

CITY OF PARK RIDGE

ORDINANCE 2016-39

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PARK RIDGE AMENDING ARTICLE 14, CHAPTER 14 OF THE MUNICIPAL CODE OF PARK RIDGE REGARDING FAIR HOUSING

WHEREAS, the City of Park Ridge is an Illinois home rule municipal corporation organized and operating pursuant to Article VII of the Illinois Constitution of 1970; and

WHEREAS, the City has adopted certain fair housing regulations which are codified at Article 14, Chapter 14 of the Park Ridge Municipal Code ("**Fair Housing Code**"); and

WHEREAS, the City has also established a fair housing commission to hear and decide complaints of violations of the Fair Housing Code; and

WHEREAS, since establishment of the Fair Housing Code in 2006, the Fair Housing Commission has heard only one complaint in 2007 and has not met since 2009; and

WHEREAS, the City has determined that it is in the best interests of the City to disband the Fair Housing Commission; and

WHEREAS, the City acknowledges that fair housing rights are important, and has determined that future complaints or allegations of violations of fair housing rights and protections should be referred to the appropriate agency and/or organization best equipped to handle such complaints or brought to the courts for enforcement, as more fully described in this Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Park Ridge, Cook County, Illinois, pursuant to its home rule authority provided under Article VII of the Illinois Constitution of 1970 as follows:

SECTION 1: Chapter 14, entitled "Fair Housing" of Article 14, entitled "Conduct and Offenses," of the Park Ridge Municipal Code is hereby amended as set forth on Exhibit A to this Ordinance.

SECTION 2: This Ordinance shall be in full force and effect from and after its passage, approval and publication according to law.

SECTION 3: The City Clerk is hereby authorized and directed to publish said Ordinance in pamphlet form according to law.

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Adopted by the City Council of the City of Park Ridge, Illinois this 16th day of May, A.D., 2016.

VOTE:

AYES: Ald. Moran, Van Roeyen, Shubert, Knight, Mazzuca, and Maloney

NAYS: None

ABSENT: None

Motion carried, 6 – 0..

Approved by me this 16th day of May, A.D., 2016

Acting Mayor Marty Maloney

Attest:

Cheryl L. Peterson, Deputy Clerk

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EXHIBIT A

Amendments to Article 14, Chapter 14

ARTICLE 14

CONDUCT AND OFFENSES

CHAPTER 14 FAIR HOUSING

SECTION

14-14-1	Policy
14-14-2	Construction
14-14-3	Definitions
14-14-4	Sale or Rental of Housing
14-14-5	Finance of Housing
14-14-6	Brokerage Services
14-14-7	Exemptions
14-14-8	Fair Housing Commission Created <u>Enforcement</u>
14-14-9	Administration and Enforcement; Fair Housing Commission
14-14-10	Processing of Complaints, Conciliation, Hearing Procedure and Commission Report
14-14- 11 <u>9</u>	Interference, Coercion or Intimidation
14-14- 12 <u>10</u>	Severability of Provisions
14-14- 13 <u>11</u>	Penalty

14-14-1 POLICY

- A. It is hereby declared to be the policy of the City and the purposes of this Chapter that all persons shall be assured full and equal opportunity to obtain fair housing for themselves and their families within the City, and to secure to all persons an equal opportunity to view, purchase, lease, rent or occupy real estate in the City without discrimination because of their race, color, sex, age, religion, disability, national origin, ancestry, sexual orientation, gender expression, marital status, military discharge, source of income, housing, or parental status.
- B. It is the clear purpose and intent of this Chapter to impose absolute liability for the conduct described and that the burden of proving any violation of this Chapter be by the preponderance of the evidence.

14-14-2 CONSTRUCTION

This Chapter shall be construed according to the fair import of its terms and shall be construed to further the purposes and policy as stated and the special purpose and the particular provision involved.

14-14-3 DEFINITIONS

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As used in this Chapter:

CHARGE: ~~An allegation contained in a complaint.~~

COMMISSION: ~~The Fair Housing Commission of the City. (See Section 14-14-8 of this Code).~~

COMPLAINT: ~~Document filed by a party/person with the City Manager.~~

DISABLED PERSON : Any person having a physical or mental impairment that substantially limits one (or more) major life activities or having a record of physical or mental impairment or being perceived by another as an individual with a physical or mental impairment.

DISCRIMINATORY HOUSING PRACTICE: An act that is unlawful under Sections 14-14-4, 14-14-5 or 14-14-6 of this Chapter.

DWELLING: Any building, structure or portion of a structure which is occupied as, or designed or intended for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location of any such building or structure.

FAMILY: Includes single individual.

GENDER EXPRESSION: The gender with which a person may choose to identify or express himself or herself, irrespective of the person's birth gender.

HOUSING STATUS: The type of housing in which an individual resides, whether publicly or privately owned; an individual's ownership status with respect to the individual's residence; or the status of having or not having a fixed residence.

MARITAL STATUS: The status of being single, married, divorced, separated or widowed.

MILITARY DISCHARGE STATUS: The fact of having been discharged from the Armed Forces of the United States, their Reserve components or any National Guard or Naval Militia.

NATIONAL ORIGIN: The place in which an individual or one of his or her ancestors was born.

PARENTAL STATUS: The status of living with one or more dependent minors or disabled children.

PERSON: Includes one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers and fiduciaries.

RELIGION: All aspects of religious observance and practice, as well as belief, non-belief, or the actual identification with or perceived identification with a religion.

SEXUAL ORIENTATION: The status or expression, whether actual or perceived, of heterosexuality, homosexuality or bisexuality.

SOURCE OF INCOME: Means any lawful income, subsidy, or benefit with which an individual supports himself or herself and his or her dependents, including but not limited to, child support, maintenance, and any federal, state or local public assistance, medical assistance, or rental assistance program, provided that:

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Nothing in this Chapter prevents an owner or agent acting in good faith from taking into consideration factors other than lawful sources of income such as credit history, criminal history or references.

Nothing in this Chapter shall require or prevent any person whose property fails to meet federal housing quality standards in connection with the federal Housing Choice Voucher (also known as Section 8) program (42 U.S.C. 1437f) to lease or rent a unit to a prospective tenant who is relying on such a subsidy, payment assistance contribution, or voucher for payment of part or all of the rent for such unit.

In addition, during such time as a landlord is waiting for an inspection or other agency response relative to a Section 8 participant's application for rental of the landlord's housing unit, this Chapter shall not prohibit such landlord from choosing to rent such unit to another applicant who may or may not be a Section 8 participant.

TO RENT: Includes to lease, sublease, to let and otherwise to grant for consideration the right to occupy premises not owned by the occupant.

14-14-4 SALE OR RENTAL OF HOUSING

It shall be unlawful:

To 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 the actual or perceived status, practice, or expression of that person's race, color, sex, age, religion, disability, national origin, ancestry, sexual orientation, gender expression, marital status, parental status, military discharge status, source of income, or housing status; or the actual or perceived association with such a person.

To discriminate against any person in the terms, conditions or privileges of sale or rental of a dwelling or provision of services or facilities.

To 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.

To represent to any person because of the actual or perceived status, practice, or expression of that person's race, color, sex, age, religion, disability, national origin, ancestry, sexual orientation, gender expression, marital status, parental status, military discharge status, source of income, or housing status; or the actual or perceived association with such a person that any dwelling is not available for inspection, sale or rental when such dwelling is in fact available to others.

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 of a particular person's race, color, sex, age, religion, disability, national origin, ancestry, sexual orientation, gender expression, marital status, parental status, military discharge status, source of income, or housing status; or the actual or perceived association with such a person.

To discriminate against any disabled person by:

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Refusing to permit, at the expense of the disabled person, reasonable modifications of an existing dwelling unit occupied or to be occupied by such person if such modifications may be necessary to afford such person full enjoyment of the premises; except that, in the case of a rental, the landlord may, where it is reasonable to do so, condition permission for a modification on the renter agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted; a person with disabilities may make reasonable modifications to the interior or exterior public and common use areas of a building as well as to his and her individual dwelling unit.

Refusing to make reasonable accommodations in rules, policies, practices or services, when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling.

14-14-5 FINANCE OF HOUSING

It shall be unlawful for any bank, building and loan association, insurance or other corporation, association, firm or business enterprise to deny a loan or other financial assistance which is sought for the purpose of purchasing, constructing, improving, repairing or maintaining a dwelling, or to discriminate in the fixing of the amount, interest rate, duration or other terms or conditions of such loan or other financial assistance because of the actual or perceived status, practice, or expression of that person's race, color, sex, age, religion, disability, national origin, ancestry, sexual orientation, gender expression, marital status, parental status, military discharge status, source of income, or housing status; or the actual or perceived association with such a person. Nothing in this provision should be deemed to interfere with actions, which would occur within the ordinary course of business.

14-14-6 BROKERAGE SERVICES

It shall be unlawful to deny any person access to or membership or participation in any multiple listing service, real estate broker's organization or other service, organization or facility relating to the business of selling or renting dwellings, or to discriminate against a person in the terms and conditions of such access, membership or participation on account of the actual or perceived status, practice, or expression of that person's race, color, sex, age, religion, disability, national origin, ancestry, sexual orientation, gender expression, marital status, parental status, military discharge status, source of income, or housing status; or the actual or perceived association with such a person.

14-14-7 EXEMPTIONS

Nothing in this Chapter shall prohibit:

- A. A religious organization, association or society or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association or society from limiting 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 from giving preference to such persons, unless membership in such religion is restricted on account of race, color, or national origin;
- B. The rental, lease, or occupancy of a room in an owner occupied single-family dwelling having not more than two (2) roomers living independently exclusive of salaried household employees living on such premises;

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- C. A private club, the membership of which is not open to the public, which as incident to its primary purpose(s), provides lodging which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members and their guests or from giving preference to its members;
- D. The operation of housing units designed and offered predominately for the use and occupancy by person fifty-five (55) years of age or older;
- E. The operation of housing units designed and offered predominately for use and occupancy by persons with disabilities;
- F. Any charitable or educational organization from limiting, to persons of the same sex the rental of living accommodations and facilities primarily for single room occupancy;
- G. An initial condominium declaration limiting ownership, rental, or occupancy of a condominium unit to a person fifty-five (55) years of age or older, provided that the person or immediate family of a person owning, renting, or lawfully occupying such unit prior to the recording of the initial declaration shall not be deemed to be in violation of such age restriction as long as the person continues to own or reside in such housing accommodation;
- H. The application of any local, state, or federal restrictions regarding the maximum number of occupants permitted to occupy a dwelling;
- I. Restrictions on the rental or sale of a unit to any person found guilty of illegal manufacture or distribution of a controlled substance;
- J. Restrictions on the rental or sale of a unit to any person found guilty of: (i) child pornography, (ii) criminal sexual assault, (iii) aggravated criminal sexual assault, (iv) criminal sexual abuse, (v) aggravated criminal sexual abuse as set forth in Illinois Compiled Statutes (720 ILCS 5/11-20.1, 5/12-13, 5/12-14, 5/12-15, and 5/12-16 or any successor statute thereto). A finding of guilt for any offense of federal law or the law of another state that is substantially equivalent to any offense listed in this Chapter shall constitute a finding of guilt for purposes of this Chapter.

14-14-8 ENFORCEMENT

A. Referral to Appropriate Agency or Organization.

Any person aggrieved in any manner by the violation of any provision of this Chapter will be referred to the appropriate agency or organization for investigation and enforcement of applicable fair housing laws and policies.

B Court Action by Complainant or other Aggrieved Person.

Any person aggrieved in any manner by the violation of any provision 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.**

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An order prohibiting any such person found by the court to have violated any provision of this Chapter from the sale, lease, exchange, transfer, conveyance or assignment of the real property in question during the pendency of the case.

3. Compensatory damages.

4. Such other and further relief as may seem appropriate to the court for the enforcement of this Chapter and the elimination of violations.

~~FAIR HOUSING COMMISSION CREATED~~

~~There is hereby created a Park Ridge Fair Housing Commission, which shall consist of six (6) persons to be appointed by the Mayor with the advice and consent of the City Council. Of the six (6) original appointees, three (3) shall serve until December 31, 2007 and three (3) shall serve until December 31, 2009. All subsequent appointees shall be appointed to a term of four (4) years, except those who are appointed for the purpose of serving the time remaining for a vacated seat on the Commission.~~

~~The Fair Housing Commission shall submit, for City Council approval, procedures for conciliatory action in cases of discriminatory housing practice.~~

~~14-14-9 ADMINISTRATION AND ENFORCEMENT; FAIR HOUSING COMMISSION~~

~~A majority of Commissioners then holding office shall constitute a quorum for the purpose of transacting any Commission business or any decision by the Commission under this Chapter.~~

~~The Commission shall have and exercise, with respect to all real property and with respect to all persons subject to this Chapter, the following powers and responsibilities:~~

~~To act to assure to persons living, working or desiring to live a Park Ridge, or in any particular real property, opportunity to purchase, lease or occupy without discrimination because of the actual or perceived status, practice, or expression of that person's race, color, sex, age, religion, disability, national origin, ancestry, sexual orientation, gender expression, marital status, parental status, military discharge status, source of income, or housing status; or the actual or perceived association with such a person.~~

~~To hold meetings to attempt, by informal conference, to conciliate Fair Housing complaints.~~

~~To submit from time to time, but not less often than annually, a written report to the Corporate Authorities of the general scope of the Commission's activities and recommendations with respect to fair real estate practices, which written report shall be made public after its submission; such annual report shall be submitted by May 1 of each year, to cover the prior calendar year.~~

~~To create from time to time ad hoc committee(s) consisting of Commissioners to expedite and facilitate the work of the Commission in respect to the Commission's fair housing responsibilities.~~

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~~To take such action, and to make such recommendations to the Corporate Authorities as may be necessary or desirable to fulfill and implement the foregoing powers and responsibilities.~~

14-14-10 ~~PROCESSING OF COMPLAINTS, CONCILIATION, HEARING PROCEDURE AND COMMISSION REPORT~~

~~A. Filing a Complaint.~~

~~Any person(s) aggrieved in any manner by a violation of any provision of this Chapter may file with the City Manager a verified, written complaint setting forth their grievance within ninety (90) days after the date of the alleged violation. (References to City Manager shall include a designee of the City Manager.) The complaint shall be filed on a form authorized by the Commission and provided by the City Manager. The complaint shall state the name and address of the complainant; the name and address of the person against whom the complaint is brought, if known to the complainant; facts sufficient to allege a violation of this Chapter; the names and addresses of all persons believed to have knowledge concerning the alleged facts; and such other relevant information as the City Manager may deem desirable.~~

~~B. Investigation.~~

~~Upon receipt of a complaint, the City Manager will notify the Commission and commence an investigation into the complaint. Within twenty one (21) days of receipt of the complaint, the City Manager shall complete an investigation of the alleged violation. The City Manager will issue a report to the chair of the Commission regarding the findings of the investigation. If the City Manager finds that there is probable cause to believe that a violation exists, the City Manager shall submit his or her finding in writing to the chair of the Commission. Upon receipt of a finding of probable cause, the Commission shall schedule a conciliation conference not less than 10 and not more than 30 days from the date the chair receives the written findings.~~

~~The City Manager shall cause a copy of the complaint to be served upon the respondent along with notice of the date, time and location of the conciliation conference. A copy of the complaint and notice of the date, time and location of the conference shall also be served upon the complainant.~~

~~If the City Manager finds that probable cause does not exist, the City Manager will recommend dismissal of the complaint and shall notify the Commission's chair in writing of the City Manager's findings. Upon receipt of the findings, the chair may send out notification to the complainant, indicating the results of the investigation and the finding of no probable cause.~~

~~If a complaint indicates multiple respondents, and subsequent to the investigation by the City Manager, probable cause is found with regard to one or more of the respondents, then the Commission shall proceed on the complaint against those parties for which probable cause was found. The named parties for which no probable cause was found shall be dismissed by the Commission. The chair shall cause notification to be sent to the complainant with regard to the findings of the investigation and to the parties for which probable cause was found.~~

~~C. Conciliation Conference.~~

~~A panel shall be convened in an effort to resolve the parties' differences in private. The Commission's chair or the chair's designee shall preside over the Conciliation Conference Panel. The chair or any member of the Commission, the City Manager, and the City Attorney or~~

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~~the City Attorney's designee shall be present. The complainant and respondent may be represented by attorneys if they desire. The conference shall be closed to all other persons. However, in the discretion of the Panel, a complainant or respondent may include an additional person such as an interpreter or family member.~~

~~No evidence shall be taken at the conciliation conference. The sole purpose of the conference will be to attempt to reconcile the parties. If the parties cannot reach agreement at the conference, a public hearing upon the complaint shall be scheduled.~~

~~D. Nondisclosure.~~

~~Members of the Commission or its staff shall not disclose what transpires during the course of an investigation, or what transpires during the course of a conciliation conference, except as such disclosures are deemed essential to the investigation or the conciliation or are made at a public hearing in accordance with subsection E of this Section. Nothing in this subsection shall be construed to prevent the City Manager and the Commission from disclosing dismissal notices or conciliation agreements and the reasons for such dismissal or agreement. The identities of the parties shall not be disclosed without their consent.~~

~~E. Public Hearing.~~

- ~~1. If an agreement between the parties cannot be reached at the conciliation conference and the Manager's report found probable cause to believe that a violation occurred, the Commission chair or the chair's designee shall forward the matter to the City Prosecutor for prosecution before the City's Administrative Adjudication Hearing Officer, in accordance with Article 20, Chapter 6 of this Code.~~
- ~~2. If the Administrative Adjudication Hearing Officer makes a finding of guilty, a member of the Commission will have the right to testify and to recommend any of the following penalties to the Hearing Officer:
 - ~~a. Imposing a penalty as set forth in 14-14-13.~~
 - ~~b. Issuing an order to cease and desist from any unlawful housing practices as determined by the panel.~~
 - ~~c. Recommending that the City Manager request that the City Attorney petition or institute proceedings with the Illinois Department of Financial and Professional Regulation for the purpose of causing the Department to revoke, suspend, or refuse to renew the license granted by such Department to the party found to have violated any provision of this Chapter.~~
 - ~~d. 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, or with the United States of America or any agency or instrumentality, notify such contracting agency of the unlawful real estate practice or violation of this Chapter committed by the person or business. For the purpose of causing it to terminate such contract or any portion thereof, either~~~~

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~~absolutely or on condition of compliance with the provisions of this Chapter.~~

~~F. Court Action by Complainant or other Aggrieved Person.~~

~~Any person aggrieved in any manner by the violation of any provision of this Chapter who has exhausted the remedies otherwise provided for in 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.~~
- ~~_____ An order prohibiting any such person found by the court to have violated any provision of this Chapter from the sale, lease, exchange, transfer, conveyance or assignment of the real property in question during the pendency of the case.~~
- ~~3. Compensatory damages.~~
- ~~4. Such other and further relief as may seem appropriate to the court for the enforcement of this Chapter and the elimination of violations.~~

~~G. Retention of Jurisdiction.~~

~~The Commission shall retain jurisdiction for 1 year after the conciliation conference or public hearing.~~_____

~~H. Compliance.~~

~~Proof of compliance with the Commission's order(s) shall be provided by the adjudged respondent at a date and time set by the Commission.~~_____

14-14-119 INTERFERENCE, COERCION OR INTIMIDATION

It shall be unlawful to 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 Chapter.

14-14-1210 SEVERABILITY OF PROVISIONS

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

14-14-1311 PENALTY

Any person who violates any provisions of this Chapter shall be fined not less than Two Thousand Five Hundred Dollars (\$2,500.00) nor more than Ten Thousand Dollars (\$10,000.00) for each offense, in addition to payment of all costs incurred by the City. Each day a violation continues may be deemed a separate offense.