

Chapter 19 - FAIR HOUSING

ARTICLE 1. - GENERAL PROVISIONS

19.1.01. - Declaration of Policy.

- A. It is hereby declared to be the policy of the City of Country Club Hills to provide for fair housing throughout Country Club Hills, to assure that all persons have full and equal opportunity to consider all available housing and obtain fair and adequate housing for themselves and their families within the City of Country Club Hills without discrimination because of race, color, religion, sex, or national origin, and to promote a stable, racially integrated community.
- B. It is hereby further declared to be the policy of the City of Club Hills to take all actions necessary and proper to achieve the policy expressed in Paragraph A of this article.

ARTICLE 2. - DEFINITIONS

19.2.01. - Definitions.

- A. *Board* means the Fair Housing Review Board.
- B. *Discriminate* or *discrimination* means to treat any person in a particular manner solely or in part because of race, color, religion, sex or national origin; provided, that "discriminate" or "discrimination" shall not include special outreach efforts conducted by or under the authority of units of local government (including agencies, departments and commissions thereof) or non-profit fair housing agencies to ensure that persons of minority groups are fully informed of available dwelling opportunities in areas of present or prospective majority group concentration, or to ensure that persons of the majority group are fully informed of available dwelling opportunities in areas of present or prospective minority group concentration.
- C. *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 persons, and any vacant land which is offered for sale or rental and on which any such building; structure; or portion thereof may be constructed or located.
- D. *Lending institution* means any bank, savings and loan association, insurance company, or other organization or person regularly engaged in the business of lending money, guaranteeing loans for profit, or otherwise providing financial assistance or insurance in connection with-the purchase, sale or rental of dwellings.
- E. *Multifamily residential development* means any building or structure, or group of buildings or structures, which contain two or more dwellings under common management or ownership.
- F. *Owner* means any person who holds legal or equitable title to, or owns any beneficial interest in, a dwelling or who holds legal or equitable title to, or shares of; or holds any beneficial interest in, any organization or person which owns a dwelling; and his or her agent(s).
- G. *Person* means one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers or fiduciaries.
- H. *Purchase* means to obtain a dwelling through a sale.

- I. *Real estate agent, broker or salesman* means a person, whether licensed or not, who, for or with the expectation receiving a consideration, lists, sells, purchases, exchanges, rents or leases real property, or who negotiates or a to negotiate any of these activities, or who holds himself or herself out as engaged in these activities or who acts employee or agent to manage a dwelling. "Real Estate Agent" includes, but is not limited to, all persons licensed, required to be licensed, pursuant to provisions of the Illinois Real Estate Brokers and Salesmen License Act, Ill. R Stat., Ch. 111, 95701 et seq.
- J. *Rent or rental* means to lease, sublease, assign or otherwise grant or obtain the right to occupy a dwelling not owned by the occupant in return for consideration, or a contractor option to do any of the foregoing.
- K. *Sale or sell* means to convey, exchange, transfer; or assign legal or equitable title to, or a beneficial interest in, a " dwelling in return for consideration, or a contract or option to do any of the foregoing.
- L. *Solicit or solicitation* means any communication by or on behalf of a real estate agent with the owner or occupant of a dwelling (i) which is intended to induce the sale or rental of such dwelling (ii) which is intended to offer services in connection with the sale, rental or listing of such dwelling; and (iii) which is carried out by means of:
 - (a) In-person contacts at the dwelling;
 - (b) Written material mailed or delivered directly to the dwelling, such as direct mail, leaflets or pamphlets; or
 - (c) Telephonic contacts 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.

ARTICLE 3. - EXEMPTIONS

19.3.01. - Exemptions.

Nothing in this ordinance shall apply to:

- A. The rental of a room or rooms in an owner-occupied single family dwelling;
- B. A religious organization or any non-profit organization operated, supervised, or controlled by or in conjunction with a religious organization, with respect to its limitation of the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or with respect to preference given to such persons, unless membership in such religion is restricted on account of race, color, sex, or national, origin, or ancestry; or,
- C. A private club not in fact open to the public, which as an incident to its primary purpose provides lodgings for rental or occupancy to its members and their guests if such lodgings are not operated for a commercial purpose.

ARTICLE 4. - PROHIBITED ACTS

19.4.01. - Prohibited Acts.

In order to effectuate the policies set forth in 19.1.01 of this ordinance, it is hereby declared to be a discriminatory act, an unfair housing practice and unlawful for any real estate agent, lending institution or other person to:

- A. *Discrimination in Sale or Rental.* Discriminate against any person in the price, terms, conditions, or privileges relating to the sale or rental of any dwelling, or in the providing of facilities, repairs, improvements, or services in connection with such sale or rental of any dwelling.
- B. *Refusal to Negotiate or Deal.* Discriminate against any person by refusing to sell, or rent, negotiate for the sale or rental or to withdraw from the market or otherwise make unavailable any dwelling.
- C. *False Representations.* Discriminate against any person by making false representations, or by withholding material information, with respect to the inspection, sale or rental of any dwelling, including, but not limited to, representing to any person that any dwelling is not available for inspection, sale or rental when such dwelling is in fact available.
- D. *Advertisements, Signs, Notices.* Make, publish, print, circulate; issue or display, or cause to be made, published, printed, circulated, issued or displayed, any communication, notice, advertisement, sign, symbol, listing or other writing of any kind, in connection with the sale or rental of any dwelling or the financing thereof, that indicates or expresses any preference, limitation, reliance, or discrimination based on race, color, religion, sex, or national origin, or an intention to make any such preference, limitation, reliance, or discrimination.
- E. *Listing Agreements.* Enter into any listing agreement which sanctions discrimination against any person.
- F. *Multiple-Listing Services.* Discriminate against any person by denying access to, or membership or participation in, any multiple-listing service, real estate agents' organization, or other service, organization, or facility relating to the business of selling or renting dwellings; or, discriminate against any person in the terms or conditions of such access, membership or participation.
- G. *Steering.* The use of any word, phrase, or action in rendering real estate agent services relating to the prospective sale or rental of a dwelling, which influences or is intended to influence the choice of any person in favor of any, area because it is occupied, in whole or in part by individuals of such person's own race or ethnic origin, or against any area because it is occupied, in whole or a in part by individuals of a race or ethnic origin different from such person.
- H. *Panic Peddling.* For profit, induce or, attempt to induce the sale, rental or listing for sale or rental of any dwelling by representations regarding the presence in; proximity to, or entry or prospective entry into the block, neighborhood or area of a person or person of, a particular race, color, religion, sex, or national origin.
- I. *Coerce or Interfere.* 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.
- J. *Aid or Obstruct.* Aid, abet, compel; coerce or attempt the commission of any act declared to be unlawful under this ordinance or obstruct or prevent enforcement of, or compliance with this ordinance.
- K. *Other Discriminatory Acts.* Discriminate by engaging in any other action which makes unavailable, or restricts consideration of, the inspection, purchase, sale or rental of any dwelling.

19.4.02. - Discrimination in Lending or Appraisal.

It is also hereby declared to be a discriminatory act, an unfair housing practice and unlawful for any lending institution to:

- A. *Lending.* Discriminate against any person in connection with borrowing or lending money, guaranteeing loans, accepting a deed of trust or mortgage, or otherwise obtaining or making available funds for the purchase, construction, improvement, repair, or maintenance of any dwelling; or discriminate by delaying the processing of or denying such loan or other financial assistance; or discriminate in the fixing of the amount, interest rate, duration, or other terms or conditions of such loan or other financial assistance.
- B. *Appraisal.* Discriminate against any person in appraising the value of any dwelling in connection with the sale or rental of such dwelling.

19.4.03. - Compliance.

It is hereby declared to be unlawful and an unfair housing practice for any real estate agent, or other person to whom any of Article 6 (Solicitation), Article 7 (Posting of Notices) or Article 8 (Affirmative Marketing Plans) apply, to fail to comply with the requirements of such Articles.

ARTICLE 5. - PRACTICES

19.5.01. - Fair Housing Practices.

In order to effectuate the policies set forth in Section 19.1.01, as far as legislatively possible, it is hereby declared to be a fair housing practice to:

- A. *Solicitation.* Conduct solicitation in accordance with the provisions of Article 6.
- B. *Posting of Notices.* Post notices in accordance with the provisions of Article 7.
- C. *Racial Data Reporting.* Require data to be collected in the form of Exit and Entrance information requests presented to persons either requesting water to be turned on in their dwelling unit or shut off in their former dwelling unit.
- D. *Affirmative Marketing.* Conduct affirmative marketing in accordance with the provisions of Article 8.

ARTICLE 6. - POSTING OF NOTICES

19.6.01. - Posting.

All real estate agents and all persons who operate or manage a dwelling with two or more units shall post in conspicuous locations in those areas of their places of business where prospective purchasers, sellers or renters normally make inquiries, and where the terms of a sale or rental are normally negotiated, a notice which contains the following language, printed on a light colored background, in not less than fourteen point type:

"It is a violation of the Fair Housing Law of the City of Country Club Hills for any real estate agent, or for any person who operates or manages a multi-unit building, to:

- A. Deny housing to any person because of race, color, religion, sex, or national origin.
- B. Discriminate against any person because of that person's race, color, religion, sex, or national origin, with respect to the price, terms, conditions or privileges of any housing or in the provisions of facilities or services in connection therewith.
- "IF YOU BELIEVE YOU HAVE BEEN DISCRIMINATED AGAINST, CONTACT THE CITY OF COUNTRY CLUB HILLS COMMUNITY RELATIONS DIRECTOR AT 798-2616"

ARTICLE 8. - AFFIRMATIVE MARKETING PLANS

19.8.01. - Applicability.

This Article shall apply to:

- A. Residential subdivision developments of more than ten (10) dwelling units for which plans have not received final municipal approval or for which building permits have not been issued;
- B. Residential planned unit developments, in whole or in part, for which plans have not received final municipal approval or for which building permits for more than ten (10) dwelling units remain to be issued;
- C. Multifamily residential developments of more than ten (10) dwelling units, to be newly constructed or substantially rehabilitated, for which building permits have not been issued; and,
- D. Existing multifamily residential developments, to be converted to condominium or cooperative ownership.

19.8.02. - Affirmative Marketing Plans.

The owner of each development, to which this ordinance applies, shall prepare and file an Affirmative Marketing Plan with the Mayor and Community Relations Director prior to the time request is made for final subdivision or other site plan approval by the City. Upon approval of the Affirmative Marketing Plan by the City Council pursuant to Section 19.8.03, the owner shall thereafter implement the plan. The plan shall be designed to attract purchasers and renters of all minority and majority groups to such developments, and to provide for special outreach efforts to ensure that persons of minority groups are fully informed of available dwelling opportunities in the areas of present or prospective majority group concentration, and to ensure that persons of the majority group are fully informed of available dwelling opportunities in areas of present or prospective minority group concentration. The plan format shall include:

- A. Identify which groups are least likely without special outreach efforts to apply for dwellings in the development;
- B. Describe in detail the methods to be used to attract persons of such group(s) to dwellings in the development. Such methods may include, but need not be limited to, advertising through commercial media, brochures and leaflets, posting of signs, and appropriate contacts and arrangements with agencies of the City of Country Club Hills and other governments, fair housing agencies, community groups and employers;
- C. Describe in detail the fair housing training that will be provided to persons engaged in the sale or rental of

dwellings in the development; and,

- D. Provide for such other methods and information related to the advertising, sale or rental of dwellings in the development as the City Council determines are necessary to achieve the purposes of this ordinance.

19.8.03. - City Council Approval.

Within thirty (30) days of the filing of, an Affirmative Marketing Plan, the City Council shall approve the plan, in writing, if it complies with the provisions of this Article and such other regulations as are adopted by the City, or state, in writing, its reason for failing to approve the plan if it does not comply. No advertising, sale or rental of dwellings in developments subject to this Article may be commenced, and no final municipal approval or building permit shall be issued for such developments, until the City Council grants such written approval.

19.8.04. - Duration of Plan.

An Affirmative Marketing Plan shall expire one year after the date on which the City Council grants written approval of the plan pursuant to Section 19.8.03. Prior to such expiration, the owner shall prepare and file a revised Affirmative Marketing Plan with the Mayor and Community Relations Director pursuant to Section 19.8.02, and the City Council shall thereupon review the plan pursuant to Section 19.8.03. No advertising, sale or rental of dwellings in developments subject to this Article may be commenced or continued except in accordance with an unexpired Affirmative Marketing Plan for which the City Council has granted written approval pursuant to Section 19.8.03.

19.8.05. - Reporting.

The owner shall provide quarterly reports to the Mayor and Community Relations Director, on a printed form made available by the City concerning implementation of the approved Affirmative Marketing Plan. Such reports shall state, with respect to the reporting period, the race of the persons who inquired, at any time and place, as to the availability of dwellings in the development and the source of information leading to each such inquiry; the race of the persons who applied to purchase or rent such dwellings and the source of information leading to each such application; the race of the persons currently, residing in dwellings in the development; and such other information related to the advertising, sale or rental of such dwellings as the City Council may determine is necessary to review and evaluate the effectiveness of the plan.

19.8.06. - Evaluation and Plan Amendments.

The City Council and the owner shall evaluate the progress and effectiveness of the Affirmative Marketing Plan at such times as the City Council may deem appropriate.

Any approved Affirmative Marketing Plan may be modified, amended or terminated at any time by written agreement between the City Council and the owner.

19.8.07. - Limitations.

This Article shall not be construed in any manner to limit any applicable Federal or State affirmative marketing requirements.

ARTICLE 9. - IMPLEMENTATION

19.9.01. - Implementation.

The Community Relations Director shall have and may exercise the following powers, to implement the purposes of this ordinance.

- A. To receive and investigate complaints charging unlawful discriminatory acts and unfair housing practices;
- B. To initiate complaints charging unlawful discriminatory acts and unfair housing practices;
- C. To endeavor, by conciliation, to resolve any such complaints;
- D. To cooperate with the owners of developments subject to Article 8 in the preparation of Affirmative Marketing Plans, to recommend approval or disapproval and to monitor and evaluate such plans as requested by the City Council;
- E. To recommend to the City Council educational and other programs designed to promote the purposes of this ordinance;
- F. To gather and provide for the exchange of information related to the provisions of this ordinance among real estate agents, lending institutions, developers, employers, municipal officials, community organizations, and other persons with an interest in effective enforcement of this ordinance;
- G. To render at least once a year to the City Council a written report of the Community Relations Director activities and recommendations with respect to fair housing practices, which report shall be made public after submission to the City Council;
- H. To prepare and submit annually to the Mayor and City Council a budget for its operation; and,
- I. To do such other acts as are necessary and proper to perform those duties with which the Community Relations Director is charge under this ordinance.

19.9.02. - Creation of the Fair Housing Review Board.

There is hereby created the Fair Housing Review Board, which shall consist of the City Council sitting as a adjudicatory body, with the Mayor presiding.

19.9.03. - Duties of the Fair Housing Review Board.

The Fair Housing Review Board shall have the responsibility to adjudicate complaints alleging violations of Article 4 and 6. The Board shall have and may exercise the following powers to implement the purposes of this ordinance.

- A. To hold adjudicative hearings, make findings of fact, issue orders, enforce such orders, and seek judicial and/or administrative relief with respect to any such complaints in accordance with the provisions of this ordinance;
- B. To subpoena witness, compel their attendance, administer oaths, take sworn testimony; and, in connection therewith, to request the production for examination of any documents relating to any matter under investigation or in question before the Board, and enforce such powers by proper petition to any court of competent jurisdiction;

- C. To adopt such rules and regulations as the Board may deem necessary or desirable for the conduct of its business to carry out the purposes of this ordinance; and,
- D. To do such other acts as are necessary and proper to perform those duties with which the Board is charged under this ordinance.

ARTICLE 10. - COMPLAINTS, CONCILIATION, HEARING PROCEDURE, JUDICIAL REVIEW

19.10.01. - Complaints.

Any person may allege that a violation of Article 4 or Article 5 has occurred, or that a violation will occur and cause irrevocable injury, by filing with the Community Relations Director, within one hundred eighty (180) days of the alleged violation, a written verified complaint setting forth his or her grievance. Any complaint initiated by the Community Relations Director shall be signed by him. The complaint shall state, on a printed form made available by the City, the name and address of the complainant, the name and address of the person(s) alleged to have committed a violation of Article 4 or Article 6 and the particular facts there, and such other information as may be required by the Community Relations Director. A complaint may be amended at any time.

19.10.02. - Notice.

Within fifteen (15) calendar days after a complaint has been received or initiated by the Community Relations Director, the Community Relations Director shall attempt to serve, or cause to be served, in person, or by certified mail, a copy of the complaint on the person (hereinafter referred to as "respondent") alleged to have violated Article 4 or Article 6. If service of the complaint is not made within fifteen (15) calendar days, the Community Relations Director shall continue to attempt to serve such complaint using reasonable diligence in doing so.

19.10.03. - Investigation.

Within thirty (30) calendar days after a complaint has been served, the Community Relations Director shall conduct an investigation of the complaint and shall determine either that:

- A. There are reasonable grounds to believe that a violation of Article 4 or Article 6 has occurred, in which case the Community Relations Director shall then initiate the conciliation process of Section 19.10.04; or,
- B. There are not reasonable grounds to believe that a violation of Article 4 or Article 6 has occurred, in which case the Community Relations Director shall then dismiss the complaint by preparing a written notice of dismissal, including the reasons therefore, and notify the parties of the dismissal, within five (5) days, by serving a copy of the notice of dismissal by certified mail on the parties. The notice of dismissal shall advise the complainant at the same time, that he may appeal by written request with the City Council for a review of the complaint. By a majority vote, the City Council may overrule the dismissal and refer the complaint to the Community Relations Director for conciliation pursuant to Section 19.10.04.

19.10.04. - Conciliation.

If the Community Relations Director has made a determination pursuant to Section 19.10.03(A) that there are reasonable grounds to believe that a violation of Article 4 or Article 6 has occurred, or if the City Council so directs, the Community Relations Director shall:

- A. Notify the complainant and respondent of the time, place and date of the conciliation conference at least ten (10) days prior thereto, and both parties shall appear at the conciliation conference in person or with their attorney; and,
- B. Attempt to resolve the complaint by methods of conference, conciliation and persuasion with all interested parties and such representatives as the parties may choose to assist them. Conciliation conferences shall be informal and nothing said or done during such conferences shall be made public unless the parties agree thereto in writing. The terms of conciliation agreed to by the parties shall be reduced to writing and incorporated into a consent agreement to be signed by the parties. Consent agreements shall be signed on behalf of the City by the Mayor.

If the complaint has not been resolved by conciliation within sixty (60) calendar days after it has been received or initiated, the Community Relations Director shall so report to the Fair Housing Review Board, and then refer the complaint to the Fair Housing Review Board for an adjudicative hearing.

19.10.05. - Injunctive Relief.

At any time after the Community Relations Director has determined pursuant to Section 19.10.03(A) that there are reasonable grounds to believe that a violation of Article 4 or Article 6 has occurred, the Community Relations Director at the direction of the majority of the Fair Housing Review Board 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 any order or action by the Fair Housing Review Board.

19.10.06. - Hearings.

Within thirty (30) calendar days after the complaint is referred to the Fair Housing Review Board, that Board shall, upon due and reasonable notice to all parties, conduct a hearing on the complaint. Parties to the hearing shall be the complainant and respondent, and such other persons as the Fair Housing Review Board may deem appropriate. The hearing shall be open to the public. At least three (3) days before the hearing, the Fair Housing Review Board shall serve upon respondent a statement of charges and a summons requesting the attendance of named persons and the production of relevant documents and records. The parties may file such statements with the Fair Housing Review Board as they deem necessary. No fewer than five (5) of the same members of the Fair Housing Review Board must be present at all times during a hearing. The parties may appear before the Fair Housing Review Board in person or with a duly authorized representative, and may be represented by legal counsel. The parties shall have the right to subpoena and present witnesses and cross-examine witnesses, and all testimony and evidence shall be given under oath or by affirmation.

19.10.07. - Hearing Decisions.

Only those members of the Fair Housing Review Board who have attended all hearings on the complaint shall participate in the determination of the complaint. Within fifteen (15) days of the close of the hearing, the decision shall be rendered, at a meeting open to the public, in the form of a written order which shall include findings of fact, a statement, of whether the respondent has violated Article 4 or Article 6, and such remedial actions as the Fair Housing Review Board may order pursuant to Section 19.10.08. The order shall be served upon the parties by certified mail within fifteen (15) days of the public meeting. The order shall be available for public inspection, and a copy shall be provided to any person upon request and payment of reproduction costs.

19.10.08. - Remedial Actions.

- A. If the Fair Housing Review Board finds that the respondent has not violated Article 4 or Article 6, its order under Section 19.10.07 shall dismiss the complaint.
- B. If the Fair Housing Review Board finds that the respondent has violated Article 4 or Article 6, its order under Section 19.10.07 shall assess a fine pursuant to Article 11 and shall provide for the taking of such further remedial actions) as it deems appropriate, which may include, but need not be limited to:
 - (1) Directing the respondent to cease and desist violations of Article 4 or Article 6 and take such affirmative steps as necessary to effectuate the purposes of this ordinance;
 - (2) Initiating an appropriate court action for the enforcement of Article 4 or Article 6, and for such other or further relief as the court may deem appropriate, including, but not limited to, injunctive relief, compensatory damages, punitive damages, and/or attorneys' fees and costs for award to the complainant;
 - (3) Initiating proceedings for violations of Federal or State law and/or regulations;
 - (4) Initiating proceedings with any contracting agency, in the case of any violation of Article 4 or Article 6 by respondent in the course of per 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, for the purpose of causing a termination of such contract or portion thereof, or obtaining other relief;
 - (5) Initiating proceedings with the Illinois Department of Registration and Education to revoke, suspend, or refuse to renew the license of any person found to have violated any provision of Article 4 or Article 6;
 - (6) Directing the respondent to reimburse the complainant for his actual and reasonable expenses incurred and to be incurred as a result of each violation found including, but not limited to, expenses for moving and temporary storage of household furnishings, additional expenses in connection with the purchase of rental of a dwelling for alternative accommodations, and reasonable attorneys' fees and costs, provided that no such reimbursement by any respondent shall exceed the sum of \$500.00 with respect to each violation found; and/or,
 - (7) Directing the respondent to comply with such other or further relief as the Fair Housing Review Board may deem appropriate for the enforcement of Article 4 or Article 6.

19.10.09. - Judicial Review.

Within thirty-five (35) days following a decision by the Fair Housing Review Board; any party adversely affected thereby may apply for judicial review of such decision before a court of competent jurisdiction.

ARTICLE 11. - PENALTIES AND OTHER REMEDIES

19.11.01. - Fines.

Any person violating any provision of this ordinance shall be fined not less than \$100.00 nor more than \$500.00 for each violation. Every day a violation continues shall be deemed a separate violation.

19.11.02. - Judicial Relief.

The City of Country Club Hills or any person aggrieved by a violation of any provision of this ordinance may apply to any court of competent jurisdiction for appropriate relief from such violation, including, but not limited to:

- A. Injunctive relief or an order otherwise compelling compliance with this ordinance;
- B. Compensatory and/or punitive damages;
- C. Reasonable attorneys' fees and costs; and/or,
- D. Such other or further relief as is appropriate for the enforcement of this ordinance and the elimination of violations thereof.

19.11.03. - Additional Remedies.

This ordinance shall not prevent the City of Country Club Hills or any person from exercising any right or seeking any remedy to which that person might otherwise be entitled, or from filing any complaint with any other agency or court of law or equity.