

# FAIR HOUSING REGULATIONS

## Chapter 15.44

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#### **15.44.010 Declaration of policy.**

- A. In furthering the policy of the state as expressed in its Constitution and other laws, and for the protection of public health, public safety, and public morals, it is declared to be the public policy of the city that the city council do all that it may lawfully do to ensure equal opportunity to all persons within its corporate limits to live in decent housing facilities without any discrimination against them in acquiring such facilities because of their race, color, religion, ancestry or national origin.
- B. It is further declared to be the policy of the city that, in a spirit of harmony, the city council shall endeavor to work with, and cooperate with the St. Charles community council on human relations, the board of realtors and the financial institutions of the city, and individual members thereof, to the end that the declared purpose of this chapter, which is to ensure the opportunity for all persons to live in decent housing facilities without discrimination because of race, color, religion, ancestry or national origin of such persons, can be accomplished in an orderly, lawful and proper fashion.

(Ord. 1968-35 § 1.)

#### **15.44.020 Definitions.**

As used in this chapter, unless a different meaning clearly appears from the context, the following terms shall have the meanings ascribed to them in this section:

- A. "Discriminate" or "discrimination" means any difference in the terms of the sale, lease, rental, or financing of housing units or housing accommodations to a person applying for such sale, lease, rental, or financing, because of the race, color, religion, ancestry or national origin of such person.

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- B. "Housing accommodation" includes any building, structure, or portion thereof which is used or occupied, or is maintained, arranged, or designed to be used or occupied, as a home or residence.
- C. "Owner" means the person holding title or legally representing the person who holds title to property.
- D. "Person" includes any group of persons, partnership, corporation, or any other legal entity.
- E. "Real estate broker" means any natural person, partnership, association or corporation, or agent thereof, who for a fee or other valuable consideration offers, sells, purchases, exchanges, or rents or negotiates, for the sale, purchase, exchange or rental of the real property of another or holds himself out as engaged in the business of selling, purchasing, exchanging or renting the real property of another, or collects rental for the use of the real property of another.

(Ord. 1968-35 § 2.)

### **15.44.030 Fair housing board - Created - Composition - Members' appointment and terms - Quorum.**

- A. There is created a fair housing board hereinafter referred to as the board, which shall consist of five members, all being residents within the corporate limits of the city, and shall be appointed by the mayor subject to the approval of the city council. Three members of the board shall be appointed as follows: One each from among two nominees submitted to the mayor by each of the following groups: St. Charles lending institution, St. Charles board of realtors and the St. Charles community council on human relations. The other two members shall be appointed at large by the mayor. The mayor shall designate one of the members to be its chairman, any three members of the board shall constitute a quorum.
- B. The term of office of each member of the board shall be for two years, until his successor is qualified; provided, however, that of the members first appointed, two shall be appointed for a term of one year, and three including the chairman shall be appointed for two years. Members of the board shall serve without pay.

(Ord. 1975-M-37; Ord. 1968-35 § 4.)

### **15.44.040 Fair housing board - Duties.**

It shall be the duty of the fair housing board to:

- A. Act to eliminate discriminatory practices as specified in Section 15.44.050 and to receive and investigate complaints charging unlawful housing practices;
- B. Seek conciliation of such complaints, hold hearings, make findings of fact, issue orders and publish its findings of fact and others in accordance with the provisions of this chapter;
- C. Render from time to time, but not less than every three months, a written report of its activities and recommendations with respect to fair housing practices to the mayor and to the city council; and
- D. Adopt such rules and regulations as may be necessary to carry out the purposes of this chapter.

(Ord. 1968-35 § 5.)

### **15.44.050 Prohibited acts.**

- A. It shall be an unfair housing practice and unlawful for any real estate broker, real estate salesman or agent thereof licensed as such by the state any owner or any other person or any lending institutions:
  - 1. To 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 the sale, rental or leasing of any housing accommodation within the city which

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- will indicate or express any limitation or discrimination in the sale, rental or leasing of such housing accommodation, predicated upon the race, color, religion, ancestry, or national origin of any prospective buyer, lessee or renter of such property;
2. To discriminate, or to participate in discrimination, in connection with borrowing or lending money, guaranteeing loans, accepting mortgages or otherwise obtaining or making available funds for the purchase, acquisition, construction, rehabilitation, repair or maintenance of any housing accommodations in the city because of race, color, religion ancestry, or national origin;
  3. It shall be an unlawful housing practice and a violation of this ordinance for any owner or other person to sell or lease a real property on terms, conditions or privileges that discriminate between persons because of race, color, religion or national origin;
  4. To solicit for sale, lease or listing for sale or lease, any housing accommodation within the city on the ground of loss of value due to the present or prospective entry into any neighborhood of any person or persons of any particular race, color, religion, ancestry, or national origin;
  5. To distribute or cause to be distributed, written material or statements designed to induce any owner of any housing accommodation in the city to sell or lease his property because of any present or prospective change in the race, color, religion, ancestry, or national origin of persons in the neighborhood;
  6. To make any misrepresentations concerning the listing for sale or the anticipated listing for sale or the sale of any housing accommodation for the purpose of inducing or attempting to induce the sale or listing for sale of any housing accommodation by representing that the presence or anticipated presence of persons of any particular race, religion, color, or national origin in the area will or may result in the lowering of property values in the block, neighborhood, or area in which the property is located;
  7. To make any distinction, discrimination or restriction against any person in the price, terms, conditions or privileges of any kind relating to the sale, rental, lease or occupancy of any housing accommodation in the city or in furnishing of any facilities or services in connection therewith, predicated upon the race, color, religion, national origin or ancestry of the prospective or actual buyer or tenant thereof;
  8. To refuse to sell, lease or rent, any housing accommodation within the city because of race, color, religion or national origin or ancestry;
  9. To refuse to show to any qualified buyer who has specified his needs and demonstrated his ability to finance the purchase or lease of real property, the list or other records identifying all real properties reasonable meeting such specifications;
  10. To deliberately and knowingly refuse examination of copies to any qualified buyer of any listing of housing accommodations in the city to any person because of race, color, religion or national origin or ancestry;
  11. To enter into a listing agreement which prohibits the sale or rental of housing accommodations to any person because of race, color, creed, religion or national origin or ancestry;
  12. To act or undertake to act with respect to any housing accommodation the disposition of which is prohibited to any person because of race, color, creed, religion or national origin or ancestry;
  13. To solicit an agent to sell any housing accommodation with any limitations or its sale based on race, color, religion or national origin;
  14. To harass, intimidate or threaten any real estate broker, real estate salesman or agent thereof, owner or any other person who is about to sell or lease or has sold or leased any housing accommodations or is about to buy or lease or has bought or leased any housing

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accommodation, when the harassment, intimidation or threat relates to an attempt to sell, buy or lease a housing accommodation, or refers to a sale, purchase or lease of a housing accommodation.

- B. Nothing in this chapter shall require any person to offer housing or business accommodations for sale or lease or to show such accommodations to any person if such person is not negotiating for the purchase or lease thereof in good faith, either for himself or principal.
- C. Nothing in this chapter shall be deemed to prohibit any real estate broker, real estate salesman, any owner or any other person from giving preference to prospective tenants or buyers for any reason other than the religion, race, color or national origin of the prospective tenant or buyer.

(Ord. 1968-35 § 3.)

### **15.44.060 Complaint - Filing required - Contents - Distribution of forms.**

Any person aggrieved in any manner by a violation of the provisions of this chapter shall file a written complaint setting forth his grievance with the fair housing board. Said complaint shall state the name and address of the complainant and of the persons against whom the complaint is brought, and shall also state the alleged facts surrounding the alleged violation of this chapter. The board shall provide a printed form of complaint for the use of citizens and copies of this form shall be distributed to all appropriate religious, civic, business and labor groups concerned with achieving fair housing for all citizens. Any complaint must be filed within sixty days after the alleged unfair housing practice occurred or it shall be barred. (Ord. 1968-35 § 6(a).)

### **15.44.070 Complaint - Filing with city clerk - Transmittal to board chairman.**

Each complaint shall be filed with the city clerk. The city clerk shall immediately transmit the complaint to the chairman of the fair housing board. (Ord. 1968-35 § 6(b).)

### **15.44.080 Complaint - Investigation - Action by board to eliminate unfair practice - Hearing.**

After the filing of any complaint, the board shall make a prompt investigation in connection therewith; and, if it determines after such investigation that probable cause exists for crediting the allegations of the complaint, it shall immediately endeavor to eliminate the unlawful discriminatory practice complained of by conference, conciliation and persuasion. In case of a determination that probable cause does not exist, the board shall make written findings of fact and shall send copies thereof to the complainant and the person charged within twenty days from the date of the filing of the complaint. If attempts at conciliation are not successful within thirty days after the filing of the complaint, the board shall then proceed promptly with a full hearing of the complaint. (Ord. 1968-35 § 6(c).)

### **15.44.090 Hearing - Issuance of notice and copy of complaint to all parties.**

In case of failure so to eliminate such practice, or in advance thereof, if in its judgment circumstances so warrant, it shall cause to be issued and served in the name of the board, a written notice together with a copy of such complaint, to all parties, of a full hearing of the complaint at a time and place to be specified in such notice. The notice and complaint shall be served on all parties not less than seven days before the time set for the public hearing, which hearing shall be held not later than forty-five days from the date of the filing of the complaint. (Ord. 1968-35 § 6(a).)

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### 15.44.100 Hearing - Rights of complainant.

The person charged with having engaged in or engaging in the unfair housing practice shall have the right to file an answer to the complaint, to appear at the hearing in person, to be represented by counsel, and to submit testimony. The complainant shall be allowed to present testimony in person or by counsel. (Ord. 1968-35 § 6(e).)

### 15.44.110 Hearing - Powers of board.

Such hearing shall be conducted by the board. The board shall not be bound by strict rules of evidence prevailing in courts of law or equity. The board shall have full power to subpoena witnesses and pertinent documents, which power may be enforced by the board by proper petition to any court of competent jurisdiction. The board shall have power to administer oaths and to take sworn testimony. (Ord. 1968-35 § 6(f).)

### 15.44.120 Hearing - Report and recommendation of board.

At the conclusion of the hearings, the board shall render a written report and recommendation, which shall be served by mail upon the parties. No report shall be delayed more than sixty days after the date of the issuance of notice for commencement of the first hearing. (Ord. 1968-35 § 6(g).)

### 15.44.130 Order to cease and desist unfair practice.

If, upon all the evidence at the hearing, the board finds that the person charged has engaged in, or is engaging in an unfair housing practice as defined in this chapter, the board shall state its findings of fact and shall issue and cause to be served upon such person an order requiring such person to cease and desist from such unfair housing practice, and to take such affirmative or other action as, in the judgment of the board, will effectuate the purposes of this chapter, including a requirement of a report of the manner of compliance. The board shall retain jurisdiction of the case until it is satisfied that the person has complied with the order. (Ord. 1968-35 § 6(h).)

### 15.44.140 Dismissal of complaint.

If, upon all the evidence at the hearing, the board finds that the person has not engaged in any unfair housing practice, the board shall state its findings of fact and shall issue and cause to be served upon the complainant an order dismissing the complaint. A copy of its order shall be delivered, in all cases, by the board to the complainant, to the person charged, and to the mayor. (Ord. 1968-35 § 6(i).)

### 15.44.150 Enforcement.

A. The board shall be empowered, at the conclusion of the proceedings held under Sections 15.44.060 through 15.44.140, to recommend to the city council that the council order any person found to be engaging in any unfair real estate 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 board shall be empowered at the conclusion of proceedings held under Section 15.44.060 through 15.44.140, as part of its report, to recommend to the city council that it direct the corporation counsel of St. Charles 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 15.44.170;
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 future relief as may seem to the court appropriate for the enforcement of this chapter and for the elimination of violations hereof;

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3. To petition or institute proceedings with the Illinois 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 real estate 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 board, the city council may issue such cease and desist orders and may direct such action by the corporation counsel, including the procedures set forth in subsection B of this section, as shall be necessary for the enforcement of this chapter.
- D. If, during the course of any proceedings prescribed herein, the board, on the basis of the evidence before it, concludes that a violation of this chapter is imminent, it may relay such evidence to the city council, together with its recommendation that the corporation counsel be instructed to seek injunctive relief in any court of competent jurisdiction to prohibit such violation.
- (Ord. 1968-35 § 7.)

### **15.44.160 Remedies.**

Any person aggrieved in any manner by the violation of any provision of this chapter who has exhausted the remedies provided in Sections 15.44.060 through 15.44.140, 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 real property, by any person who in violation of this chapter refuses or fails to perform such contract;
- C. Compensatory damages;
- D. Such other and further relief as may seem appropriate to the court for the enforcement of this chapter and the elimination of violations hereof.

(Ord. 1968-35 § 8.)

### **15.44.170 Violation - Penalty.**

- A. The board is also empowered at the conclusion of such proceedings and as a part of its report to file with the mayor and city council, for the purpose of having the mayor and city council file with the Department of Registration and Education of the State, a complaint against any broker found guilty of violating any provision of this chapter, seeking suspension or revocation of the license issued to such broker by the state.
- B. In addition thereto, the board may include as part of its report a recommendation to the city attorney for prosecution of any person who violates any provision of this chapter of who fails to comply with any order of the board.
- C. Any person who violates any provision of this chapter shall be fined no less than one hundred dollars for each offense and no more than five hundred dollars for each violation.

(Ord. 1968-35 § 9.)