

CHAPTER 8 - FAIR HOUSING CODE

8-1-1 Short Title

This Code shall be known and may be cited as the Fair Housing Code of the City of Bunker Hill.

8-1-2 Purpose and Declaration of Policy

It is hereby declared to be the policy of the City and the purpose of this Code, in the exercise by the City 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 City, and for the maintenance and promotion of commerce, industry and good government in the City, to secure to all persons living or desiring to live in the City a fair opportunity to purchase, lease, rent, or occupy housing without discrimination based on race, color, religion or national origin.

8-1-3 Construction

This Code 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 8-1-2 and the special purposes of the particular provision involved.

8-1-4 Definitions

For the purposes of this Code.

(A) **“Dwelling”** means any building or structure, or portion thereof, within the City which is arranged, designed or used as a home, residence or living quarters of one (1) or more individuals.

(B) **“Housing”** includes any building or structure, or portion thereof, within the City, 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 (1) or more individuals, groups or families, and includes any vacant land within the City which is zoned and intended to be used for the construction of any such building or structure.

(C) **“Lease”** includes sublease, assignment, and rent (or rental), and includes any contract to do any of the foregoing.

(D) **“Lending Institution”** means 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 or 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.

(E) **“National Origin”** includes the national origin of an ancestor.

(F) **“Owner”** means 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 hold any beneficial interest in, any real estate cooperative which owns any Dwelling or Housing.

(G) **“Person”** includes one or more individuals, corporations, partnerships, associations, legal representatives, mutual companies, unincorporated organizations, trusts, trustees,

trustees in bankruptcy, receivers and fiduciaries.

(H) **“Purchase”** includes any contract to purchase.

(I) **“Real Estate Agent”** means any real estate broker, and 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.

(J) **“Real Estate Broker”** means any person licensed as a real estate broker in accordance with the provisions of the Illinois Compiled Statutes, or required thereby to be so licensed. (225 ILCS Sec. 455/1 et seq.)

(K) **“Real Estate Salesman”** means any person licensed as a real estate salesman in accordance with the provisions of the Illinois Compiled Statutes, or required thereby to be so licensed.

(L) **“Real Estate Transaction”** means the purchase, sale, exchange, or lease of any Dwelling or Housing, and an option to do any of the foregoing.

(M) **“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.

8-1-5 Discriminatory Terms

It shall be an unlawful housing practice and a violation of this Code for any owner or other person to sell or lease a dwelling or housing on terms, conditions or privileges that discriminate between persons because of race, color, religion or national origin.

8-1-6 Refusal to Deal

It shall be an unlawful housing practice and a violation of this Code for any owner or other person 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 national origin of any party, to such sale or lease, or of any member of the family of any such party, or of any person using or occupying or intending to use or occupy such 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.

8-1-7 Withholding Housing

It shall be an unlawful housing practice and a violation of this Code for any owner or other person 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.

8-1-8 Advertisements

It shall be an unlawful housing practice and a violation of this Code for any owner or other person 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 Code.

8-1-9 Advertisements, Causing or Permitting

It shall be an unlawful housing practice and a violation of this Code for any owner or other person 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 is unlawful under this Chapter, or to consent thereto.

8-1-10 Signs and Notices

It shall be an unlawful housing practice and a violation of this Code for any owner or other person 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 Chapter.

8-1-11 Exemptions

This Code shall not apply to the rental of any room or dwelling unit in any owner-occupied dwelling which consists of more than one (1) but less than five (5) dwelling units. As used herein, the term “dwelling unit” means one (1) or more rooms which are arranged, designed, or used as living quarters for one (1) family or one (1) individual. The term owner includes the spouse or any lineal descendant or ancestor of the owner.

8-1-12 Limitations

Nothing in this Code shall require an owner to offer property to the public at large before selling or renting it, providing he complies with all other provisions of this Code, nor shall this Code be deemed to prohibit owners from giving preference to prospective tenants or buyers for any reason other than religion, race, color or national origin. Nothing in this Code 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.

8-1-13 Withholding Housing

It shall be an unlawful housing practice and a violation of this Code for any real estate agent or other person 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.

8-1-14 Refusals to Accept Offers

It shall be an unlawful housing practice and a violation of this Code for any real estate agent or other person 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 of the person making such offer.

8-1-15 Advertisements

It shall be an unlawful housing practice and a violation of this Code for any real estate agent or other person 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 Code.

8-1-16 Signs and Notices

It shall be an unlawful housing practice and a violation of this Code for any real estate agent or other person to post or erect, or cause or permit any person to post or erect, any

sign or notice upon any dwelling or housing, other person, indicating an intent to sell or lease any dwelling or housing in a manner that is unlawful under this Code.

8-1-17 Licensing

Every real estate broker shall apply for and obtain a license from the City prior to transacting any business involving real estate in the City 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 Code. (225 ILCS Sec. 455/33 for preemptive powers)

8-1-18 Discrimination in Lending

It shall be an unlawful housing practice and a violation of this Code 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 discriminate between persons because of race, color, religion or national origin.

8-1-19 Refusals to Deal in Lending

It shall be an unlawful housing practice and a violation of this Code 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 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.

8-1-20 Coverage

This Code shall apply, respectively, to every real estate agent who, within the City, performs any function as such real estate agent but does not maintain an office or place of doing business within the City, and this Code applies to every real estate agent and lending institution who maintains an office or place of doing business within the City; provided, however, that the provisions of this Code 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 national origin.

8-1-21 Representation

It shall be an unlawful housing practice and a violation of this Code 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 national origin in 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 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 anti-social behavior, or in a decline in the quality of schools, in such block, neighborhood or area.

8-1-22 Other Violations

It shall be an unlawful housing practice and a violation of this Code for any person:

- (A) To aid, abet, incite, or coerce a 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 City Council or one of its members or representatives, or
- (C) Willfully to obstruct or prevent a person from complying with the provisions of this Code or an order issued thereunder.

8-1-23 Complaints

(A) Any person aggrieved in any manner by a violation of any provisions of this Code may file with the City Council a written verified complaint setting forth his grievance.

The complaint shall state:

- (1) the name and address of the complaint;
 - (2) the name and address of the person against whom the complaint is brought, if known to the complainant; and
 - (3) the alleged facts surrounding the alleged violation of this Code; and such complaint shall state the name and address of all persons believed to have knowledge concerning the alleged facts.
- (B) After the filing of any complaint, the City Council shall serve a copy of the complaint on the party or parties charged.

8-1-24 Hearing by City Council

(A) Such hearing shall be conducted by the City Council upon due and reasonable notice to all parties. The City Council shall have power to administer oaths and to take sworn testimony. Any party alleged to have violated this Code 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.

(B) At the conclusion of such hearing, the City Council shall render the complainant a decision.

8-1-25 Enforcement

(A) The City Council 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 Code.

(B) The City Council shall be empowered at the conclusion of proceedings held under Section 8-1-24, to direct the City 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 Code, the fine provided for in Section 8-1-27 below;
- (2) To apply to any court of competent jurisdiction.
 - (a) For an order restraining any person from violating any provision of the Code. For such other or further relief as may seem to the court appropriate for the enforcement of this Code and the elimination of

violations hereof.

(3) To petition or institute proceedings with the 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 Code.

(4) In the case of any unlawful housing practice or violation of this Code 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 or compliance with the provisions of this Code.

(C) The City Council may issue such cease and desist orders and may direct such action by the City Attorney, as shall be necessary for the enforcement of this Code.

8-1-26 Remedies

Any person aggrieved in any manner by the violation of any provision of this Code who has exhausted the remedies provided in Section 8-1-24 of this Code may apply to any court of competent jurisdiction for appropriate relief from such violation, including:

- (A) An order compelling compliance with this Code;
- (B) An order to prohibit any person found by the court to have violated any provision of this Code from the sale, lease, exchange, transfer, conveyance or assignment of any dwelling or housing which is the 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 Code, 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 Code and the elimination of violations hereof.

8-1-27 Penalties

Any person who violates any provision of this Code shall be subject to a fine not to exceed Seven Hundred Fifty Dollars (\$750.00). (65 ILCS Sec. 5/11-11.1-1)

8-1-28 Severability.

If any provision of this Code or the application thereof to any person or circumstances be held invalid, such invalidity shall not affect such other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Code are hereby declared to be severable.