

FAIR HOUSING ORDINANCE

BE IT ORDAINED by the President and Board of Trustees of the Village of Oak Park, Cook County, Illinois, that Chapter 24-1/2 entitled "Fair Housing" be added to the Code of the Village of Oak Park, said Chapter to read as follows:

Sec. 24-1/2.1. Policy:

It is hereby declared to be the policy of the Village of Oak Park and the purpose of this Chapter, in the exercise by the village 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 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 or other real estate regardless of race, color, religion or national origin.

Sec. 24-1/2.2. Severability:

If any provision of this Chapter or the application thereof to any person or circumstances is held invalid, the remainder of the Chapter and the application of the provision to other persons not similarly situated or to other circumstances shall not be affected thereby.

Sec. 24-1/2.3. Definitions:

For the purpose of this Chapter, the following words and phrases are defined as follows:

ADMINISTRATOR - The employee of the Village of Oak Park designated by the Board to administer the provisions of this Chapter.

BOARD - President and Board of Trustees of the Village of Oak Park.

COMMISSION - The Commission on Community Relations of the Village of Oak Park.

DISCRIMINATE - To extend differential treatment on the basis of religion, race, color or national origin.

LEASE includes sub-lease, assignment, and rental and includes any contract to do any of the foregoing.

LENDING INSTITUTION - Any bank, insurance company, savings and loan association, other persons in the business of lending money or guarantying loans, any person in the business of obtaining, arranging or negotiating loans 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 property.

OWNER - Any person holding any interest in property which may be used for dwelling purposes.

PURCHASE includes any contract to purchase.

REAL ESTATE BROKER - Any person who for a consideration acts as an employee or agent to manage, or to negotiate the sale, purchase or rental of any real property or any interest therein. Real estate broker includes but is not limited to all persons required to be licensed pursuant to the provisions of an Act in relation to the definition, registration and regulation of real estate brokers and real estate salesmen as heretofore and hereafter amended. (Chap. 114-1/2, Ill.Rev.Stat. 1967)

REAL ESTATE SALESMAN - Any person licensed as a real estate salesman in accordance with the provisions of Chapter 114-1/2 of the Illinois Revised Statutes, or is required thereby to be so licensed.

REAL ESTATE TRANSACTION - The purchase, sale, exchange or lease of any real property or interest therein or any negotiations, listings or contracts in connection therewith.

Sec. 24-1/2.4. Licenses:

Before the license of a real estate broker is issued or renewed as provided in Chapter 10 of this Code, the applicant shall file a sworn statement with the Village Clerk that he has read this Chapter and will comply with its provisions and that each real estate salesman employed by him has read and will comply with this Chapter.

Sec. 24-1/2.5. Unlawful Real Estate Practices:

It shall be unlawful for any real estate broker either by himself or his officers, employees or real estate salesmen, with respect to real estate located in Oak Park, to:

A. Persuade or induce any owner to refuse to sell or discriminate in the price of real estate to any person because of the religion, race, color or national origin of such person or the religion, race, color or national origin of the friends or associates of such person.

B. Discriminate against any person in charges for services because of the religion, race, color, or national origin of such person or refuse to render brokerage services to any person because of the religion, race, color, or national origin of such person.

C. Seek to induce owners to sell real estate or attempt to obtain listings of real estate for sale or lease by representing or suggesting that any prospective or present change in the religion, race, color or national origin of persons in the neighborhood will cause a decline in the value of real estate.

D. Refuse to disclose to any bona fide prospective buyer or lessee, because of the religion, race, color, or national origin of the prospective buyer or lessee, the address and description of any property listed for sale or lease or the terms upon which it is offered, or refuse to show, for that reason, to any bona fide prospective buyer or lessee any listing sheet or rental list in the broker's possession relating to such property.

E. To include in a published advertisement or circular relating to any property a statement that such property is not available for sale or lease to any person or class of persons because of their religion, race, color or national origin.

F. Pay a commission or any consideration to any person for acts or services performed in violation of this article.

G. Employ any person as a means of evading this Chapter or any other ordinance of the Village of Oak Park or any statute of the State of Illinois heretofore or hereafter enacted, which regulates, governs, affects, or controls the sale, purchase or lease of real estate or the conduct of real estate brokers.

H. Display a "for rent" or "for sale" sign on any property without the written consent of an owner or his authorized agent, or advertise that any property is for sale or for rent in a newspaper or other publication without the written consent of the owner or his authorized agent.

I. Fail, within a reasonable time, to provide information requested by the Board, Commission or Administrator in connection with a complaint of a violation of this Chapter.

J. For any real estate broker or agent, or the employee or representative of any such broker or agent to solicit any property for sale or rental, or the listing of any property for sale or rental at any time after such broker, agent, employee or representative shall have notice in writing that any owner of such real estate does not desire to sell such real estate, or does not desire to be solicited, either by such broker, or agent, or by any and all brokers or agents.

Sec. 24-1/2.6. Discrimination Prohibited:

It shall be unlawful for any owner, real estate broker, salesman or lending institution, either by themselves or through their officers, employees, agents, or salesmen, or for any other person to:

A. Refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, or national origin.

B. Discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, religion, or national origin.

C. Make, print, or publish, or cause to be made, printed, or published any notice, statement, or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, or national origin, or an intention to make any such preference, limitation, or discrimination.

D. Represent to any person because of race, color, religion, or national origin that any dwelling is not available for inspection, sale, or rental when such dwelling is in fact so available.

E. For profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, or national origin.

F. Deny a loan or other financial assistance to a person applying therefor for the purpose of purchasing, constructing, improving, repairing, or maintaining a dwelling, or to discriminate against him in the fixing of the amount, interest rate, duration, or other terms or conditions of such loan or other financial assistance, because of the race, color, religion, or national origin of such person or of any person associated with him in connection with such loan or other financial assistance, or the purposes of such loan or other financial assistance, or of the present or prospective owners, lessees, tenants, or occupants of the dwelling or dwellings in relation to which such loan or other financial assistance is to be made or given.

Sec. 24-1/2.7. Limitations and Exclusions:

A. This Chapter shall not apply to the rental of any room or units in dwellings containing living quarters occupied or intended to be occupied by no more than four (4) families living independently of each other if the owner actually maintains and occupies one of such living quarters as his residence.

B. Nothing in this Chapter shall require an owner to offer for sale or lease real property to the public at large, nor shall this Chapter be deemed to prohibit discrimination for any reason other than religion, race, color, or national origin and not otherwise prohibited by law.

C. Nothing in this Chapter shall require a broker or owner to offer real property for sale or lease or to show real property to any person if such person is not negotiating for the purchase or lease of such real property in good faith.

D. The provisions of this Chapter are limited to real estate transactions solely in connection with property located in the Village of Oak Park.

Sec. 24-1/2.8. Duties of Commission on Community Relations:

It shall be the duty of the Commission to initiate, receive and investigate written complaints charging discrimination; and seek conciliation of such complaints, seek compliance by violators, hold hearings, make findings of fact, issue recommendations and publish its findings of fact and recommendation in accordance with the provisions of this Chapter.

Complaints and Enforcement:

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

B. No fee shall be charged for the filing of the complaint.

C. After the filing of the complaint the Administrator shall within three (3) days serve a copy of the complaint personally or by certified mail on the person or persons charged and shall furnish a copy to the Chairman of the Commission.

D. The Administrator shall investigate the complaint and if he determines that probable cause exists in support of the allegations of the complaint, he shall set a date for a conference and notify the parties of the time and place thereof.

At such conference the Administrator shall interview the complainant and the person or persons against whom the complaint has been directed and shall attempt to resolve the complaint by conciliation.

E. If the Administrator is unable to conciliate the complaint he shall so notify the Chairman of the Commission within thirty (30) days of the filing of the complaint and the Commission shall thereupon hold a hearing on the complaint either by the full Commission or by a three member panel thereof as determined by the Chairman.

F. Hearing by Commission or Panel:

Such hearing shall be conducted upon notice by certified mail to all parties, at least 48 hours prior to the hearing. The Commission shall provide a court reporter to take a transcript of the hearing. All evidence shall be under oath administered by an officer authorized to administer oaths. All parties may be represented by counsel at their election and shall have the right to call witnesses and to cross examine witnesses.

If the hearing is conducted by a three member panel, the panel shall furnish the Commission with:

its findings of fact,
its recommendations,
a summary of the evidence taken,
a transcript of the hearing if requested
by the Commission.

G. Action by the Commission:

At the close of the hearing, the Commission may take any one or more of the following actions:

- (1) Resolve the complaint by conciliation.
- (2) Dismiss the complaint.
- (3) Make findings and recommendations to the Board regarding suspension or revocation of license.
- (4) Instruct the Village Prosecutor to file a complaint in the Circuit Court for a fine or a complaint to enjoin the violation or a complaint for any other appropriate relief.
- (5) In the case of any violation of this Chapter by any person in the course of performing under a contract or sub-contract with the State or any political subdivision or agency thereof, or with the United States of America or any agency or instrumentality thereof, to notify by certified mail 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.

H. Action by Administrator:

If in the judgment of the Administrator

immediate court action is necessary, he may at any time instruct the Village Prosecutor to file a complaint in the Circuit Court for a fine, injunction or other appropriate relief. Such action may be taken even though administrative hearings of the complaint are still pending before the Administrator or the Commission.

I. Action by Complainant:

At any time after final action by the Commission or after dismissal of a complaint by the Administrator or in the event of the refusal of the Administrator or Commission to act on a complaint within the time limits herein set forth, the complainant may file a complaint in the Circuit Court for appropriate relief for the alleged violation.

J. Limitation of Time to File Complaints:

Any complaint shall be barred from consideration unless it is filed with the Administrator within thirty (30) days after the alleged discriminatory practice occurred. However, it is recommended that all complaints be filed within seven (7) days of the first knowledge of the alleged discriminatory practice.

Sec. 24-1/2.9. Exempt Locations:

The Commission may exempt locations, buildings and transactions from the provisions of Section 24-1/2.6A of this Chapter. Before granting exemptions the Commission shall consider the plan of development adopted by the applicant for an exemption, which plan must be designed to prevent or eliminate de facto segregation and which is found by the Commission to be reasonably designed to prevent or eliminate de facto segregation. In addition, the Commission shall consider all of the following factors:

A. Concentration of racial groups in adjoining or surrounding areas.

B. The extent to which the location or building involved is integrated.

C. The number of properties being offered for sale in the location.

D. The number of vacancies in rental units in the building or location.

E. The extent to which schools in the area have been integrated.

The exemption hereunder may be revoked by the Commission at any time if it is found pursuant to a complaint filed under Section 8 hereof that the applicant has not pursued the voluntary plan in good faith.

Exemptions may be revoked by the Commission provided if the exemption has been granted pursuant to a plan of development, the applicants for the

original plan of development shall be notified and be heard by the Commission before the revocation of the exemption. The hearing procedure shall be as set forth in Section 8 hereof.

Applications and hearings in connection with the granting of exemptions shall be conducted as provided in Section 8-F of this Chapter. Exemptions granted shall be supported by findings of fact on Subsections A to E of this Section.

Nothing in this Section 9 shall be considered as encouraging discriminatory practices, but its purpose is to allow owners and realtors to adopt voluntary plans of integration which accomplish the goals of this Ordinance.

Sec. 24-1/2.10. Penalty:

Any person, firm, or corporation violating any of the provisions of this Chapter shall be punished by a fine not to exceed \$500.00. Each day any violation of this Chapter shall continue shall constitute a separate offense.

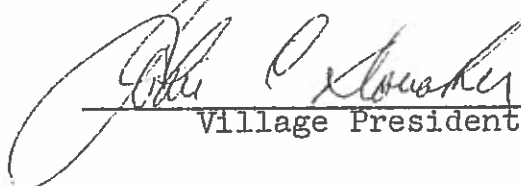
This Ordinance shall be in full force and effect from and after its adoption, approval and publication as provided by law.

ADOPTED this 6th day of May, 1968, pursuant to a roll call vote as follows:

AYES: Trustees Gearen, Hanson, Vician, Wenzel, and President Donaker.

NAYS: Trustees Brooks and Fixman

APPROVED by me this 6th day of May, 1968.


Village President

ATTEST:


Village Clerk

Published by me according to law this 15th day of May, 1968.


Village Clerk