

CHAPTER 3

FAIR HOUSING

SECTION:

- 6-3-1 Short Title
- 6-3-2: Purpose and Policy
- 6-3-3: Interpretation
- 6-3-4: Definitions
- 6-3-5: Property Owners
- 6-3-6: Real Estate Agents and Lending Institutions
- 6-3-7: Unlawful Practices; Representation
- 6-3-8: Unlawful Practices; Additional
- 6-3-9: Complaint Procedure
- 6-3-10: Enforcement
- 6-3-11: Remedies
- 6-3-12: Penalty

- 6-3-1: **SHORT TITLE:** This Chapter shall be known and may be cited as the *FAIR HOUSING ORDINANCE OF THE VILLAGE OF ELIZABETH, ILLINOIS*. (Ord., 3-14-1995)
- 6-3-2: **PURPOSE AND POLICY:** It is hereby declared to be the policy of the Village and the purpose of this Chapter, in the exercise by the Village of its policy 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 Village, and for the maintenance and promotion of commerce, industry and good government in the Village, to secure to all persons living or desiring to live in the Village a fair opportunity to purchase, lease, rent or occupy housing without discrimination based on race, color, religion or national origin, gender, creed, ancestry, or physical or mental handicap. (Ord., 3-4-1995; amd. 2002 Code)
- 6-3-3: **INTERPRETATION:** 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 Section 6-3-2 of this Chapter and the special purposes of the particular provision involved. (Ord., 3-14-1995)

6-3-4: **DEFINITIONS:** For the purposes of this Chapter, the following words and terms shall have the meaning ascribed to them in this Section:

- DWELLING:** Any building or structure, or portion thereof, within the Village which is arranged, designed or used as a home, residence or living quarters of one or more individuals.
- HOUSING:** Includes any building or structure, or portion thereof, within the Village, 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, families, and includes any vacant land within the Village which is zoned and intended to be used for the construction of any such building or structure.
- LEASE:** Includes sublease, assignment, and rent (or rental), and includes any contract to do any of the foregoing.
- LENDING INSTITUTION:** 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 and selling loans or instruments for the payment of money which are secured by title to 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.
- NATIONAL ORIGIN:** Includes the national origin of an ancestor.
- OWNER:** 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.

PERSON:	Includes one or more individuals, corporations, partnerships, associations, legal representatives, mutual companies, unincorporated organizations, trusts, trustees, trustees in bankruptcy, receivers and fiduciaries.
PURCHASE:	Includes any contract to purchase.
REAL ESTATE AGENT:	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.
REAL ESTATE BROKER:	Any person licensed as a real estate broker in accordance with the provisions of 225 Illinois Compiled Statutes, or required thereby to be so licensed.
REAL ESTATE SALESMAN:	Any person licensed as a real estate salesman in accordance with the provisions of 225 Illinois Compiled Statutes, or required thereby to be so licensed.
REAL ESTATE TRANSACTION:	The purchase, sale, exchange, or lease of any dwelling or housing, and an option to do any of the foregoing.
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., 3-14-1995; amd. 2002 Code)

6-3-5: **PROPERTY OWNERS:**

- A. Unlawful Practices: It shall be unlawful housing practice and a violation of this Chapter for any owner or other person:
1. Discriminatory Terms: To sell or lease a dwelling or housing on terms, conditions or privileges that discriminate between persons because of race, color, religion or natural origin, gender, creed, ancestry, or physical or mental handicap.

2. **Refusal to Deal:** To refuse to negotiate for, enter into, or perform any sale or lease of any dwelling or housing, because of the race, color, religion or natural origin, gender, creed, ancestry, or physical or mental handicap of any party to such sale or lease, or of any member of the family of any such party to such sale or lease, or of any member of the family of any such party, or of any person using or occupying any 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.
 3. **Withholding Housing:** 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, religion or national origin, gender, creed, ancestry, or physical or mental handicap.
 4. **Advertisements:**
 - a. 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 this Section.
 - b. 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 it unlawful under this Section, or to consent thereto.
 5. **Signs and Notices:** 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 this Section.
- B. **Exemptions:** This Section shall not apply to the rental of any room or dwelling unit in any owner occupied dwelling which consists of more than one but less than five (5) dwelling units. As used herein, the term, “dwelling unit” means one or more rooms which are arranged, designed, or used as living quarters or one family or one individual. The term, “owner” includes the spouse or any lineal descendant or ancestor of the owner.

- C. Limitations: Nothing in this Chapter shall require an owner to offer property to the public at large before selling or renting it, provided 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 or national origin, gender, creed, ancestry, or physical or mental handicap. 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., 3-14-1995, amd. 2002 Code)

6-3-6: **REAL ESTATE AGENTS AND LENDING INSTITUTIONS:**

- A. Unlawful Practices; Real Estate Agents: It shall be an unlawful housing practice and a violation of this Chapter for any real estate agent or other person:
1. Withhold Housing: 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, religion or national origin, gender, creed, ancestry, or physical or mental handicap of the person making such offer.
 2. Refusals of Offers: To refuse to receive or to fail to transmit a bona fide offer for the purchase, sale, exchange or lease of any dwelling or housing because of the race, color, religion or national origin, gender, creed, ancestry, or physical or mental handicap of the person making such offer.
 3. Advertisements: 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 Section 6-3-5 of this Chapter.
 4. Signs and Notices: To post, 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 this Section or Section 6-3-5 of this Chapter.

B. Unlawful Practices; Lending Institutions:

1. Discrimination in Lending: It shall be 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 discrimination between persons because of race, color, religion or national origin, gender, creed, ancestry, or physical or mental handicap.
2. 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, religion or national origin, gender, creed, ancestry or physical or mental handicap 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.

C. Licensing of Real Estate Brokers: Every real estate broker shall apply for and obtain a license from the Village prior to transacting any business involving real estate in the Village 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.

D. Application of Provisions: This Section shall apply, respectively, to every real estate agent who, within the Village, performs any function as such real estate agent but does not maintain an office or place of doing business within the Village, and this Section applies to every real estate agent and lending institution who maintains an office or place of doing business within the Village; 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 or exclusions other than those of race, color, religion or natural origin, gender, creed, ancestry or physical or mental handicap. (Ord., 3-14-1995; amd. 2002 Code)

6-3-7: **UNLAWFUL PRACTICES; 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:

- A. To represent that a change has occurred, will occur or may occur with respect to the race, color, religion or natural origin, gender, creed, ancestry or physical or mental handicap 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
- B. To represent that a change with respect to the race, color, religion or national origin, gender, creed, ancestry or physical or mental handicap 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 antisocial behavior, or in a decline in the quality of schools, in such block, neighborhood or area. (Ord., 3-14-1995; amd. 2002 Code)

6-3-8: **UNLAWFUL PRACTICES; ADDITIONAL:** It shall be an unlawful housing practice and a violation of this Chapter for any person:

- A. To aid, abet, incite, or coerce any person to engage in unlawful housing practice;
- B. Willfully to interfere with the performance of a duty or the exercise of a power by the Village Board or one of its members or representatives; or
- C. Willfully to obstruct or prevent any person from complying with the provisions of this Chapter or an order issued hereunder. (Ord., 3-14-1995)

6-3-9: **COMPLAINT PROCEDURE:**

A. Filing Complaint:

- 1. Any person aggrieved in any manner by a violation of any provisions of this Chapter may file with the Village Board a written verified complaint setting forth his grievance.
- 2. The complaint shall state:
 - a. The name and address of the complainant;

- b. The name and address of the person against whom the complaint is brought, if known to the complainant;
 - c. The alleged facts surrounding the alleged violation of this Chapter; and
 - d. Such complaint shall state the names and addresses of all persons believed to have knowledge concerning the alleged facts.
3. After the filing of any complaint, the Village Board shall serve a copy of the complaint on the party or parties charged.
 4. Any complaint filed hereunder with the Village Board must be filed within thirty (30) days after the alleged discriminatory practice occurred or it shall be barred.
- B. Hearing: The Hearing shall be conducted by the Village Board upon due and reasonable notice to all parties. The Village Board 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. At the conclusion of such hearing, the Village Board shall render the complainant a decision. (Ord., 3-14-1995)

6-3-10: **ENFORCEMENT:**

- A. The Village Board shall be empowered to 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 Village Board shall be empowered at the conclusion of proceedings, held under Subsection 6-3-9B of this Chapter, to direct the Village Attorney 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 penalty provided for in Section 6-3-12 of this Chapter.
 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. (Ord., 3-14-1995)
- 3. To petition or institute proceedings with the appropriate department of the State 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. (Ord., 3-14-1995, amd. 2002 Code)
- 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 of 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. The Village Board may issue such cease and desist orders and may direct such action by the Village Attorney, as shall be necessary for the enforcement of this Chapter. (Ord., 3-14-1995)

6-3-11: **REMEDIES:** Any person aggrieved in any manner by the violation of any provision of this Chapter who has exhausted the remedies provided in Subsection 6-3-9B of this Chapter may apply to any Court of competent jurisdiction for appropriate relief from such violation, including:

- A. An order compelling compliance with this Chapter;
- B. 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 subject of such violation; .
- C. An order requiring specific performance of any contract for the sale, lease, exchange, transfer, conveyance, or assignment of any dwelling or housing, or any person who, in violation of this Chapter, refuses or fails to perform such contract;
- D. Compensatory damages; and

- E. 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., 3-14-1995)

6-3-12: **PENALTY:** Any person who violates any provision of this Chapter shall be subject to penalty as provided in Section 1-4-1 of this Code.
(Ord., 3-14-1995; amd 2002 Code)