

CHAPTER 16

HOUSING DISCRIMINATION

16.01 DEFINITIONS

Whenever used in this Chapter, unless otherwise defined herein:

- (a) **Age** means chronological age of not less than 40 years.
- (b) **Disability** means (1) a physical or mental impairment that substantially limits one or more of the major life activities of an individual; (2) a record of such an impairment; or (3) being regarded as having such an impairment. Excluded from this definition is an impairment relating to the illegal use, possession or distribution of "controlled substances" as defined in schedules I through V of the Controlled Substances Act (21 U.S.C. 812).
- (c) **Gender identity** means the actual or perceived appearance, expression, identity, or behavior of a person as being male or female, whether or not that appearance, expression, identity or behavior is different from that traditionally associated with the person's designated sex at birth.
- (d) **Housing status** means the type of housing in which an individual resides, whether publicly or privately owned; an individual's ownership status with respect to the individual's residence; or the status of having or not having a fixed residence.
- (e) **Marital status** means the status of being single, married, divorced, separated, or widowed.
- (f) **Military discharge status** means the fact of having been discharged from the Armed Forces of the United States, their Reserve components or any National Guard or Naval Militia other than by a "dishonorable discharge."
- (g) **National origin** means the place in which an individual or one of his or her ancestors was born.
- (h) **Parental status** means the status of living with one or more dependent minors or disabled children.
- (i) **Person** means one or more individuals; partnerships, associations, or organizations; labor organizations, labor unions, joint apprenticeship committees, or union labor associations; corporations; recipients of City funds; legal representatives, trusts, trustees in bankruptcy, or receivers; state governments other than that of Illinois; or commercial operations or entities controlled by governments other than those of Illinois, or of the United States.
- (j) **Public accommodation** means a person, place, business establishment, or agency that sells, leases, provides, or offers any product, facility, or service to the general public in the City, regardless of ownership or operation (1) by a public body or agency; (2) for or without regard to profit; or (3) for a fee or not for a fee. "Public accommodation" also means an institution, club, association, or other place of accommodation in the City, whether or not open to the general public, that has more than 400 members and provides regular meal service and regularly receives payment for dues, fees, accommodations, facilities, or services from or on behalf of nonmembers for the furtherance of trade or business. "Public accommodation" also means any products, facilities, or services of a nonpublic accommodation that are made available in the City to the general public or to the customers or patrons of another establishment that is a public accommodation.
- (k) **Religion** means all aspects of religious observance and practice, as well as belief, or the actual identification with or perceived identification with a religion.

(l) **Sexual orientation** means the status or expression, whether actual or perceived, of heterosexuality, homosexuality, or bisexuality.

(m) **Source of income** means the lawful manner by which an individual supports himself or herself and his or her dependents.

(n) **Unlawful discrimination** means discrimination against a person because of the actual or perceived status, practice, or expression of that person's race, color, sex, age, religion, disability, national origin, ancestry, sexual orientation, marital status, parental status, military discharge status, source of income, gender identity or housing status; or the actual or perceived association with such a person.

16.02 PUBLIC ACCOMMODATIONS

(a) **Prohibition:** No person that owns, leases, rents, operates, manages, or in any manner controls a public accommodation in the City shall withhold, deny, curtail, limit, or discriminate concerning the full use of such public accommodation by any individual on the basis of unlawful discrimination.

(b) **Exceptions:**

1. The prohibition contained in this section shall not apply to sex discrimination in any of the following:

A. **Distinctly Private Facility.** Any facility that is distinctly private in nature, such as rest rooms, shower rooms, bath houses, dressing rooms, or health clubs.

B. **Sleeping Rooms.** Any facility that restricts rental of residential or sleeping rooms to individuals of one sex.

C. **Educational Institutions.** Any educational institution that restricts enrollment of students to individuals of one sex.

D. For the purposes of the above exceptions, the determination of an individual's sex or gender shall be based upon the sex or gender of that individual as reflected on any official identification of that individual recognized by the State of Illinois, including a driver's license or state identification card.

2. The Human Rights Commission as defined in this Chapter may adopt rules specifying any additional exceptions to the prohibition contained in this section based on bona fide considerations of public policy.

3. Notwithstanding anything to the contrary contained in this Chapter, nothing contained in this section shall require any person who does not participate in the federal Section 8 housing assistance program (42 U.S.C 1437f) to accept any subsidy, payment assistance, voucher, or contribution under or in connection with such program or to lease or rent to any tenant or prospective tenant who is relying on such a subsidy, payment assistance, contribution, or voucher for payment of part of the rent for such place of accommodation.

(c) **Sexual Harassment:** No person who is, owns, leases, rents, operates, manages, or in any manner controls a public accommodation shall engage in sexual harassment affecting access to, participation in, or the full use of such public accommodation. "Sexual harassment" means any unwelcome sexual advance, request for sexual favors, or conduct of a sexual nature when (1) submission to such conduct is an explicit or implicit term or condition of an individual's access to, participation in, or full use of a public accommodation; or (2) submission to or rejection of such conduct by an individual is used as the basis for any decision affecting the individual's access to, participation in, or full use of a public accommodation; or (3) such conduct has the purpose or effect of substantially interfering with an

individual's access to, participation in, or full use of any public accommodation or creating an intimidating, hostile, or offensive environment with respect thereto.

16.03 HOUSING

(a) **Definitions:** Whenever used in this section:

1. **Person** shall mean any person that is also an owner, lessor, sublessor, assignor, managing agent, or other individual, firm, or corporation having the right to sell, rent, lease, or sublease any housing unit within the City, or any agent, broker, or other individual working on behalf of any such individual, firm, or corporation.

2. **Real estate transaction** means the sale, exchange, rental, occupancy, lease, sublease, or lease renewal of real property for residential purposes in the City or the provision of services or utilities in connection with such sale, exchange, rental, occupancy, lease, sublease, or lease renewal. "Real estate transaction" also means with respect to activity conducted or property located in the City, the brokering or appraising of residential real property in the City and the making, purchasing, or guaranteeing of loans or mortgages or providing any other financial assistance either (a) for purchasing, constructing, improving, repairing, or maintaining a dwelling or (b) secured by residential real property.

(b) **Prohibitions:**

1. **Terms and Conditions.** No person shall make any distinction, discrimination, or restriction in the price, terms, conditions, or privileges of any real estate transaction, including the decision to engage in or renew any real estate transaction, on the basis of unlawful discrimination.

2. **Discriminatory Communications.** No person shall publish, circulate, issue, or display, or cause to be published, circulated, issued, or displayed, any communication, notice, advertisement, sign or other writing of any kind relating to a real estate transaction which will indicate or express any unlawful limitation or discrimination on the basis of unlawful discrimination.

3. **Listings.** No person shall deliberately and knowingly refuse examination of any listing of residential real property within the City to any individual because of unlawful discrimination.

4. **Representations.** No person shall deliberately and knowingly represent to an individual that residential real property is not available for inspection, sale, rental, or lease in the City when in fact it is available, or fail to bring a residential real estate listing in the City to an individual's attention, or refuse to permit a person to inspect residential real property in the City because of unlawful discrimination.

5. **Blockbusting.** No person shall solicit, for sale, lease, or listing for sale or lease, residential real property within the City on the grounds of loss of value due to the present or prospective entry into any neighborhood of any individual or individuals of any particular race, color, sex, age, religion, disability, national origin, ancestry, sexual orientation, marital status, parental status, military discharge status, source of income, gender identity, or housing status.

6. **Encouragement of Blockbusting.** No person shall distribute or cause to be distributed written material or statements designed to induce any owner of residential real property in the City to sell or lease his, her, or its property because of any prospective change in the race, color, sex, age, religion, disability, national origin, ancestry, sexual orientation, marital status, parental status, military discharge status, source of income, gender identity, or housing status of individuals in the neighborhood.

7. **Creating Alarm.** No person shall intentionally create alarm among residents of any community within the City by transmitting communication in any manner, including a telephone call whether or not conversation thereby ensues, with a design to induce any person within the City to sell or lease his or her residential real property within the City because of the present or prospective entry into the vicinity of the property of any individual or individuals of any particular race, color, sex, age, religion, disability, national origin, ancestry, sexual orientation, marital status, parental status, military discharge status, source of income, gender identity, or housing status.

(c) **Exceptions:** The prohibitions in this section shall not apply to any of the following:

1. **Age.** Restricting rental or sale of a housing accommodation to an individual of a certain age group (a) when such housing accommodation is authorized, approved, financed, or subsidized in whole or in part for the benefit of that age group by a unit of state, local, or federal government; or (b) when the duly recorded initial declaration of a condominium or community association limits such housing accommodations to individuals 50 years of age or older, provided that an individual or members of the household of an individual owning or renting a unit in such housing accommodation prior to the recording of the initial declaration shall not be deemed to be in violation of the age restriction as long as the individual or household member continues to own or reside in the housing accommodation.

2. **Religion.** Limitation by a religious organization, association, or society, or any not-for-profit institution or organization operated, supervised, or controlled by or in conjunction with a religious organization, association, or society, of the sale, rental, or occupancy of a dwelling which it owns or operates for other than a commercial purpose to individuals of the same religion, or from giving preference to such individuals.

3. **Single Sex.** Restricting the rental of rooms in a housing accommodation to individuals of one sex. The determination of an individual's sex or gender shall be based upon the sex or gender of that individual as reflected on any official identification of that individual recognized by the State of Illinois, including a driver's license or state identification card.

4. **Private Rooms.** Rental of a room or rooms in a private home by an owner if he or she or a member of his or her family resides therein or, while absent for a period of not more than twelve months, if he or she or a member of his or her family intends to return to reside therein.

5. Notwithstanding anything to the contrary contained in this Chapter, nothing contained in this section shall require any person who does not participate in the federal Section 8 housing assistance program (42 U.S.C 1437f) to accept any subsidy, payment assistance, voucher, or contribution under or in connection with such program or to lease or rent to any tenant or prospective tenant who is relying on such a subsidy, payment assistance, contribution, or voucher for payment of part of the rent for such housing accommodation.

(d) **Sexual Harassment:** No person shall engage in sexual harassment in any real estate transaction. "Sexual harassment" means any unwelcome sexual advance, request for sexual favors, or conduct of a sexual nature when (1) submission to such conduct is an explicit or implicit term or condition of an individual's real estate transaction; or (2) submission to or rejection of such conduct by an individual is used as the basis for any decision affecting the individual's real estate transaction; or (3) such conduct has the purpose or effect of substantially interfering with an individual's real estate transaction or creating an intimidating, hostile, or offensive environment with respect thereto.

16.20 DEFINITIONS

The following words shall have the meanings ascribed to them for the purposes of Sections 16.20 to 16.23:

(a) **Absolute liability** means that a person may be guilty of an offense in this Chapter without acting with intent, knowledge, recklessness, or negligence.

(b) **Agent** means any person acting or attempting to act on behalf of another person.

(c) **Broker** has the meaning ascribed to it in the Real Estate License Act of 1983, as amended (225 ILCS 455/1 *et seq.*).

(d) **Occupant** means any person who lives, dwells, or resides at any real estate.

(e) **Owner** means any person having any legal or equitable title to all or a portion of any real estate. It shall be sufficient for purposes of this Chapter that one owner of any real estate take an action, and nothing herein shall require or imply that all owners of any real estate must take an action.

(f) **Person** has the meaning ascribed to it in the Criminal Code of 1961, as amended (720 ILCS 5/1-1 *et seq.*).

(g) **Real Estate** has the meaning ascribed to it in the Real Estate License Act of 1983, as amended (225 ILCS 455/1 *et seq.*).

(h) **Salesperson** has the meaning ascribed to it in the Real Estate License Act of 1983, as amended (225 ILCS 455/1 *et seq.*).

(i) **Solicit** means any communication by or on behalf of an agent with an owner or occupant of real estate:

1. which is intended to induce the sale, rental, or listing for sale or rental of real estate, or which is intended to offer or promote services in connection with the sale, rental, or listing for sale or rental of real estate (including market analysis) and;

2. which is carried out by means of:

- A. in-person contacts; or
- B. written material mailed or delivered, such as direct mail, leaflets or pamphlets; or
- C. telephonic contacts.

For the purposes of this Chapter, the term solicit shall not refer to communication carried out by means of print or electronic media or general circulation, such as newspaper, radio, television or yellow pages which is not intended for or targeted at any specific real estate or area of real estate.

16.21 SOLICITATION PROHIBITED

It shall be unlawful for any agent to solicit the owner or occupant of real estate at any time after an owner of that real estate has filed with the Clerk a notification that he does not desire to be solicited. An agent shall be absolutely liable for any violation of this section.

16.22 BROKER RESPONSIBILITY

A broker shall be absolutely liable for and responsible for the actions of any employee or salesperson who is affiliated with, employed by, or has a contract (written or unwritten) as an independent contractor with the broker. In the event that such an employee or sales person is guilty of any violation of this Chapter, then the broker shall also be guilty of the same and may be prosecuted therefor.

16.23 NON-SOLICITATION LIST

The Clerk shall prepare a list of all owners filing a notification not to be solicited and shall make such list available without charge to any person. At least annually the Clerk shall make available and send the current list, or updates of old lists, to all persons who have filed their name and address with the Clerk requesting a copy of the same. It shall not be any defense to a violation of Sec. 16.21 that the person has not obtained a list from the Clerk. It shall be the responsibility of all persons to make themselves aware of the current list maintained by the Clerk.

16.40 HUMAN RIGHTS COMMISSION ESTABLISHED

(a) There is hereby established a Human Rights Commission which shall consist of three members appointed by the Mayor with the advice and consent of the City Council. One or more members of the City Council may serve on the Commission.

(b) The term of office shall be three years, except that the first appointments shall be appointed for a term of one, two and three years.

(c) Members shall receive such compensation as is provided by the City Council; however, no elected official shall receive additional compensation for serving as a member.

16.41 POWERS

The Commission shall have the following powers:

(a) To employ such personnel as authorized by the City Council.

(b) To adopt, promulgate, amend and rescind rules and regulations not inconsistent with the provisions of this Chapter.

(c) To hear and decide by majority vote complaints filed before it.

(d) To approve settlements of violations.

(e) To cooperate with public and private organizations, including the Illinois Human Rights Commission and the Department of Human Rights.

(f) To hold public hearings to obtain information from the general public on the effectiveness of protection against unlawful discrimination afforded by this Chapter and to accept public recommendations concerning the implementation of this Chapter.

(g) To revoke the City license of any violator.

(h) To terminate any public contract of the City with a violator and to bar a violator from any future public contract with the City.

16.50 PENALTY

Any person guilty of violating any provision of this Chapter shall be subject to a fine of not less than \$100 nor more than \$500 per offense.