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## Chapter 18 HUMAN RELATIONS AND SOCIAL SERVICES

### ARTICLE I. IN GENERAL

**Secs. 18-1—18-18. Reserved.**

### ARTICLE II. FAIR HOUSING

#### DIVISION 1. - GENERALLY

**Sec. 18-19. Declaration of policy.**

It is declared to be the policy of the village, pursuant to its power to protect the public health, safety and general welfare, to encourage and foster the protection by law of the rights of persons, regardless of race, color, religion, ancestry, national origin to fair and equal access to housing.

(Prior Code, § 17.01(1))

**Sec. 18-20. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Housing* means any building, structure or part thereof which is used or occupied, or is intended, arranged or designed to be used or occupied as a home or residence and any land for sale, lease or use as a site for a building, structure or part thereof intended or designed to be used or occupied as a home or residence.

(Prior Code, § 17.01(2))

**Sec. 18-21. Discrimination prohibited.**

It shall be a prohibited discriminatory practice for any person to:

- (1) Refuse to sell, lease, rent or in any other manner deny, withhold or impair the transfer of title, leasehold or any other interest in housing, when such refusal is based on a consideration of race, color, religion, ancestry or national origin of the person refused;
- (2) Publish, circulate, issue, display, mail or communicate in any other way an announcement, statement, advertisement, publication or sign the import of which indicates a decision or purpose to impair in any way the access of any person, on the basis of his race, color, religion, ancestry or national origin, to any transferable interest in any housing;
- (3) Refuse to lend money or security, guarantee any loan, accept any mortgage or in any other manner make available any other funds or resources for the construction, acquisition, purchase, rehabilitation, repair or maintenance of any housing or housing accommodation, when such refusal is based on a consideration of the race, color, religion, ancestry or national origin of the person refused;
- (4) Do or refuse to do any act which effects the purpose of any activity prohibited by this article.

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(Prior Code, § 17.01(3))

### **Sec. 18-22. Testing prohibited.**

It is unlawful for any person not having any bona fide intention to avail himself of any rights under this article to solicit offers to buy, rent or lease for the sole purpose of securing evidence of a discrimination practice as defined in this article.

(Prior Code, § 17.01(4))

### **Sec. 18-23. Exemptions.**

- (a) Nothing in this article shall bar any religious or denominational institution or organization, or any charitable or educational organization which is operated, supervised or controlled by or in connection with a religious organization, from limiting admission to or giving preference to persons of the same religion or denomination, or from making such selection as is reasonably calculated, by such organization to promote the religious principles for which it is established or maintained.
- (b) No prohibition in this article shall apply to an offer or advertisement to lease or rent, or to the lease or rental, of single-occupancy rooms in an owner-occupied dwelling; provided, however, that the numbers of persons, other than the owner and his immediate family, who dwell therein does not exceed two.
- (c) No prohibition in this article shall apply to any building or structure containing living quarters occupied or intended to be occupied by no more than one family and which is used by or was last used by the owner thereof as a bona fide residence for himself and any members of his family forming his household.

(Prior Code, § 17.01(5))

### **Secs. 18-24—18-49. Reserved.**

## DIVISION 2. - COMMISSION ON EQUAL OPPORTUNITIES IN HOUSING

### **Sec. 18-50. Established; members; terms.**

The village has established the village commission on equal opportunities in housing, which shall consist of five members appointed by the president subject to confirmation by the board of trustees. Terms of the initial commission members shall be as follows: one shall be appointed for a one-year term; two for a two-year term; two for a three-year term. Terms shall be determined as though they commenced on the third Tuesday of April, 1968, but shall in fact commence from the time of appointment. Thereafter, all commissioners shall be appointed to serve three-year terms. Appointments to fill vacancies shall be for duration of the unexpired term commission members shall be reimbursed for all actual and necessary expenses, but shall receive no other compensation.

(Prior Code, § 17.01(6))

### **Sec. 18-51. Powers and duties.**

The commission shall have the powers and duties to:

- (1) Adopt rules for governing its meetings and hearings;

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- (2) Adopt such rules and regulations as may be necessary to carry out the purposes of this division;
- (3) Receive and investigate complaints alleging violations of this division arising from bona fide transactions and to attempt to eliminate or remedy any violation by means of conciliation, persuasion, education or other means;
- (4) If necessary, hold hearings after efforts at settlement and a determination of probable cause;
- (5) Administer oaths and take testimony;
- (6) Compel the production of books, papers and other documents relating to any matters involved in the complaint;
- (7) Subpoena witnesses and compel their attendance;
- (8) Issue, after hearing, such final orders as are necessary to promote the purposes of this article;
- (9) Issue temporary orders restraining any action which would tend to render ineffectual or unenforceable any order which the commission might issue;
- (10) Refer orders to the village attorney to be enforced by him in the name of the village;
- (11) Recommend to the president and the board of trustees any legislation necessary to further promote the purposes of this article;
- (12) Render from time to time, but not less than once a year, written reports of its work to the president and the board of trustees.

(Prior Code, § 17.01(7))

### **Sec. 18-52. Enforcement procedure.**

- (a) *Complaint.* Any complaint alleging any discriminatory practice prohibited by this division shall be in writing. Such complaints may be initiated by the complainant, who, may mail his complaint to the commission or dictate it to an agent of the commission, or any agent of the complainant, including any agent who himself has solicited offers to buy, lease, rent or in any other manner seek access to any interest in any part of any housing or housing accommodation, for the complainant, or any member of the commission on his own initiative. All complaints shall contain the name and address of the complainant, the name and address of the respondent or respondents, a statement setting forth the particulars of the alleged discrimination or discriminatory practice.
- (b) *Where filed.* Complaints shall be filed with the village commission on equal opportunities in housing by the complainant, his duly authorized agent or a member of duly authorized agent of the commission, and may be filed in person or by mail.
- (c) *When filed.* Complainants alleging any discriminatory practice prohibited by this division shall be filed no later than 30 days after the complainant knew or should reasonably have known that the alleged act occurred.
- (d) *Notice to respondent.* Upon the filing of a complaint the commission shall serve a copy thereof upon the respondent within ten days of said filing.
- (e) *Amendment and withdrawal.* A complaint may be amended or withdrawn at any time with and subject to the approval of the commission and under such terms as the commission may direct.
- (f) *Investigation, hearings determination, appeal.*
  - (1) An agent or commissioner designated by the commission shall promptly investigate all duly filed complaints. Within 30 days of the filing of each complaint, said agent or commissioner shall issue to the complainant and respondent an initial determination in writing of whether probable cause, as defined in this division exists, and setting forth the basis of the determination.

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- (2) Should a determination be made that there is no probable cause to believe discrimination in violation of this division has been, or is being committed; the complainant shall be afforded an opportunity to appeal such decision to the full commission. Should the full commission decide that there is no probable cause; the complainant may appeal by certiorari to the county circuit court.
  - (3) Should a determination be made that there is probable cause to believe discrimination in violation of this article has been or is being committed; the commission shall endeavor by means of conference, conciliation or persuasion to eliminate the alleged discriminatory practice.
  - (4) In any case where efforts at settlement have failed to eliminate the discriminatory practice alleged by the complaint, the commission shall promptly cause to be issued a notice of a hearing before the commission, to determine the merits of the complaint.
  - (5) After hearing, the commission shall make written findings of fact and conclusions thereon and shall make its order. A copy of such findings, conclusions and order shall be mailed to the last known addresses of the complainant and respondent. Either party may appeal by certiorari to the county circuit court within 30 days following such mailing.
- (g) *Disqualification of commissioners.* No commissioner who has filed a complaint on his own initiative shall participate in any subsequent hearing or proceeding except as a witness, nor shall he participate in the deliberation of the commission in such case.
- (h) *Judicial enforcement.* Whenever in the judgment of the commission, judicial enforcement of a commission order is necessary, the commission shall in writing request the village attorney to commence proceedings in a court of competent jurisdiction to enforce such orders in the name of the village. Upon receipt of any such request, the village attorney shall have the duty to seek enforcement of such orders in a court of competent jurisdiction.

(Prior Code, § 17.01(8))

### **Sec. 18-53. Remedies and penalties.**

- (a) *Remedies.* The commission shall have the power and duty, after investigation and hearing, to issue and implement such order as may be necessary to affect the purposes of this article. Such orders may include: cease and desist orders; affirmative action by the respondent or the complainant; and any other orders which may be necessary to affect the purposes of this article.
- (b) *Penalties.* Any person who willfully violates this article or any lawful order issued hereunder shall, for each such violation, on order of the commission, forfeit not less than \$50.00 nor more than \$500.00. Payment of such forfeiture shall be stayed during the period in which any appeal may be taken and during the pendency of any appeal.

(Prior Code, § 17.01(9))