

CHAPTER 5 - FAIR HOUSING

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10-5-1: - DECLARATION OF POLICY:

It is the policy of the City that all individuals shall have an equal opportunity to purchase, own, lease, and occupy housing within the City without being discriminated against based on race, color, religion, sex, national origin, ancestry, age, marital status, familial status, physical or mental handicap or disability, military status, sexual orientation, or legal source of income. It is also the policy of the City that members of those protected classes shall have the right to be free from discriminatory practices when engaging in real estate transactions and seeking access to financial credit for real estate transactions. The City's fair housing regulations shall be consistent with and, in some cases, more stringent than the provisions of the Fair Housing Act (42 USC Section 3601 et seq., as amended) and the Illinois Human Rights Act ^[101]

⁽¹⁰¹⁾ 775 ILCS 5/1-101 et seq., as amended.

. Both laws as used in this Chapter shall be identified as the "Fair Housing Act" and the "Illinois Human Rights Act" without citation to the Statutes unless a specific citation is necessary.

(Ord. 00-92, 6-6-2000)

10-5-2: - DEFINITIONS:

For the purpose of the interpretation and enforcement of this Chapter, the words and phrases used in this Chapter shall have the meanings ascribed to them in the Fair Housing Act and in Articles 1, 3, and 4 of the Illinois Human Rights Act, as amended, unless this Chapter contains a specific definition for a word or phrase or unless the context of the sentence in which the word or phrase is used shall indicate otherwise.

HANDICAP:	As used in this Chapter shall have the same meaning ascribed to that term in the Fair Housing Act and the Illinois Human Rights Act, and may be used interchangeably with the term "disability". The preferred term for purposes of
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	this Chapter and its enforcement shall be "disability".
UNLAWFUL DISCRIMINATION:	Discrimination against a person because of his or her race, color, religion, sex, national origin, ancestry, age, marital status, familial status, physical or mental handicap or disability, military status, sexual orientation, or legal source of income. (Ord. 00-92, 6-6-2000)

10-5-3: - UNLAWFUL DISCRIMINATION PROHIBITED:

No person shall engage in unlawful discrimination in violation of any provision of the Fair Housing Act, Article 3 or 4 of the Illinois Human Rights Act, Chapter 11 of the BOCA National Building Code (Accessibility), as amended, the Illinois Accessibility Code (71 Illinois Administrative Code Section 400 et seq.), as amended, or any other applicable law or ordinance. Any amendments to those laws made after the effective date of this Chapter shall be incorporated by reference into this Section without formal action by the City. If any provisions of the laws and codes are in conflict or are otherwise inconsistent, then the more stringent or restrictive provision shall prevail and shall be enforced by the City.

(Ord. 00-92, 6-6-2000)

10-5-4: - ACCESSIBILITY OF STRUCTURES:

The Department of Community Development of the City shall enforce the accessibility laws and codes for new multi-family housing subject to regulation under the Fair Housing Act and the Illinois Human Rights Act. New housing subject to regulation under this Chapter shall be constructed in compliance with all applicable regulations and with the following seven (7) technical requirements in the accessibility guidelines promulgated by the Federal Government under the Fair Housing Act:

1. Accessible Entrance On An Accessible Route:
 - 1.1. If there are separate entrances for ground floor units, each entrance shall be accessible.
 - 1.2. If there are common entrances to a multi-unit building, at least one entrance, typically used by residents for entering the building, shall be accessible.
 - 1.3. An accessible entrance shall be located on a route that a person in a wheelchair can travel, leading to and from locations in the structure or complex, such as parking facilities, public transportation, amenities such as laundry room and recreational facilities, and other similar facilities.
2. Accessible Public And Common-Use Areas:
 - 2.1. Parking areas, curb ramps, passenger loading areas, building lobbies, lounges, halls and corridors, elevators, public use restrooms, and rental or sales offices shall be accessible to persons with disabilities, including such facilities as drinking fountains, water coolers, mailboxes, laundry rooms, community and exercise rooms, swimming pools, playgrounds, recreation facilities, nature trails, and other similar facilities.
3. Usable Doors:
 - 3.1. Doors shall be wide enough to enable a person in a wheelchair to maneuver through them including public and common-use doors, doors leading into an individual dwelling unit, and all

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doors within the dwelling unit itself. For wheelchairs, doors must have a clear opening width of at least thirty-two (32) inches (measured from face of door to the stop, with the door open ninety (90) degrees).

3.2. All types of doors are included in this regulation, including hinged doors, sliding doors, and folding doors.

3.3. Doors leading to any outdoor amenities the dwelling or complex may have are included in this regulation, including doors to such amenities as a balcony, patio, or deck.

3.4. If a deck or patio has doorways leading into two (2) or more separate rooms, all these doors must be usable.

4. Accessible Routes Into And Through Dwelling Unit:

4.1. Thresholds of the exterior doors of a dwelling unit may not exceed three-fourths inch; this regulation shall apply to sliding door tracks.

4.2. In single-story units, changes in height of one-fourth-inch to one-half-inch shall be beveled. Those greater than one-half-inch shall be ramped or have other means of access. Minimum clear width for an accessible route inside the unit is thirty-six (36) inches. Hallways, passages, and corridors shall be wide enough to allow room to maneuver a wheelchair throughout the unit.

5. Accessible Light Switches, Electrical Outlets, And Environmental Controls:

5.1. Operable parts of controls must be no lower than fifteen (15) inches and no higher than forty-eight (48) inches from the floor.

5.2. Switches, outlets, thermostats, and controls shall be accessible to persons in wheelchairs.

6. Reinforced Walls in Bathroom: Walls in bathrooms shall be reinforced so that grab bars near the toilet, tub, shower, and shower seat, if not already provided, may be added later.

7. Usable Kitchens And Bathrooms:

7.1. A minimum of forty (40) inches of clear floor space shall be provided in kitchens to allow a person in a wheelchair to maneuver between opposing base cabinets, countertops, appliances, or walls.

7.2. A U-shaped design shall require a minimum of five (5) foot in diameter clear space, or removable cabinets at the base of the "U".

7.3. Appliances must be located so they can be used by a person in a wheelchair. A 30-inch by 48-inch clear floor space is required for a parallel or forward approach.

7.4. Adequate maneuvering space shall be required in bathrooms so that a person in a wheelchair can enter, close the door, use the facilities and fixtures, and exit.

7.5. All bathrooms shall include a base degree of maneuverability and usable doors, reinforced walls, switches/outlets in accessible locations, and must be on an accessible route.

8. Additional Accessibility Standards: If a building with four (4) or more dwelling units, none of which is occupied by the owner, has no elevator and will be ready for initial occupancy, the following

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standards shall apply to ground floor units:

8.1. In a building with an elevator, all dwelling units shall be made accessible and the elevator must serve all of the units.

8.2. In a building without an elevator, all dwelling units on the ground floor shall be made accessible. The accessibility requirements apply only to the ground floor units; all ground floor units shall be made accessible.

8.3. This Subsection shall be interpreted to be consistent with the accessibility laws and codes incorporated by reference in this Chapter.

(Ord. 00-92, 6-6-2000)

10-5-5: - ADDITIONAL RENTAL REGULATIONS:

No owner or manager of property being made available for rent shall:

1. Refuse to let a person with a disability make a reasonable modification to his or her dwelling unit or common use areas at the sole expense of the person renting the property from the owner or manager, if the modification is necessary for that person to make the housing accessible. The owner or manager shall be required to permit the modification to be made only if the person making the modification agrees to restore the property to its original condition when that person vacates the property.

2. Refuse to make reasonable accommodations in rules, policies, practices, or services if the accommodations are necessary for the person with a disability to use the housing.

(Ord. 00-92, 6-6-2000)

10-5-6: - COMPLAINTS:

10-5-6-1: - COMPLAINTS OF VIOLATION:

Any person aggrieved by a violation of any provision of this Chapter may file a written complaint with the Fair Housing Advisory Commission^[102]

⁽¹⁰²⁾ See Title 2, Chapter 5 of this Code.

. A complaint shall be barred from consideration by the Commission if it is not filed within ninety (90) days of the alleged unlawful act that forms the basis of the complaint. The complaint shall state:

1. The name, address and telephone number of the complainant.
2. The name and address of the person or persons against whom the complaint is made, if that information is known to the complainant.
3. The facts upon which the alleged violation is based.
4. The dates and places when and where the alleged acts were committed.
5. Any other information or documents supporting the alleged violation.

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(Ord. 00-92, 6-6-2000)

10-5-6-2: - PROCEDURE FOR PROCESSING COMPLAINTS:

1. The written complaint shall be filed with the office of the City Clerk and forwarded to the Fair Housing Advisory Commission and the City Attorney. The Commission shall schedule a review of the complaint at one of its regular or special meetings.
2. If the Commission determines that the face of the complaint states a violation of this Chapter, the chair shall appoint a panel of at least three (3) members of the Commission to review the complaint. The appointment of an employee of the City to assist in the review and processing of the complaint shall be subject to approval by the City Manager.
3. The Commission's review panel shall be authorized to request additional information from the complainant and to request a written response to the complaint from the person or entity ("respondent") against whom the complaint has been filed. The respondent shall have ten (10) days from the date of the request for a response to submit a written response. The Commission's review panel shall be authorized to grant an extension in which to respond.
4. Notices and responses shall be served by U.S. mail, by personal service, or by any other means of communication, including electronic, approved by the Commission's review panel.
5. The Commission's review panel may determine that mediation of the dispute is possible without referring the complaint to the Commission. The chair of the review panel shall be authorized to appoint a person to act as a mediator to meet with all parties and come to a resolution acceptable to the parties, provided that the cost of the mediation, if any, is incurred by the parties to the proceeding. The mediator will then report back to the Commission review panel for further action.
6. The Commission's review panel shall make a report to the Fair Housing Advisory Commission of the proceedings, which report shall state one or more of the following:
 - 6.1. No probable cause exists for the filing of the complaint, and the complaint should be dismissed.
 - 6.2. Probable cause exists for filing of the complaint, and the complaint should proceed to a hearing before the full Commission.
 - 6.3. The panel has succeeded in effecting a conciliation of the complaint through mediation between the complainant and the respondent.
 - 6.4. Conciliation of the complaint through mediation was not achieved by the panel, and the complaint should proceed to a hearing before the full Commission.
7. A record of the proceedings before the Commission's review panel will be prepared to the extent deemed necessary by the Commission's review panel.

If the Commission concurs in the determination by the panel as to Subsection 10-5-6-2.6.1 or 10-5-6-2.6.3 of this Section, then the complaint shall be dismissed by the Commission. If the complaint is not dismissed, then the Commission shall proceed to a hearing on the complaint in accordance with the provisions of this Chapter.

(Ord. 00-92, 6-6-2000)

10-5-6-3: - HEARING PROCEDURE:

The hearing before the Commission shall be conducted by the Commission as a whole at a public hearing after giving or mailing written notice to all parties of the date, time and place of the hearing.

The Commission shall have power to administer oaths and to issue subpoenas for the attendance of witnesses. The parties shall be entitled to be represented by counsel and shall have the right to call witnesses and to cross-examine witnesses. All testimony shall be given under oath. The Commission and the Commission's review panel may conduct a closed meeting when authorized to do so by the Illinois Open Meetings Act.

The Commission shall keep a record of proceedings by providing a court reporter or by having the record of proceedings, including testimony, prepared by other means of recording, provided that the Commission approves the alternate means of recording its proceedings before the commencement of the hearing. The Commission shall not be required to have the record transcribed. If either party desires to have a transcript of the hearing prepared, the cost of preparing the record shall be done at the expense of the party requesting the record.

At the conclusion of the hearing, the Commission shall enter a written order which shall contain its findings of fact based upon the evidence introduced and its action on the evidence. A copy of the order entered by the Commission shall be filed with the City Clerk, and copies of the order shall also be sent by U.S. mail to the complainant and to the respondent. The findings of fact in the order shall include findings on whether or not:

1. The complainant acted in good faith in his or her attempt to secure the benefits provided under this Chapter at the time of the commission of the acts violating this Chapter.
2. The specific acts charged in the complaint, which constitute a violation of the provisions of this Chapter, have been sustained by a preponderance of the evidence.

If the findings of fact by the Commission as to either Subsection 10-5-6-3.1 or 10-5-6-3.2 of this Section are in the negative, then the Commission shall dismiss the complaint. If the findings of fact by the Commission as to both Subsections 10-5-6-3.1 and 10-5-6-3.2 of this Section are in the positive, then the Commission shall have one or more of the following remedies:

- 2.1. Order the respondent to cease and desist from violating any provision of this Chapter.
- 2.2. Order the respondent to terminate any discriminatory housing practice and bring himself or herself or the property into compliance with this Chapter.
- 2.3. Order that a copy of the Commission's decision be sent to any governmental entity that regulates or licenses or has jurisdiction over the respondent or the respondent's profession with a request for that entity to take all appropriate action on the sustained allegation of unlawful discrimination.
- 2.4. Request that the City Attorney, with the permission of the City Manager, take legal action seeking any available judicial relief at law or in equity against the respondent for the unlawful discrimination.
- 2.5. Nothing in this Subsection shall be construed as prohibiting the complainant from taking independent legal or administrative action against the respondent for any violation of this Chapter or any other applicable law or ordinance.

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3. The Fair Housing Advisory Commission's decision shall be provided to the members of the City Council. The City Council may, but will not be required to, review the Commission's decision for the purpose of sustaining or reversing, the Commission's decision. If the City Council determines that it will review the Commission's decision, then the City Council's review shall be on the record of proceedings made by the Commission, but the City Council shall be authorized to require additional information to be provided by the parties if the City Council determines that additional information is necessary for its review. Upon the completion of the City Council's review of the Commission's decision, the City Council may sustain or reverse the decision or take such other action as may be necessary to promote the intent of this Chapter. The City Council's failure to express its intent to review the Commission's decision within thirty (30) days of the issuance of the decision shall be deemed a waiver of the City Council's right to review the decision. The City Council's decision, or the Fair Housing Advisory Commission's decision in the case when the City Council does not review the Commission's decision, shall be final and subject to judicial review in accordance with applicable law.

(Ord. 00-92, 6-6-2000)

10-5-7: - PENALTY:

Any person charged with a violation of any provision of this Chapter shall, upon conviction in a court having jurisdiction, be punished by a fine of not less than one thousand dollars (\$1,000.00) and not more than five thousand dollars (\$5,000.00) for each offense. The prosecution of a violator in court shall be in addition to any other remedy available to the City or the Commission under applicable law.

(Ord. 00-92, 6-6-2000)