

## CHAPTER 13

### FAIR HOUSING

#### Sec. 13 01. Declaration of policy.

\*Cross references Buildings and building regulations, Sec. 8 1 et seq; subdivisions, Sec. 30 1 et seq.

State law reference Authority of municipalities to prescribe for fair housing, Ill. Stat. Ch. 24, Sec. 11.11.1 1.

It is hereby declared by the City Council to be in the best interest of the health, safety and welfare of the people of the City to assure equal opportunity to all persons who engage in real estate transactions regardless of race, color, religion, ancestry or national origin and to that end to prohibit discrimination in real estate transactions. (Ord. of 4 8 68, Art. 1)

#### Sec. 13 02. Definitions.

As used in this chapter, unless the context otherwise requires:

Discrimination. The term "discrimination" means any act by any person who engages in real estate transactions, which act does not assure equal opportunity to all other persons regardless of race, color, religion, ancestry or national origin.

Real estate. The term "real estate" includes any lot, building, structure or portion thereof in the City which is used or occupied, or is maintained, arranged or designed to be used or occupied as a home, residence, sleeping place of one or more persons, place of business or office, but such term shall not include rooms for rental to one or two (2) persons in a single family dwelling, the remainder of which is occupied by (1) the owner or members of his immediate family, or (2) a lessee of the entire dwelling or members of his immediate family.

Real Estate Broker. The term "Real Estate Broker" means any natural person, partnership, association or corporation, or agent thereof who for a fee or other valuable consideration sells, purchases, exchanges, rents, or offers or negotiates to do any of the foregoing, real property of another, or holds himself out as engaged in the business of doing any of the foregoing, or manages and collects rental from the real property of another. (Ord. of 4-8-68, Art. 1).

#### Sec. 13 03. Prohibited acts.

That neither the City of Kankakee nor any owner of real estate, lessee, sublessee, real estate broker or salesman, lender, financial institution, advertiser, building contractor or agent of any of the foregoing, shall discriminate against any other person because of the religion, familiar status, physical or mental disability, race, color or national origin of such other person in regard to the sale or rental of, or dealings concerning real estate. Any such discrimination shall be considered an unfair real estate practice. Without limiting the foregoing, it shall also be an unfair real estate practice and unlawful for any real estate broker or other person to:

- (1) 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 real estate which will indicate or express any such discrimination.
- (2) Exploit or over charge any person for real estate because of race, color, religion, national origin, familial status, physical or mental disability.
- (3) Solicit for sale, lease, or listing for sale or lease, of any real estate 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, national origin, familiar status, physical or mental disability.
- (4) Make distribute or cause to be made or distributed any written material or statements designed to induce

any owner of real estate to sell or lease his property because of any present or prospective change in the race, color, religion, national origin, familial status, physical or mental disability of persons in the neighborhood.

- (5) Refuse to sell, lease or rent, any real estate because of the race, color, religion, national origin, familial status, physical or mental disability of the proposed buyer or tenant.
- (6) Refuse examination of the copies of any listing of real estate to the commission created by the provisions of this chapter.
- (7) Enter into a listing agreement which prohibits the sale or rental of real estate to any person because of race, color, creed, religion, national origin, familial status, physical or mental disability.
- (8) Act or undertake to act with respect to any real estate, the disposition of which is prohibited to any person because of race color, religion, national origin, and familial status, physical or mental disability. (Ord. No. 4 8 68, Art. I; Ord. No. 95-28; 5-5-95)

Ordinance Number 97-39 adopted by the City Council of the City of Kankakee on June 16, 1997 was repealed in its entirety by Ordinance Number 98-83 passed on September 21, 1998.

#### **Sec. 13 04. Construction.**

Nothing in this chapter shall require an owner to offer property to the public at large before selling or renting it 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. Nothing in this chapter shall require an owner to offer property for sale or lease to any person if the owner has any reason to believe that such person is not negotiating for the purchase or lease of such property in good faith. (Ord. of 4 8 68, Art.I)

#### **Sec. 13 05. Fair Housing Commission Generally.**

There is created the Fair Housing Commission, hereinafter referred to as the commission, to consist of seven (7) members, all of whom shall have been bona fide residents of the City for two (2) years immediately preceding such appointment. The members of the commission shall be appointed by the Mayor, with the advice and consent of the City Council.

The members of the commission shall be appointed for a term of three (3) years and in the event any member shall be, or shall during his term become, unable or unwilling for any reason to serve as a member of the commission, the Mayor shall fill such vacancy by appointment, with the advice and consent of the City Council, for the remainder of the term vacated. All appointments shall be in writing and shall be filed with the clerk of the City as a public record. At the first meeting of the commission, subsequent to the first day of May of each year, the members of the commission shall select one of its members to serve as chairman for the succeeding year and shall also appoint one of its members to serve as secretary for the succeeding year. (Ord.No 4 8 68, Art.I)

#### **Sec. 13 06. Duties of Fair Housing Commission.**

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

- (1) Receive and investigate complaints charging unfair real estate practices; and
- (2) Seek conciliation of such complaints, seek compliance by violators, hold hearings, make finding of fact, issue recommendations and publish its findings of fact and recommendations in accordance with the provisions of this chapter. (Ord. of 4 8 68, Art. I)

#### **Sec. 13 07. Grievance procedures - Fair Housing Commission.**

Any person aggrieved in any manner by an unfair real estate practice may file a sworn written complaint setting forth his grievance with the commission. Such complaint must be filed in the office of the Corporation Counsel within thirty (30) days of the commission of the alleged unfair real estate practice and shall state the name and address of the complainant and of the person against whom the complaint is brought and shall also state the alleged facts of the alleged unfair real estate practice. The Corporation Counsel shall forward such complaint to the chairman of the commission. A copy of such complaint shall be served by the chairman of the commission on the person complained against by certified or registered mail within three (3) days after receipt of the complaint. After the filing of any complaint, and service of a copy of the complaint upon the person complained against, the chairman of the commission shall designate three (3) of the members to make an investigation in connection therewith and they shall file a written report of the results of such investigation with the commission within twenty (20) days from the date of their appointment. The commission may allow an additional twenty (20) day period for investigation upon written application of the three (3) member investigating committee filed within the original twenty (20) day period. If such three (3) members determine that probable cause exists for crediting the alleged unfair real estate practice as a result of such investigation, they shall immediately endeavor to eliminate the alleged practice by conference, conciliation and persuasion. In case of failure to eliminate such practice or in advance thereof, if in their judgment circumstances so warrant, they shall notify the party who filed the complaint and the party complained against of a full hearing of the alleged practice, at a time and place so specified in such notice, which time shall not be less than ten (10) days following service of the notice. Following such notification, these three (3) members shall not participate further in any action concerning the practice complained of and all future action shall be conducted by the remaining four (4) members of the commission, provided that the commissioners making such investigation are not disqualified from testifying as any other witness. Any person charged with the unfair real estate practice shall have the right to file an answer, and he and the complainant may appear at the hearing in person or be represented by counsel, and submit testimony. Such hearing shall be conducted by the four (4) members of the commission who did not take part in the investigation. The commission shall not be bound by the strict rules of evidence but shall decide the case in accord with preponderance of the evidence and which decision shall be supported by substantial competent evidence. The commission shall have power to issue subpoenas, administer oaths, and to take sworn testimony. At the conclusion of the hearing, the commission shall render a written report and recommendations which shall be served by certified mail upon the parties. No report shall be delayed more than sixty (60) days after the date of the hearing. The commission shall keep a written record of the evidence of its hearings. (Ord. of 4 8 68, Art. 1)

**Sec. 13 08. Sanctions for violations.**

At the conclusion of the hearing provided for in section 13-07, the commission may, as part of its findings, report and order

- (1) That no unfair housing practice has been proved and that no further action is required.
- (2) May direct the legal officer of the City to institute proceedings against any person found to have committed an unfair real estate practice in violation of this chapter. (Ord. of 4 8 68 Art.1)

**Sec. 13 09. Other proceedings.**

Nothing in this chapter shall be deemed to limit the right of the City or the complainant to prosecute alleged violations of this chapter in the usual and customary manner notwithstanding the fact that the investigating commissioners determined that no probable cause existed for proceeding further with the unfair housing practice or the fact that the commission may have decided adversely to the complainant on his complaint.(Ord.of 4 8 68, Art.1)

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