of a race or national origin least likely to apply through the normal operations of the market place.

Aggrieved Party/Person includes any person who claims to have been injured by a discriminatory housing practice or believes that he or she will be injured by a discriminatory housing practice that is about to occur.

ANSI A117.1-1986 means the 1986 edition of the American National Standard for buildings and facilities providing accessibility and usability for physically handicapped people.

Board means the Fair Housing Review Board.

Broker includes any person authorized to perform an action on behalf of another person regarding any matter related to the sale or rental of dwellings, including offers, solicitations or contracts and the administration of matters regarding such offers, solicitations or contracts or any residential real estate-related transactions.

Building means a structure, facility, or portion thereof that contains or serves one or more dwelling units.

Building Entrance on an Accessible Route means an accessible entrance to a building that is connected by an accessible route to public transportation stops, to accessible parking and passenger loading zones, or to public streets or sidewalks, if available.

Charge means an allegation contained in a complaint.

Civil Rights Violation includes and shall be limited to only those specific acts set forth in Articles II, III, and IV of this ordinance.

Common Use Areas means rooms, spaces, or elements inside or outside of a building that are made available for the use of residents of a building or the guests thereof. These areas include hallways, lounges, lobbies, laundry rooms, refuse rooms, mail rooms, recreational areas and passageways among and between buildings.

Complaint means the document filed by a complainant with the Administering Agency.

Complainant means a party/person, including the Administering Agency, who files a complaint.

Commission means the Human Relations Commission.

Community Residence means a group home or specialized residential care home serving unrelated persons with disabilities.

Conciliation means the attempted resolution of issues raised by a complaint, or the investigation of such charge, through informal negotiations involving the aggrieved party, the respondent and the Administering Agency.

Conciliation Agreement means a written agreement setting forth the resolution of the issues in conciliation.

Controlled Substance means any drug or other substance, or immediate precursor included in the definition in Section 102 of the Controlled Substances Act (21 U.S.C. 802).

Covered Multifamily Dwelling means a building consisting of four or more units if such buildings have one or more elevators; and ground floor units in other buildings consist of four or more units.

Discriminate means to treat any person differently from others because of race, color, religion, creed, national origin, age, sex, ancestry, marital status, physical or mental handicap, familial status or unfavorable military discharge.

Dwelling means any building structure or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one or more families or unrelated individuals, and any vacant land which offered for sale or lease for the construction or location thereon of any such building, structure or portion thereof.

Elderly Person means a person 55 years of age or older.

Entrance means any access point to a building or portion of a building used by residents for the purpose of entering.

Exterior means all areas of the premises outside of an individual dwelling unit.

Familial Status means one or more individuals who have not attained the age of 18 years being domiciled with

- (a) a parent or a person having legal custody of such individual or individuals;
- (b) the designee of such parent or other person having such custody, with the written permission of such parent or other person; or
- (c) persons who are pregnant or in the process of securing legal custody of any individual who has not attained the age of 18.

Financial Institution means any bank, credit union, and insurance company, mortgage banking company, savings and loan association, or other entity or organization which makes or purchases loans or provides other financial assistance and which operates or has a place of business in the state of Illinois.

Handicap means, with respect to a person, a physical or mental impairment which substantially limits one or more major life activities, a record of such an impairment, or being regarded as having such an impairment, including HIV infected individuals, and including people suffering from impairments as a result of prior use or addiction to an illegal controlled substance. (Ord. 94-8, 5/9/94)

Hearing means that part of an adjudicative proceeding that involves the submission of evidence, either by oral presentation or written submission of briefs and oral arguments on the evidence and applicable law.

Hearing Agency means the agency designated by the corporate authorities of the municipality to conduct hearings on, and adjudicate the question of, ordinance violations.

Housing Accommodation includes any improved or unimproved real property or part thereof which is used or occupied or is intended, arranged or designed to be used or occupied as the home or residence of one or more individuals.

Housing for Older Persons means

- (a) all housing that is provided under state and federal programs for elderly persons as defined by the specific programs, providing U.S. HUD approval has been secured;
- (b) housing that is "intended for, and solely occupied by persons 62 years of age or older";
- (c) communities in which at least 80 percent of all units are occupied by one person 55 years of age or older, if the existence of significant facilities and

services specifically designed to meet the physical and social needs of older persons can be documented.

Interior means the spaces, parts, components or elements of an individual dwelling unit.

Loan includes, but is not limited to, the providing of funds, for consideration, which are

(a) sought for the purpose of purchasing, constructing, improving, repairing, or maintaining a housing accommodation;

(b) sought for any commercial or industrial purposes; or

(c) secured by residential real estate.

Lease includes any sublease, assignment, or rental and any contract to enter into any of the foregoing.

Marital Status means the legal status of being married, single, separated, divorced, or widowed.

Modification means any change to the public or common use areas of a building or any change to a dwelling unit.

National Origin means the place in which a person or one of his or her ancestors was born.

Offer means and includes every attempt by means of written or oral communications to present for acceptance or rejection, to hold out or proffer, to make a proposal to or to exhibit real estate that may be taken or received with the intention of ultimately entering a real estate transaction.

Owner means any person who holds legal or equitable title to, or owns any beneficial interest in, any real estate, or who holds legal or equitable title to shares of, or any beneficial interest in, an equity which owns any real estate.

Panic Peddling means for profit, to induce or attempt to induce a person to sell or rent a dwelling by representation regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, sex, familial status, national origin, or handicap.

Person includes one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, or trustees in cases under Title 11 of the United States Code.

Person in the business of selling or renting dwellings means any person who

(a) within the preceding 12 months has participated as principal in three or more transactions involving the sale or rental of any dwelling or any interest therein;

(b) within the preceding 12 months, has participated as agent, other than in the sale of his or her own personal residence, in providing sales or rental facilities or sales or rental services in two or more transactions involving the sale or rental of any dwelling or interest therein; or

(c) is the owner of any dwelling designed or intended for occupancy by, or occupied by, five or more families.

Physical or Mental Impairment includes

(a) any physiological disorder or condition, cosmetic disfiguration, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; and endocrine; or

(b) any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

Premises means the interior or exterior spaces, parts, components or elements of a building, including individual dwelling units and the public and common use areas of a building.

Protected Classes includes all persons legally protected against discrimination.

Public Contract includes every contract to which the State of Illinois, any of its political subdivisions or any municipal corporation is a party.

Public Use Areas means interior or exterior rooms or spaces of a building that are made available to the general public. Public use may be provided at a building that is privately or publicly owned.

Real Estate Transaction means the purchase, sale or fee or equitable title to, or beneficial interest in, or rental or lease of, any real property; or an option to do any of the foregoing, or any negotiation, listing, contract, or agreement in connection therewith. Real Estate Transaction also includes the brokering or appraising of residential real property and the making or purchasing of loans or providing other financial assistance for purchasing, constructing, improving, repairing or maintaining a dwelling or secured by residential real estate.

Real Property includes buildings, structures, real estate, lands, tenements, lease holds, interests in real estate cooperatives, condominiums, and hereditament, corporeal and incorporeal, or any interest therein.

Religion includes all aspects of religious observance and practice, as well as, belief; and all aspects of religious non-observance, non-practice and non-belief.

Respondent means

- (a) the person or other entity against whom a discriminatory housing practice has been alleged in a complaint;
- (b) any other person or entity identified in the course of investigation and notified as required under Article VIII of this ordinance.

Sex means the status of being male or female.

Solicit or Solicitation means any communication by or on behalf of a real estate agent with the owner or occupant of a dwelling

- (a) which is intended to induce the sale of rental of such dwelling;
- (b) which is intended to offer or promote services in connection with the sale, rental or listing of such dwelling; and
- (c) which is carried out by means of
 - (1) in-person contacts at the dwelling;
 - (2) written material mailed or delivered directly to the dwelling, such as direct mail, leaflets or pamphlets; or
 - (3) telephone contact with owners or occupants of the dwelling.

For purposes of this ordinance, the term "solicit" or "solicitation" shall not refer to communication carried out by means of print or electronic media of general circulation, such as a newspaper, radio, television, or the yellow pages.

Steering means influencing or attempting to influence by words or acts the choice or location of housing of a prospective purchaser, occupant, or tenant, in connection with viewing, buying, leasing, or occupying real estate based on race, color, religion, sex, familial status, national origin, or handicap so as to limit choice or promote or maintain segregation.

To Rent includes to lease, to sublease, to let, and to otherwise grant for consideration the right to occupy premises not owned by the occupant.

Varying Terms includes, but is not limited to, the following practices:

- (a) Requiring a greater down payment than is usual for a particular type of a loan involved.
- (b) Requiring a shorter period of amortization than is usual for the particular type of loan involved.
- (c) Charging a higher interest rate than usual for the particular type of loan

involved.

(d) Under-appraising of real estate or other items of property offered as security.

8-8-5: PROHIBITED ACTS GENERAL

A. Discriminatory Terms

Discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, religion, sex, physical or mental handicap, familial status, or national origin, age, ancestry, sexual orientation, marital status, parental status, military discharge status, source of income, gender identity, housing status, protected classes, including HIV infected individuals, and people suffering from impairments as a result of prior use or addiction to an illegal controlled substance. Complaints related to Fair Housing are referenced to the Building Committee of the Village of Hodgkins, as outlined in the Fair Housing Ordinance(Ord. 94-8, 5/9/94, amd. Ord. 09-03, 4/13/09)

B. Refusal to Negotiate, Deal, Sell or Rent

Refuse to sell or rent, after the making of a bona fide 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, sex, physical or mental handicap, familial status, or national origin.

C. Withholding Dwellings

Represent to any person because of race, color, religion, sex, physical or mental handicap, familial status, or national origin that any dwelling is not available for inspection, sale, or rental when such dwelling is in fact available.

D. Advertisements, Signs, Notices

Make, print, circulate, or publish, or cause to be made, printed, or published, any written or oral 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, sex, physical or mental handicap, familial status, or national origin or an intention to make such preference, limitation, or discrimination. Discriminatory notices, statements and advertisements include, but are not limited to:

(1) Using words, phrases, photographs, illustrations, symbols, or forms which convey that dwellings are available or not available to a particular group of persons because of race, color, religion, sex, physical or mental handicap, familial status, or national origin.

(2) Expressing to agents, brokers, employees, prospective sellers or renters or any other persons a preference for or limitation on any purchaser or renter because of race, color, religion, sex, physical or mental handicap, familial

status, or national origin of such persons.

(3) Selecting media or locations for advertising the sale or rental of dwellings which deny particular segments of the housing market information about housing opportunities because of race, color, religion, sex, physical or mental handicap, familial status, or national origin.

(4) Refusing to publish advertising for the sale or rental of dwellings, or requiring different charges or terms for such advertising because of race, color, religion, sex, physical or mental handicap, familial status, or national origin.

E. Panic Peddling

For profit, to induce or attempt to induce a person to sell or rent a dwelling by representation regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, sex, physical or mental handicap, familial status, or national origin.

Prohibited actions under this section include, but are not limited to:

(1) Engaging for profit in conduct (including uninvited solicitations for listings) which conveys to a person that a neighborhood is undergoing or is about to undergo a change in the race, color, religion, sex, physical or mental handicap, familial status, or national origin of persons residing in it, in order to encourage persons to offer a dwelling for sale or rental.

(2) Encouraging, for profit, any person to sell or rent a dwelling through assertions that the entry or prospective entry of persons of a particular race, color, religion, sex, familial status, or national origin or with handicaps can or will result in undesirable consequences for the project, neighborhood or community, such as a lowering of property values, an increase in criminal or antisocial behavior, or a decline in the quality of schools or other services or facilities.

F. Lending

Discriminate in connection with borrowing or lending money, guaranteeing loans, accepting mortgages, or otherwise financing a real estate transaction on the grounds of race, color, religion, sex, physical or mental handicap, familial status, or national origin.

G. Lending Terms

Deny or delay the processing of a loan or other financial assistance to a person applying therefore for the purpose of purchasing, construction, improving, repairing, or maintaining a dwelling; or discriminate in the fixing of that amount, interest rate, duration, or other terms or conditions of such loan or other financial assistance because of the race, color, religion, sex, physical or mental handicap, familial status, or national origin of such person.

H. Appraising/Insurance

Discriminate in the appraisal of the value of real estate or in the sale of insurance in connection with a real estate transaction because of the race, color, religion, sex, physical or mental handicap, familial status, or national origin of the person.

I. Varying Rents/Sale Price

Impose different sale prices or rental charges for the sale or rental of a dwelling upon any person because of race, color, religion, sex, physical or mental handicap, familial status, or national origin.

J. Qualification Criteria

Use different qualification criteria or applications, or sale or rental standards or procedures, such as income standards, application requirements, application fees, credit analysis or sale or rental approval procedures or other requirements, because of race, color, religion, sex, physical or mental handicap, familial status, or national origin.

K. Eviction

Evict tenants because of their race, color, religion, sex, handicap, familial status, or national origin, or because of the race, color, religion, sex, physical or mental handicap, familial status, or national origin of a tenant's guest.

L. Listings

Enter into a listing agreement which discriminates against any person because of race, color religion, sex, physical or mental handicap, familial status, or national origin.

M. Discrimination in Membership or Services

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 dwellings or to discriminate against any person in the terms or conditions of such access, membership or participation on account of race, color, religion, sex, physical or mental handicap, familial status, or national origin.

N. Steering (Restriction of Choice)

Restrict or attempt to restrict, because of race, color, religion, sex, physical or mental handicap, familial status, or national origin, the choices of a person by words or acts in connection with buying or renting a dwelling so as to perpetuate, or tend to perpetuate, segregated housing patterns, or to discourage or obstruct integrated housing.

Prohibited actions under this section, which are generally referred to as unlawful steering practices, include, but are not limited to, the following:

- (1) Discouraging any person from inspecting, purchasing or renting a dwelling because of race, color, religion, sex, physical or mental handicap, familial status, or

national origin; or because of the race, color, religion, sex, physical or mental handicap, familial status, or national origin of persons in a community, neighborhood, or development, so as to perpetuate, or tend to perpetuate, segregated housing patterns, or to discourage or obstruct integrated housing.

(2) Discouraging the purchase or rental of a dwelling because of race, color, religion, sex, physical or mental handicap, familial status, or national origin by exaggerating drawbacks or failing to inform any person of desirable features of a dwelling or of a community, neighborhood, or development, so as to perpetuate, or tend to perpetuate, segregated housing patterns, or to discourage or obstruct integrated housing.

(3) Communicating to any prospective purchaser that he or she would not be comfortable or compatible with existing residents of a community, neighborhood or development because of race, color, religion, sex, physical or mental handicap, familial status, or national origin, so as to perpetuate, or tend to perpetuate, segregated housing patterns, or to discourage or obstruct integrated housing.

(4) Assigning any person to a particular section of a community, neighborhood, or development, or to a particular floor of a building, because of race, color, religion, sex, physical or mental handicap, familial status, or national origin, so as to perpetuate, or tend to perpetuate, segregated housing patterns, or to discourage or obstruct integrated housing.

(5) Failing to inform any person of available housing opportunities in a particular section of a community, neighborhood or development, or in a particular floor of a building, because of race, color, religion, sex, familial status, national origin, or handicap, so as to perpetuate, or tend to perpetuate, segregated housing patterns or to discourage or obstruct integrated housing.

O. Participation

Act or undertake to act as a real estate broker, sales, ad, or agent with respect to any dwelling, the disposition of which requires said person to participate in discrimination.

P. Restrictions

Perform any act of discrimination with the intention or effect of restricting or limiting the housing choice of any person.

Q. Aiding and Abetting

Aid or abet acts performed in violation of this ordinance.

R. Interference, Coercion, or Intimidation

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 this ordinance.

S. Solicitation

Solicit any owner to sell or rent or list residential property at any time after such person has notice that such owner does not desire to sell, rent, or list such residential property. for the purposes of this subsection, notice must be provided as follows:

- (1) The notice may be given by the owner personally or by a third party in the owner's name, either in the form of an individual notice or a list, provided it complies with subsection (2) below.
- (2) Such notice shall be explicit as to whether each owner on the notice seeks to avoid both solicitation for listing and sale, or only for listing, or only for sale, as well as, the period of time for which any avoidance is desired. The notice shall be dated and either of the following shall apply:
 - (a) each owner shall have signed the notice; or
 - (b) the person or entity preparing the notice shall provide an accompanying affidavit to the effect that all the names on the notice are, in fact, genuine as to the identity of the persons listed and that such persons have requested not to be solicited as indicated.
- (3) The individual notice or notice in the form of a list with the accompanying affidavit shall be served personally or by certified or registered mail, return receipt requested.

8-8-6: PROHIBITED ACTS HANDICAPPED HOUSING

In addition to those prohibited acts identified in Articles II and IV, the following shall also be unlawful.

A. Discrimination Against the Handicapped

- (1) To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection with such dwelling, because of a handicap of --
 - (a) the buyer or renter;
 - (b) a person residing in or intending to reside in that dwelling after it is so sold, rented, or made available; or
 - (c) any person associated with that person
- (2) To make an inquiry to determine whether an applicant for a dwelling; a person

intending to reside in that dwelling after it is sold, rented, or made available or any person associated with that person has a handicap, or to make inquiry as to the nature or severity of a handicap of such a person.

(3) However, this section does not prohibit the following inquiries, provided these inquiries are made of all applicants, whether or not they have handicaps:

(a) Inquiry into the applicant's ability to meet the requirements of ownership or tenancy.

(b) Inquiry to determine whether an applicant is qualified for a dwelling available only to persons with handicaps or to persons with a particular type of handicap.

(c) Inquiry to determine whether an applicant for a dwelling is qualified for a priority available to persons with handicaps or to persons with a particular type of handicap.

(d) Inquiry to determine whether an applicant for a dwelling is a current illegal abuser or addict of a controlled substance.

(e) Inquiry to determine whether an applicant has been convicted of the illegal manufacture or distribution of a controlled substance.

(4) Nothing in this section requires that a dwelling be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others.

B. Unit Modification

To refuse to permit, at the expense of the handicapped person, reasonable modifications of existing premises occupied or to be occupied by such person if such modifications may be necessary to afford such person full enjoyment of the premises; except that, in the case of a rental, the landlord may, where it is reasonable to do so, condition permission for a modification on the renter agreeing to restore the interior of the premises to the condition that existed before the modifications, reasonable wear and tear excepted.

C. Rules and Policies

To refuse to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford such person equal opportunity to use and enjoy the dwelling, including public and common use areas.

D. New Construction

To fail to design and construct dwellings after March 13, 1991 in such a manner that --

(1) The public use and common use portions of such dwellings are readily

accessible to and usable by a handicapped person;

- (2) All the doors designed to allow passage into and within all premises within such dwellings are sufficiently wide to allow passage by handicapped persons in wheelchairs; and
- (3) All premises within such dwellings contain the following features of adaptive design:
 - (a) an accessible route into and through the dwelling;
 - (b) light switches, electrical outlets, thermostats, and other environmental controls in accessible locations;
 - (c) reinforcements in bathroom walls to allow later installation of grab bars; and
 - (d) usable kitchens and bathrooms such that an individual in a wheelchair can maneuver about the space.

E. Guide/Support Dogs

To refuse to sell or rent because a person has a guide, hearing or support dog. It is a civil rights violation for the owner or agent of any housing accommodation to --

- (1) Refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny property to any blind, hearing impaired, or physically handicapped person because he has a guide, hearing or support dog; or
- (2) Discriminate against any blind, hearing impaired, or physically handicapped person in the terms, conditions, or privileges of sale or rental property, or in the provision of services or facilities in connection therewith, because he has a guide, hearing or support dog; or
- (3) Require, because a blind, hearing impaired, or physically handicapped person has a guide, hearing or support dog, an extra charge in a lease, rental agreement, or contract of purchase or sale, other than for actual damage done to the premises by the dog.

8-8-7: PROHIBITED ACTS FINANCIAL

In addition to those prohibited acts identified in Articles II and III, it shall be a violation for any financial institution, on the grounds of unlawful discrimination to --

- (1) deny any person any of the services normally offered by such an institution;

- (2) provide any person with any service which is different from, or provided in a different manner than, that which is provided to other persons similarly situated;
- (3) deny or vary the terms of a loan because of race, color, religion, sex, physical or mental handicap, familial status, or national origin;
- (4) deny or vary the terms of a loan on the basis that a specific parcel of real estate offered as security is located in a specific geographical area;
- (5) deny or vary the terms of a loan without having considered all of the regular and dependable income of each person who would be liable for repayment of the loan;
- (6) utilize lending standards that have no economic basis;
- (7) refuse to purchase or impose different terms or conditions on loans or other debts or securities which support the purchase construction, improvement, repair or maintenance of a dwelling, or which are secured by residential real estate because of race, color, religion, sex, physical or mental handicap, familial status, or national origin.

8-8-8: COVERAGE AND EXEMPTIONS

Nothing in this ordinance, other than the prohibition against discriminatory advertising, shall --

- (1) Apply to the following:
 - (a) The rental, lease, or occupancy of a room in an owner-occupied single family dwelling, provided the following conditions are met --
 - (i) the owner does not own or have any interest in more than three single family houses at any one time;
 - (ii) the house is sold or rented without the use of a real estate broker, agent or salesperson or the facilities of any person in the person of selling or renting dwellings.
 - (b) 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 or her residence.
- (2) Prohibit a religious organization, association, or society, or any non-profit institution or organization operated, supervised, or controlled by or in conjunction with a religious organization or society from limiting the sale, rental or occupancy of

dwellings which it owns or operates for other than commercial purposes 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, religion, sex, physical or mental handicap, familial status, or national origin;

(3) Prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members and their guests or from giving preference to its members;

(4) prohibit the rental or sale of a dwelling on the basis of age or handicap when such dwelling is authorized, approved, financed, or subsidized in whole or in part by a unit of state, local, or federal government;

(5) limit the applicability of any reasonable local, state, or federal restrictions regarding the maximum number of occupants permitted to occupy a dwelling;

(6) require the rental or sale of a unit to any person convicted of the illegal manufacture or distribution of a controlled substance;

(7) with regard to discrimination based on familial status apply with respect to housing for older persons as defined in Section 8-8-4 of this ordinance;

(8) apply to persons engaged in the business of furnishing appraisals of real property from taking into consideration factors other than those based on unlawful discrimination or familial status in furnishing appraisals;

(9) prohibit financial institutions from considering sound underwriting practices in contemplation of any loan to any person. Such practices shall include the following;

(a) The willingness and the financial ability of the borrower to repay the loan.

(b) The market value of any real estate or other item of property proposed as security for any loan.

(c) Diversification of the financial institution's investment portfolio.

(10) prohibit a person engaged in the business of furnishing appraisals of real property from taking into consideration factors other than race, creed, age, ancestry, unfavorable military discharge, color, religion, sex, handicap, familial status, or national origin.

8-8-9: IMPLEMENTATION

A. Creation of a Human Relations Commission

There is hereby created a Human Relations Commission which shall consist of the members of the Village Building Committee.

B. General Duties of a Human Relations Commission

The Commission shall have and exercise the power --

- (1) to act to eliminate discriminatory housing practices;
- (2) to act to assure to persons living or desiring to live in the municipality, or in any particular dwelling, the opportunity to purchase, lease, or rent a dwelling without discrimination because of race, color, religion, sex, physical or mental handicap, familial status, or national origin;
- (3) to engage in such recruitment, research, and public communication and to create such advisory councils as may be authorized to effectuate the purposes of this ordinance;
- (4) to coordinate its activities with federal and state agencies in conformity with this ordinance;
- (5) to gather and provide for the exchange of information relative to the provisions of this ordinance among real estate brokers and salesmen, lenders, developers, employers, municipal officials, and community groups within and without the municipality.

C. Enforcement Duties of a Human Relations Commission

The administrative responsibilities for this ordinance shall be in the Human Relations Commission. The Commission shall have and exercise, in addition to the general duties cited in Section 8-6-9B of this ordinance, with respect to all dwellings and persons subject to this ordinance, the power --

- (1) to issue, receive, initiate, and investigate complaints charging discrimination in housing. Any complaint initiated by the Commission shall be in writing and signed by the Chairman of the Commission and shall state such detail as to substantially apprise any properly concerned party as to the time, place, and facts surrounding the charged violation of this ordinance;
- (2) to seek conciliation with respect to any such complaint, and, if conciliation fails, to refer such complaint to the Fair Housing Review Board where the process will proceed as set forth in Section 8-6-11 of this ordinance.
- (3) to render from time to time, but not less than every 12 months, a written report to municipal officials of its activities and recommendations with respect to fair housing practices, which written report shall be made public after submission to the

President and Trustees; and

(4) to adopt, after approval of the President and Trustees, such rules and regulations as may be necessary or desirable to carry out the purpose of this ordinance.

8-8-10: ADMINISTRATION

The Administering Agency, Village Manager, or President and Trustees, shall appoint an Administrator. The Administrator shall have such duties, responsibilities, and powers as are necessary for the implementation of this ordinance and additionally as may be provided by the Administering Agency or President and Trustees, including the issuing, initiation, receipt, and due processing of complaints.

8-8-11: COMPLAINTS, CONCILIATION, HEARING PROCEDURES

A. Complaint

(1) Any person aggrieved in any manner by a violation of any provision of this ordinance may file with the Administering Agency/Administrator a written verified complaint setting forth his or her grievance within 1 year after the date of the alleged violation. The complaint shall state, on a printed form provided by the Administering Agency, such detail as to substantially apprise any party properly concerned as to the time, place, and facts surrounding the alleged violation of this ordinance.

(2) A complaint may be filed against any person alleged to be engaged, to have engaged, or about to engage in a discriminatory housing practice.

(3) A complaint may also be filed against any person who directs or controls, or has the right to direct or control, the conduct of another person with respect to any aspect of the sale, rental, advertising, or financing of dwellings or the provision of brokerage services relating to the sale or rental of dwellings if that other person, acting within the scope of his or her authority as employee or agent of the directing or controlling person, is engaged, has engaged, or is about to engage, in a discriminatory housing practice.

B. Notice of Complaint

Within 10 calendar days after a complaint has been received or initiated by the Administering Agency or the Administrator, the Administering Agency shall serve or cause to be served, either in person or by certified mail, a copy of said complaint on the person alleged to be in violation of this ordinance, hereinafter referred to as the "respondent".

The Administrator shall so, within 10 days of the date on which the complaint was filed, send written notice to the complainant informing the complainant of his or her option to file a complaint with U.S. HUD, the Illinois Human Rights Department, federal or state courts,

including the dates within which the complainant may exercise such options.

C. Injunctive Temporary Relief

(1) At any time after a complaint is filed and determined to constitute a violation of this ordinance, the Administering Agency may petition the appropriate court for temporary relief, pending final determination of the proceedings under this ordinance, including an order or decree restraining the respondent from doing or causing any act which would render ineffectual a recommendation with respect to the complaint. Such petition shall contain a certification by the Administering Agency/Administrator that the particular matter presents exceptional circumstances in which irreparable injury will result from a violation of this ordinance in the absence of temporary relief.

(2) The petition shall be filed in the circuit court for the county in which the respondent resides or transacts business or in which the alleged violation took place.

(3) When the petition is based upon a civil rights violation as defined in this ordinance, any relief or restraining order entered by the court shall not exceed 5 days unless --

(a) a longer period is agreed to by the respondent; or

(b) the court finds that there is substantial evidence to demonstrate that the respondent has engaged in violations of this ordinance.

D. Respondent Response

The respondent shall serve a verified copy of his or her response to all allegations contained in the complaint within 10 calendar days of the date on which respondent was served a copy of the complaint.

The Administrator shall issue a notice of default directed to any respondent who fails to file a verified response to a complaint within 10 calendar days of the date on which the complainant was served, unless the respondent can demonstrate good cause as to why such notice should not be issued.

E. Complainant Response

Within 10 calendar days of the date he receives the respondent's response, the complainant may file his reply to said response. If he chooses to file a reply, the complainant shall serve a copy of said reply on the respondent or his representative. A party shall have the right to supplement his response or reply at any time that the investigation of the complaint is pending.

F. Investigation

(1) The Administering Agency shall order a prompt investigation of the complaint,

completing such an investigation within 100 calendar days after the filing of the complaint.

(2) Unless it is impossible to do so, upon review of the report and within 100 calendar days after the filing of the complaint, the Administrator shall determine whether there is substantial evidence that the alleged ordinance violation has been committed or is about to be committed.

(3) If the Administering Agency is unable to make the determination within 100 calendar days after the filing of the complaint, the Administrator shall notify the complainant and respondent in writing of the reasons for not doing so.

(4) If the Administering Agency determines that there is no substantial evidence, the complaint shall be dismissed and the complainant notified that he or she may seek review of the dismissal order before the Adjudicative Agency. The complainant shall have 30 calendar days from receipt of notice to file a request for review by the Adjudicative Agency. The Adjudicative Agency shall --

(a) uphold the finding of insubstantial evidence, or

(b) reverse the finding of insubstantial evidence and remand the complaint to the Administering Agency for conciliation.

(5) If the Administering Agency determines that there is substantial evidence it shall immediately notify the parties and schedule a conciliation meeting.

G. Conciliation

(1) During the period beginning with the filing of a complaint and ending with a dismissal or a referral to the Adjudicative Agency, the Administering Agency or Administrator shall, to the extent feasible, engage in conciliation with respect to such complaint.

(2) If the Administrator determines --

(a) that conciliation is feasible, the complainant and respondent shall be notified of the time and place of the conciliation meeting by registered or certified mail at least 7 calendar days prior thereto and both parties shall appear at the meeting in person or by attorney; or

(b) that attempts at conciliation would not further the objectives of this ordinance, or that the complaint cannot be resolved by conciliation, the Administrator shall report and transfer the complaint and filings to the Adjudicative Agency.

(3) The Administrator shall attempt by all accepted methods of conciliation and lawful persuasion to resolve the grievance delineated in the complaint.

(4) Nothing occurring at the conciliation meeting shall be made public or used as

evidence in a subsequent proceeding for the purpose of proving a violation under this Ordinance unless the complainant and respondent agree in writing that such disclosure be made.

(5) An agreement arising out of such conciliation shall be treated as a settlement pursuant to Section 8-6-11 of this Ordinance.

(6) A conciliation may provide for finding arbitration of the dispute arising from a complaint. Any such arbitration that results from a conciliation agreement may award relief as provided for in this ordinance.

H. Hearing on Complaint

Within 15 days of receiving a complaint from the Administering Agency, the Adjudicative Agency shall, upon due and reasonable notice to all parties, schedule a public hearing on the complaint. The public hearing shall be scheduled no sooner than 30 days from the date of the notice, nor later than 60 days from the date of the notice.

All parties shall be entitled to be represented by legal counsel, and shall have the right to call witnesses in their own behalf and to cross-examine witnesses. All parties to the proceedings may apply to the Adjudicative Agency to have subpoenas issued in the name of the Adjudicative Agency. Testimony taken at the conference/hearing shall be under oath or affirmation and a transcript shall be made and filed in the office of the Administering Agency/Administrator.

I. Report/Decision

(1) The Adjudicative Agency shall issue a written report within 30 days of the conclusion of the public hearing. The report/decision shall include a summary of the testimony, exhibits admitted into evidence, and a finding of whether a violation of the ordinance was proven by a preponderance of the evidence. The report/decision shall also contain a recommendation/order of the relief that may include one or more of the elements provided for in Article IX.

(2) If the Administering Agency determines that a respondent has not complied in a timely manner with the decision, the Administrative Agency shall refer the matter to the municipal attorney who shall seek judicial enforcement of the decision.

J. Settlement

(1) Circumstances: a settlement of any complaint may be effected at any time prior to a decision/report by the Adjudicative Agency upon agreement of the parties and the approval of the Adjudicative Agency.

(2) Settlement: each settlement agreement shall be made public unless the complainant and respondent otherwise agree and the Administrator determines that

disclosure is not required to further the purpose of this ordinance.

(3) Form: settlements of complaints prior to the issuing of a report/decision shall be issued in writing by the Administrator, signed by the parties, and submitted by the Administrator to the Adjudicative Agency.

(4) Settlement Violation: when either party alleges that a settlement order has been violated, the Administrator shall conduct an investigation into the matter. If substantial evidence demonstrates that a settlement has been violated, the Administrator shall refer the matter to the municipal attorney for enforcement in the circuit court in which the respondent or complainant resides or transacts business or in which the alleged violation took place.

8-8-12: PENALTY/FINES; REMEDIES/RELIEF

A. Penalty/Fines

Any person violating any provision of this ordinance may be directed to --

- (1) Cease and desist from any violation of this ordinance;
- (2) pay a civil penalty to vindicate the public interest --
 - (a) in an amount not exceeding \$10,000 if the respondent has not been adjudged to have committed any prior violations of any provision of this ordinance;
 - (b) in an amount not exceeding \$25,000 if the respondent has been adjudged to have committed one other violation of this ordinance during the 5-year period prior to the filing date of the current complaint;
 - (c) in an amount not exceeding \$50,000 if the respondent has been adjudged to have committed two or more violations of this ordinance during the 7-year period prior to the filing date of the current complaint.

B. Remedies/Relief

In addition to the penalties and fines delineated in Section 8-6-12 of this ordinance, the Adjudicative Agency may undertake additional actions, including but not limited to, the following.

- (1) Directing the respondent to pay compensatory/actual damages (including damages to compensate for mental anguish), punitive damages, attorney fees and costs.
- (2) Directing the respondent to provide other equitable relief including, but not limited to, access to the dwelling at the issue, or to a comparable dwelling, the

provision of services or facilities in connection with a dwelling, or other specific relief.

(3) Directing the respondent to provide other injunctive relief appropriate to the elimination of discriminatory housing practices affecting the aggrieved person or other persons.

(4) Directing the Administrator to send copies of the decision/report to the Department of Professional Registration of the State and recommend appropriate disciplinary action, including, where appropriate, the suspension or revocation of the license of the respondent.

(5) Further, any persons violating any provision of this ordinance may also be required to undertake actions to prevent future discriminatory housing practices; to undertake remedial affirmative activities to overcome discriminatory housing practices; or to undertake various report requirements, including, but not limited to -

(a) requiring the respondent and all of the respondent's brokers, associate brokers, salespeople and agents and employees who are employed as sales or rental agents or have contractual relationship with him and are responsible for sales and/or rental of any residential properties, to attend a fair housing training session conducted by U.S. HUD or an agency acceptable to the President and Trustees. Such training session shall cover federal, state, and local fair housing laws, applicable case law, and real life or roll playing situations. Costs of such training session shall be borne by the defendant;

(b) requiring all agents and employees of any respondent, owner and/or management company to utilize the fair housing logo and slogan in all advertising and telephone directories, and on all company stationery, forms, pamphlets and brochures;

(c) requiring all agents and employees of any respondent, owner and/or management company to post and maintain, in a manner conspicuous to tenants and prospective tenants, buyer and prospective buyers, the fair housing poster and logo;

(d) requiring any respondent owner and/or management company to provide quarterly reports in writing for a period of 5 years of the names, addresses, race and sex of each prospective buyer/renter who seeks respondent's aid in locating housing and the subsequent showings to each prospective buyer/renter and the final disposition.

8-8-13: APPEAL PROCEDURES

Any persons aggrieved by the decision of the Adjudicative Agency shall have the right to appeal in accordance with the following procedure:

(1) First, initial reconsideration by the full board of the Adjudicative Agency. This appeal shall be initiated by filing with the Administrator, within 7 calendar days of the decision, a written statement setting forth specifically the grounds for reconsideration. These grounds shall be supported by argument and served on all parties at the time they are filed with the Administrator. The Adjudicative Agency, after reviewing the statement, shall --

(a) render a revised decision notifying all parties within 14 calendar days of the filing of the statement for initial reconsideration; or

(b) issue and serve on all parties a written order for rehearing the case, citing the cause and additional evidence; or

(c) uphold the decision of the Adjudicative Agency.

(2) Second, appeal to the President and Trustees in cases where the Adjudicative Agency decision has been upheld. The appeal shall be initiated within 7 calendar days of the initial decision or the upholding of the initial decision, by filing with the Adjudicative Agency a written statement as delineated in (1) above. After reviewing the statement and hearing record, the President and Trustees shall --

(a) render a revised decision notifying all parties within 30 calendar days of the filing of the appeal statement; or

(b) issue and serve on all parties a written order for rehearing the case, citing the cause and additional evidence; or

(c) uphold the decision of the Adjudicative Agency.

The decision of the President and Trustees on such appeals shall be final.

(3) After a decision by the President and Trustees, the aggrieved person may apply for judicial review under writ of certiorari. (Ord 93-23 12/30/93)