

## CHAPTER 153: DISCRIMINATORY HOUSING PRACTICES

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**Sec. 153.001 Short title; purpose; construction.**

(A) This Chapter shall be known and may be cited as the Fair Housing Ordinance of the City of Highland Park, Illinois.

(B) **Purpose and Declaration of Policy.** It is hereby declared to be the policy of the City of Highland Park and the purpose of this Chapter, in the exercise by the City of its police and regulatory powers for the protection of the public safety, for the health, morals, safety, and welfare of the persons in and residing in the City, and for the maintenance and promotion of commerce, industry and good government in the City, to secure to all persons living or desiring to live in the City a fair opportunity to purchase, lease, rent, or occupy housing without discrimination based on race, color, religion or national origin.

(C) Construction. This Chapter shall be construed according to the fair import of its terms and shall be liberally construed to further the purposes and policy stated in Subsection (B) and the special purposes of the particular provision involved. (Ord. 83-67, J. 6, p. 739, passed 12/26/67)

Sec. 153.005 Definitions.

For purposes of this Chapter:

(A) "Dwelling" means any building or structure, or portion thereof, within the City of Highland Park, which is arranged, designed or used as a home, residence or living quarters of one or more individuals.

(B) "Housing" includes any building or structure, or portion thereof, within the City of Highland Park, which is used or occupied or is intended, arranged or designed to be used or occupied as the home, residence or living quarters of one or more individuals, groups or families, and includes any vacant land within the City of Highland Park which is zoned and intended to be used for the construction of any such building or structure.

(C) "Commission" means the Highland Park Human Relations Commission, "City Council" means the City Council of the City of Highland Park.

(D) "Commission Panel" or "Panel" means a panel, comprised of three or more members of the Commission, designated by the Chairman or the Vice Chairman of the Commission to investigate and to attempt to conciliate a complaint filed or made under this Section.

(E) "Lease" includes sublease, assignment, and rent (or rental), and includes any contract to do any of the foregoing.

(F) "Lending institution" means any bank, insurance company, savings and loan association, other person in the business of lending money or guaranteeing loans, any person in the business of obtaining, arranging or negotiating loans or guarantees as agent or broker, and any person in the business of buying or selling loans or instruments for the payment of money which are secured by title to or a security interest in real estate, but shall not include any religious institution or organization nor any charitable or educational organization operated, supervised or controlled by a religious institution or organization.

(G) "National origin" includes the national origin of an ancestor.

(H) "Owner" means any person who holds legal or equitable title to, or owns any beneficial interest in, any dwelling or housing, or who holds legal or equitable title to shares of, or holds any beneficial interest in, any real estate cooperative which owns any dwelling or housing.

(I) "Person" includes one or more individuals, corporations, partnerships, associations, legal representatives, mutual companies, unincorporated organizations, trusts, trustees, trustees in bankruptcy, receivers and fiduciaries.

(J) "Purchase" includes any contract to purchase.

(K) "Real estate agent" means any real estate broker, any real estate salesman, and any other person who, as employee or agent or otherwise engages in the management or operation of any dwelling or housing.

(L) "Real estate broker" means any person licensed as a real estate broker in accordance with the provisions of Chapter 114-1/2, Illinois Revised Statutes, or required thereby to be so licensed.

(M) "Real estate salesman" means any person licensed as a real estate salesman in accordance with the provisions of Chapter 114-1/2, Illinois Revised Statutes, or required thereby to be so licensed.

(N) "Real estate transaction" means the purchase, sale, exchange, or lease of any dwelling or housing, and an option to do any of the foregoing.

(O) "Sale" includes any contract to sell, exchange, or to convey, transfer or assign legal or equitable title to or a beneficial interest in real estate. (Ord. 83-67, J. 6, p. 739, passed 12/26/67)

Sec. 153.010 Discriminatory terms (Title II).

It shall be unlawful housing practice and a violation of this Chapter for any owner or other person to sell or lease a dwelling or housing on terms, conditions or privileges that discriminate between persons because of race, color, sex, religion or national origin. (Ord. 83-67, J. 6, p. 739, passed 12/26/67; Ord. 72-70, J. 8, p. 183, passed 10/26/70) Penalty, see Sec. 153.999

Sec. 153.015 Refusals to deal.

It shall be an unlawful housing practice and a violation of this Chapter for any owner or other person to refuse to negotiate for, enter into, or perform any sale or lease of any dwelling or housing, because of the race, color, sex, religion or national origin of any party to such sale or lease, or of any member of the family of any such party, or of any person using or occupying or intending to use or occupy such dwelling or housing, or of any person using or occupying any dwelling or housing in the area in which such dwelling or housing is located. (Ord. 83-67, J. 6, p. 739, passed 12/26/67; Ord. 72-70, J. 8, p. 183, passed 10/26/70) Penalty, see Sec. 153.999

Sec. 153.020 Withholding housing.

It shall be an unlawful housing practice and a violation of this Chapter for any owner or other person to represent to any person that any dwelling or housing is not available for inspection, purchase, sale, lease, or occupancy when in fact it is so available, or otherwise to withhold housing from any person because of race, color, sex, religion or national origin. (Ord. 83-67, J. 6, p. 739, passed 12/26/67; Ord. 72-70, J. 8, p. 183, passed 10/26/70) Penalty, see Sec. 153.999

Sec. 153.025 Advertisements.

It shall be unlawful housing practice and a violation of this Chapter for any owner or other person to publish or circulate a statement, advertisement or notice of an intention to sell or lease any dwelling or housing in a manner that is unlawful under Sections 153.010 to 153.045. (Ord. 83-67, J. 6, p. 739, passed 12/26/67) Penalty, see Sec. 153.999

Sec. 153.030 Advertisements, causing or permitting.

It shall be an unlawful housing practice and a violation of this Chapter for any owner or other person to cause any person to circulate or publish a statement, advertisement or notice that such owner or other person intends to sell or lease any dwelling or housing in a manner that is unlawful under Sections 153.010 to 153.045 or to consent thereto. (Ord. 83-67, J. 6, p. 739, passed 12/26/67) Penalty, see Sec. 153.999

Sec. 153.035 Signs and notices.

It shall be an unlawful housing practice and a violation of this Chapter for any owner or other person to post or erect, or cause any person to post or erect, any sign or notice upon any dwelling or housing, indicating an intent to sell or lease any dwelling or housing in a manner that is unlawful under Sections 153.010 to 153.045. (Ord. 83-67, J. 6, p. 739, passed 12/26/67) Penalty, see Sec. 153.999

Sec. 153.040 Exemptions.

Sections 153.010 to 153.045 shall not apply to the rental of any room or dwelling unit in any owner occupied dwelling which consists of more than one or less than 3 dwelling units. As used herein, the term "dwelling unit" means one or more rooms which are arranged, designed, or used as living quarters for one family or one individual. The term "owner" includes the spouse or any lineal descendant or ancestor of the owner. (Ord. 83-67, J. 6, p. 739, passed 12/26/67; Ord. 19-71, J. 8, p. 248, passed / /71)

Sec. 153.045 Limitations.

Nothing in this Chapter shall require an owner to offer property to the public at large before selling or renting it, providing he complies with all other provisions of this Chapter. Nor shall this Chapter be deemed to prohibit owners from giving preference to prospective tenants or buyers for any reason other than religion, race, color, sex or national origin. Nothing in this Chapter shall require an owner to offer property for sale or lease or to show his property to any person if such person is not negotiating for the purchase or lease of such property in good faith. (Ord. 83-67, J. 6, p. 739, passed 12/26/67; Ord. 72-70, J. 8, p. 183, passed 10/26/70)

Sec. 153.050 Withholding housing (Title III).

It shall be an unlawful housing practice and a violation of this Chapter for any real estate agent or other person to represent to any person that any dwelling or housing is not available for inspection, sale, lease or occupancy when in fact it is so available, or otherwise to withhold housing from any person because of race, color, sex, religion or national origin. (Ord. 83-67, J. 6, p. 739, passed 12/26/67; Ord. 72-70, J. 8, p. 183, passed 10/26/70) Penalty, see Sec. 153.999

Sec. 153.055 Refusals of offers.

It shall be an unlawful housing practice and a violation of this Chapter for any real estate agent or other person to refuse to receive or to transmit a bona fide offer for the purchase, sale, exchange or lease of any dwelling or housing because of the race, color, sex, religion or national origin of the person making such offer. (Ord. 83-67, J. 6, p. 739, passed 12/26/67; Ord. 72-70, J. 8, p. 183, passed 10/26/70) Penalty, see Sec. 153.999

Sec. 153.060 Advertisements.

It shall be an unlawful housing practice and a violation of this Chapter for any real estate agent or other person to publish or circulate a statement, advertisement or notice of an intention to sell or lease any dwelling or housing in a manner that is unlawful under Sections 153.010 to 153.045. (Ord. 83-67, J. 6, p. 739, passed 12/26/67) Penalty, see Sec. 153.999

Sec. 153.065 Signs and notices.

It shall be an unlawful housing practice and a violation of this Chapter for any real estate agent or other person to post or erect, or cause or permit any person to post or erect, any sign or notice upon any dwelling or housing, managed by or in the custody, care or control of such real estate agent or other person, indicating an intent to sell or lease any dwelling or housing in a manner that is unlawful under Sections 153.010 to 153.085. (Ord. 83-67, J. 6, p. 739, passed 12/26/67) Penalty, see Sec. 153.999

Sec. 153.070 Licensing.

Every real estate broker shall apply for and obtain a license from the City of Highland Park prior to transacting any business involving real estate in the City of Highland Park as a real estate broker and prior to advertising or assuming to act as such real estate broker. The Commission of a single act as such real estate broker without such license shall constitute a violation of this Chapter. (Ord. 83-67, J. 6, p. 739, passed 12/26/67)

Sec. 153.075 Discrimination in lending.

It shall be an unlawful housing practice and a violation of this Chapter for any lending institution, in making, agreeing to make, arranging, or negotiating any loan or guarantee of funds for the purpose of financing the purchase or sale, construction, lease, rehabilitation, improvement, renovation or repair of any dwelling or housing, to offer, seek or agree to terms, conditions or privileges that discriminate between persons because of race, color, sex, religion or national origin. (Ord. 83-67, J. 6, p. 739, passed 12/26/67; Ord. 72-70, J. 8, p. 183, passed 10/26/70)

Sec. 153.080 Refusals to deal in lending.

It shall be an unlawful housing practice and a violation of this Chapter for any lending institution to refuse to negotiate for, enter into or perform any agreement to lend or guarantee the loan of funds for the purchase, sale, construction, lease, rehabilitation, improvement, renovation or repair of any dwelling or housing because of the race, color, sex, religion or any national origin of any party to such agreement or of any member of the family of any such party, or of the residents of the area in which such dwelling or housing is located. (Ord. 83-67, J. 6, p. 739, passed 12/26/67; Ord. 72-70, J. 8, p. 183, passed 10/26/70)

Sec. 153.085 Coverage.

Sections 153.050 to 153.085 shall apply, respectively, to every real estate agent who, within the City of Highland Park, performs any function as such real estate agent but does not maintain an office or place of doing business within the City of Highland Park; and Sections 153.050 to 153.085 applies to every real estate agent and lending institution who maintains an office or place of doing business within the City of Highland Park; provided, however, that the provisions of this Chapter shall not be so construed as to prohibit a real estate broker or real estate agent, on behalf of the owner from inquiring into and reporting upon qualifications of any prospective buyer or tenant with respect to limitations on exclusions other than those of race, color, sex, religion or national origin. (Ord. 83-67, J. 6, p. 739, passed 12/26/67; Ord. 72-70, J. 8, p. 183, passed 10/26/70)

Sec. 153.090 Representation.

It shall be an unlawful housing practice and a violation of this Chapter for any person, for the purpose of inducing any other person to enter into a real estate transaction with such person, his principal or his agent.

(1) To represent that a change has occurred, will occur or may occur with respect to the race, color, sex, religion or national origin in the composition of the owners or occupants in any block, neighborhood or area in which the dwelling or housing (which is the subject of the real estate transaction) is located, or

(2) To represent that a change with respect to the race, color, sex, religion or national origin in the composition of the owners or occupants in any block, neighborhood or area will result in lowering of property values, or in an increase in criminal or anti-social behavior, or in a decline in the quality of schools, in such block, neighborhood or area. (Ord. 83-67, J. 6, p. 739, passed 12/26/67; Ord. 72-70, J. 8, p. 183, passed 10/26/70) Penalty, see Sec. 153.999

Sec. 153.095 Other violations.

It shall be an unlawful housing practice and a violation of this Chapter for any person:

(1) To aid, abet, incite or coerce a person to engage in unlawful housing practice,

(2) Willfully to interfere with the performance of a duty or the exercise of a power by the Commission or one of its members or representatives, or

(3) Willfully to obstruct or prevent a person from complying with the provisions of this Chapter or an order issued thereunder. (Ord. 83-67, J. 6, p. 739, passed 12/26/67) Penalty, see Sec. 153.999

Sec. 153.100 Commission powers.

The Commission shall have and exercise with respect to all dwellings and housing and with respect to all persons subject to this Chapter the power:

(1) To act to eliminate unlawful housing practices,

(2) To act to assure to persons living or desiring to live in the City of Highland Park, or in any particular dwelling or housing, opportunity to purchase, lease or occupy without discrimination because of race, color, sex, religion or national origin,

(3) To receive, initiate and investigate complaints alleging unlawful housing practices, and, with the consent of the City Council with respect to each such subpoena, to issue subpoenas commanding testimony and production of documents and tangible things relevant to any complaint. Any complaint initiated by the Commission shall be in writing, shall be signed by the Chairman or Vice Chairman of the Commission and shall fully set forth the circumstances of the alleged violation and the source of all information upon which the complaint is based, including the names and addresses of all complainants. Such written complaint shall be served upon the party alleged to be in violation of this Chapter,

(4) To seek conciliation of, hold hearings on, and make findings of fact with respect to any such complaint,

(5) To recommend the issuance of orders subject to approval by the City Council of the City of Highland Park and to publish its findings of fact and recommended orders in accordance with the provisions of this Chapter after submission to the City Council,

(6) To render from time to time, but not less than every six months, a written report to the City Council of its activities and recommendations with respect to fair housing practices, which written reports shall be made public after submission to the City Council,

(7) To adopt, after approval of the City Council, such rules and regulations as may be necessary or desirable to carry out the purposes of this Chapter, and

(8) To make recommendations to the City Council of the City of Highland Park with respect to the granting, suspension and revocation of licenses to real estate brokers to transact business in the City of Highland Park as such real estate broker. (Ord. 83-67, J. 6, p. 739, passed 12/26/67; Ord. 72-70, J. 8, p. 183, passed 10/26/70; Ord. 71-70, J. 8, p. 181, passed 10/26/70)

Sec. 153.105 Licenses of Highland Park real estate brokers.

Before any license under the Chapter passed March 27, 1950, entitled "An Ordinance Providing for the Licensing and Registration of Real Estate Brokers in the City of Highland Park, Illinois", is granted or renewed, the City Council of Highland Park shall require from the applicant for license or renewal and the applicant shall give his representation that he has read this Fair Housing Ordinance and intends to comply with its provisions in and about his business as a real estate broker, and his representation that each real estate salesman employed by him has been furnished a copy of this Fair Housing Ordinance. (Ord. 83-67, J. 6, p. 739, passed 12/26/67)

Sec. 153.110 Licenses of other real estate brokers; applications.

The City Clerk of the City of Highland Park shall, upon application and a payment of an annual fee of \$10.00, grant a license to transact business in the City of Highland Park to any real estate broker who does not maintain an office or a place of doing business within the City of Highland Park, upon his representation that he has read this Fair Housing Ordinance and intends to comply with its provisions in and about his business as a real estate broker, and his representation that each real estate salesman employed by him has been furnished a copy of this Fair Housing Ordinance. (Ord. 83-67, J. 6, p. 739, passed 12/26/67)

Sec. 153.115 Licenses, revocation and suspension.

Whenever it has been determined, in accordance with the provisions of Section 153.125 of this Chapter, that a real estate broker has committed an unfair housing practice in violation of this Chapter, the City Council may revoke or suspend any license theretofore granted to such real estate broker under Section 153.110, or under the Chapter referred to in Section 153.105, and may thereafter refuse for a period not to exceed one year to issue a license to such real estate broker; provided, however, that when a real estate broker found to be in violation of this Chapter has not previously been found to have violated this Chapter, such period of revocation or suspension shall not exceed a period of sixty (60) days. An order of revocation or suspension of a license issued by the City Council pursuant to this Section shall take effect ten (10) days after its issuance. (Ord. 83-67, J. 6, p. 739, passed 12/26/67)

Sec. 153.120 Complaints, conciliation.

(A) Any person aggrieved in any manner by a violation of any provision of this Chapter may file with the Commission a written verified complaint setting forth his grievance. The complaint shall state (1) the name and address of the complainant, (2) the name and address of the person against whom the complaint is brought, if known to the complainant, and (3) the alleged facts surrounding the alleged violation of this Chapter; and such complaint shall state the name and address of all persons believed to have knowledge concerning the alleged facts. The Commission shall provide a printed form of complaint for the use of aggrieved persons.

(B) After the filing of any complaint, the Commission shall serve a copy of the complaint on the party or parties charged and the chairman or vice chairman of the Commission shall designate a panel to make a prompt investigation in connection therewith.

(C) If such panel shall determine after such investigation that probable cause exists for the allegations of the complaint:

(1) The panel shall set a date for a meeting, and

(2) At such meeting, the panel or any member thereof shall interview the complainant and the person or persons against whom the complaint has been directed and shall attempt to resolve the complaint by all proper methods of conciliation and persuasion.



(3) Said meeting and interview may, at the discretion of the panel, be a closed meeting, not open to the public.

(D) At any time after such panel shall determine that probable cause exists for the allegations of the complaint, the Commission may request the City Council to instruct the Corporation Counsel to seek, in any court of competent jurisdiction, appropriate temporary relief for a period not to exceed sixty (60) days pending final determination of proceedings under this Chapter, including an order or judgment restraining the person against whom the complaint was filed, or other persons, from doing or procuring any act tending to render ineffectual any order the Commission may enter with respect to the complaint.

If at any time within sixty (60) days after the date of filing of the complaint such panel shall determine that such attempts at conciliation would not be in furtherance of the objectives of this Chapter, the Commission shall thereupon proceed promptly to a full hearing of the complaint, in accordance with Section 153.125 below. (Ord. 83-67, J. 6, p. 739, passed 12/26/67; Ord. 80-69, J. 7, p. 553, passed 12/8/69)

#### Sec. 153.125 Hearings by Commission.

(A) Such hearing shall be conducted by the Commission, or a panel thereof, upon due and reasonable notice to all parties. The Commission shall have power to administer oaths and to take sworn testimony. Any party alleged to have violated this Chapter shall be entitled to be represented by Counsel and shall have the right to call witnesses in his own behalf and to cross-examine witnesses.

(B) A party to a proceeding may apply to the Commission to have subpoenas issued as provided in Section 153.100 (3) in the name of the Commission, for depositions or for a hearing. Such subpoena shall be served as provided in the Illinois Supreme Court Rules relating to depositions. A subpoena so issued shall show on its face the name and address of the party at whose request the subpoena was issued. On petition of the individual to whom a subpoena is directed and notice to the requesting party, the Commission may request the City Council to vacate or modify the subpoena. If a person fails to comply with a subpoena issued by the Commission, the Commission may request the City Council to instruct the Corporation Counsel to request any court of competent jurisdiction to issue an order requiring compliance.

(C) At the conclusion of such hearing, the Commission shall render to the City Council a written report and recommendations, which shall also be served by mail upon the complainant and the party or parties charged. No report shall be delayed more than sixty (60) days after the date of the first issuance of notice for commencement of a hearing. (Ord. 83-67, J. 6, p. 739, passed 12/26/67; Ord. 71-70, J. 8, p. 181, passed 10/26/70)

#### Sec. 153.130 Enforcement.

(A) The Commission shall be empowered, at the conclusion of proceedings held under Section 153.125 to recommend to the City Council of the City of Highland Park that the City Council order any person found to be engaging in an unfair housing practice to

cease and desist from such practice, upon such terms as shall be necessary and proper for the enforcement of this Chapter.

(B) The Commission shall be empowered at the conclusion of proceedings held under Section 153.125, as part of its report, to recommend to the City Council of the City of Highland Park, that it direct the Corporation Counsel of the City of Highland Park to do any one or more of the following:

(1) To institute and prosecute proceedings to enforce, against any person found in violation of this Chapter, the fine provided for in Section 153.999 below.

(2) To apply to any court of competent jurisdiction.

(a) for an order restraining any person from violating any provision of this Chapter.

(b) for such other or further relief as may seem to the court appropriate for the enforcement of this Chapter and the elimination of violations hereof.

(3) To petition or institute proceedings with the Department of Registration and Education for the purpose of causing the Department to revoke, suspend or refuse to renew the license granted by such Department to any real estate broker or real estate salesman found to have violated any provision of this Chapter.

(4) In the case of any unlawful housing practice or violation of this Chapter by any person in the course of performing under a contract or subcontract with the State or any political subdivision or agency thereof, or with the United States of America or any agency or instrumentality thereof, to petition or institute proceedings with such contracting agency for the purpose of causing it to terminate such contract or any portion thereof, either absolutely or on condition of compliance with the provisions of this Chapter.

(C) After receipt of the recommendation of the Commission, the City Council may issue such cease and desist orders and may direct such action by the Corporation Counsel, including the procedures as in Subsection (B) hereinabove set forth, as shall be necessary for the enforcement of this Chapter. (Ord. 83-67, J. 6, p. 739, passed 12/26/67)

Sec. 153.135 Limitation of time to file complaints.

Any complaint filed hereunder with the Commission must be filed within thirty (30) days after the alleged discriminatory practice occurred or it shall be barred. (Ord. 83-67, J. 6, p. 739, passed 12/26/67)

Sec. 153.140 Remedies.

Any person aggrieved in any manner by the violation of any provision of this Chapter who has exhausted the remedies provided in Sections 153.120 and 153.125 of this Chapter may apply to any court of competent jurisdiction for appropriate relief from such violation, including

(1) an order compelling compliance with this Chapter;

(2) an order to prohibit any person found by the court to have violated any provision of this Chapter from the sale, lease, exchange, transfer, conveyance or assignment of any dwelling or housing which is the subject of such violation;

(3) an order requiring specific performance of any contract for the sale, lease, exchange, transfer, conveyance or assignment of any dwelling or housing, by any person who in violation of this Chapter refuses or fails to perform such contract;

(4) compensatory damages; and

(5) such other and further relief as may seem to the court appropriate for the enforcement of this Chapter and the elimination of violations hereof. (Ord. 83-67, J. 6, p. 739, passed 12/26/67)

Section 153.999 Penalty.

Any person who violates any provision of this Chapter shall be subject to a fine not to exceed \$500.00.

This Chapter shall be in full force and effect from and after its passage, approval, recordation and publication according to law. (Ord. 83-67, J. 6, p. 739, passed 12/26/67)