

AN ORDINANCE AMENDING SECTION 2.68a
OF THE URBANA CITY CODE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA,
ILLINOIS, as follows:

1. That Section 2.68a, entitled "An Ordinance on Human Rights", of Chapter 2, entitled "Administration", of the Urbana City Code, as amended, be and the same is hereby amended in its entirety to now provide as follows:

ARTICLE 1. PURPOSE.

Sec. 1. Intent.

It is the intent of the City of Urbana, in adopting this Ordinance, to secure an end, in the City of Urbana, to discrimination, including, but not limited to, discrimination by reason of race, color, creed, class, national origin, religion, sex, age, marital status, physical and mental handicap, personal appearance, sexual preference, family responsibilities, matriculation, political affiliation, prior arrest or conviction record or source of income.

Sec. 2. Short title.

This Ordinance may be cited as the "Human Rights Ordinance."

ARTICLE 2. DEFINITIONS.

Sec. 3. Definitions.

Commission. The City of Urbana's Human Relations Commission.

Complainant. A person who believes that he/she has been aggrieved by a violation of a provision of this Ordinance and files a complaint with the Commission or Officer.

Council. The Council of the City of Urbana, Illinois.

Credit Transaction. Any invitation to apply for credit, application for credit, extension of credit or credit sale.

Discrimination. Any practice or act which is unlawfully based wholly or partially on the race, color, creed, class, national origin, religion, sex, age, marital status, physical or mental handicap, personal appearance, sexual preference, family responsibilities, matriculation, political affiliation, prior arrest or conviction record or source of income of any individual.

Employee. Any individual employed or seeking employment from an employer.

Employer. Any person who, for compensation, employs any individual except for the employer's parents, spouse or children; or who employs domestic servants engaged in and about the employer's household.

Employment Agency. Any person regularly undertaking or attempting, with or without compensation, to procure employees for an employer or to procure for employees the opportunity to work for an employer, including any agent of such a person.

Family Responsibilities. The state of being, or the potential to become, a contributor to the support of a person or persons in a dependent relationship, irrespective of their number, including single parents.

Labor Organization. Any collective bargaining unit, committee, group, association or plan in which employees participate directly or indirectly and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours or other terms, conditions or privileges of employment.

Lease. This includes sublease, assignment, rental, or providing the use of real property for a fee, goods, services or anything of financial value, and includes any contract to do any of the foregoing.

Marital Status. The state of being married, separated, divorced, widowed or single and the conditions associated therewith, including pregnancy or parenthood.

Matriculation. The condition of being enrolled in college or a university, or in a business, nursing, professional, secretarial, technical or vocational school or an adult educational program.

Officer. The City of Urbana's Human Relations Officer.

Owner. Any person who holds legal or equitable title to, or owns any beneficial interest in, any real property or who holds legal or equitable title to a share of, or holds any beneficial interest in, any real estate cooperative which owns any real property.

Person. One or more individuals, labor unions, employers, employment agencies, partnerships, associations, creditors, corporations, cooperatives, legal representatives, government agency, trustees, owner, or any agent or representative of any of the foregoing.

Personal Appearance. The outward appearance of any person, irrespective of sex, with regard to bodily condition or characteristics, such as weight, height, facial features, or other aspects of appearance. It shall not relate, however, to the requirement of cleanliness, uniforms, or prescribed attire, if and when such requirement is uniformly applied for admittance to a public accommodation or to employees in a business establishment for a reasonable business purpose.

Physical Handicap. A physical, sensory or mental disablement, including a controllable malady, which may be the result of injury, illness or congenital condition, for which reasonable accommodation can be made.

Political Affiliation. The state of belonging to or endorsing any political party or organization or taking part in any activities of a political nature.

Public Accommodations. All places, businesses or individuals offering goods, services or accommodations to the general public.

Real Property. Any real estate, vacant land, building or structure, or any part thereof within the city limits of Urbana, Illinois.

Respondent. A person charged with a violation of a provision of this Ordinance.

Sex. The state of being or becoming male or female or transexual.

Sexual Preference. Male or female homosexuality, heterosexuality or bisexuality, by preference or practice.

Source of income. The point or form of the origination of legal gains of income accruing to a person in a stated period of time; from any occupation, profession or activity, from any contract, agreement or settlement, from federal, state or local payments, court ordered payments or from payments received as gifts, bequests, annuities or life insurance policies.

ARTICLE 3. DISCRIMINATION IN OPPORTUNITIES.

Sec. 4. Discrimination prohibited.

(a) Every individual shall be afforded the opportunity to participate fully in the economic, cultural and intellectual life that is available in the City of Urbana, which shall include but not limited to opportunities in employment, housing, places of public accommodation and credit or commercial transactions.

(b) It shall further be unlawful to discriminate in the provision of any of the foregoing opportunities.

ARTICLE 4. DISCRIMINATION IN EMPLOYMENT.

Sec. 5. Discrimination by an employer.

It shall be an unlawful practice for an employer to do any of the following acts for a reason based wholly or partially on discrimination: to fail or refuse to hire, to discharge or to accord adverse, unlawful and unequal treatment to any person with respect to his/her application, hiring, training, compensation, tenure, upgrading, promotion, layoff or any other terms, conditions or privileges of employment; or to limit, segregate or classify his/her employees in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his/her status as an employee, provided that an employer who is discriminating with respect to compensation shall not, in order to comply with the provisions of this section, reduce the wage rate of any employee.

Sec. 6. Discrimination by an employment agency.

It shall be an unlawful practice for an employment agency to do any of the following acts for a reason based wholly or partially on discrimination: to fail or refuse to refer for employment any individual, or otherwise to discriminate against any individual in any way which would deprive or tend to deprive such individual of an employment opportunity.

Sec. 7. Discrimination by an employer or employment agency.

It shall be unlawful practice for an employer or employment agency to make or use a written or oral inquiry or form of application that elicits or attempts to elicit information for a reason based wholly or partially on discrimination; to make or keep a record of

or disclose such information except that the collection and reporting of such information shall not be unlawful if done for equal opportunity or affirmative action purposes pursuant to any local, state or federal government equal opportunity or affirmative action program.

Sec. 8. Discrimination by a labor organization.

It shall be an unlawful practice for a labor organization to do any of the following acts for a reason based wholly or partially on discrimination: to exclude or to expel from its membership, or otherwise discriminate against any individual; or to limit, segregate or classify its membership; or to classify or fail or refuse to refer for employment any individual in any way which would deprive or tend to deprive such individual of an employment opportunity, or otherwise adversely affect his/her status as an employee or an applicant for employment.

Sec. 9. Discrimination by an employer, employment agency or labor organization.

It shall be an unlawful practice for an employer, employment agency or labor organization to do any of the following acts for a reason based wholly or partially on discrimination: to exclude any individual in admission to, or employment in, any program established to provide apprenticeship or other training or retraining, including an on-the-job training program; to place or accept an order or request for referrals, to print or publish, or cause to be printed or published, any notice or advertisement, or use any publication form, relating to employment by such an employer, or to membership, or any classification or referral for employment by such a labor organization or employment agency, indicating any preference, limitation, specification or distinction based on discrimination.

Sec. 10. Exceptions.

(a) It shall not be an unlawful practice for an employer to observe the conditions of a bonafide seniority system or a bonafide employee benefit system such as retirement, pension or insurance plan which is not a subterfuge to evade the purposes of this Ordinance, except that no such employee seniority system or benefit plan shall excuse the failure to hire any individual.

(b) It shall not be an unlawful practice for a notice or advertisement to indicate a preference, limitation or specification

where such factors are bonafide occupational qualifications necessary for employment. Nor shall it be unlawful for a person to request, accept an order for, refer or hire an individual based on such a preference, limitation or specification where such factors are bonafide occupational qualifications necessary for such employment.

(c) It shall not be an unlawful practice for any person to develop a lawful affirmative action plan designed to overcome the effects of past discrimination and to take action not otherwise prohibited by this Ordinance or state or federal law to carry out any such affirmative action plan.

ARTICLE 5. DISCRIMINATION IN PUBLIC
ACCOMMODATIONS.

Sec. 11. Discrimination in general.

(a) It shall be an unlawful practice to do any of the following acts wholly or partially for a reason based on discrimination: to deny, directly or indirectly, or charge a higher price than the regular rate, for the full and equal enjoyment of the goods, services, facilities, privileges, advantages and accommodations of any place of public accommodation; to print, circulate, post, mail, or otherwise cause, directly or indirectly, to be published a statement, advertisement or sign which indicates that the full and equal enjoyment of the goods, services, facilities, privileges, advantages or accommodations of a place of public accommodation will be refused, withheld from or denied an individual; or that an individual's patronage of, or presence at, a place of public accommodation is objectionable, unwelcome, unacceptable or undesirable.

(b) With respect to age, physical or mental handicap, matriculation or source of income, it shall not be an unlawful practice to accord preferential treatment to any individual when such treatment is designed to promote the safety, health or welfare of such individuals because of their circumstances, relative to their age, physical or mental handicap, matriculation or source of income, which would not normally allow them to enjoy, to the fullest extent, those benefits of our society which are generally available to others.

Sec. 12. Credit transactions.

(a) It shall be an unlawful practice for any person to deny, refuse or restrict the amount or use of credit that is extended; or to impose different terms or conditions with respect to extensions of credit based on discrimination.

(b) It shall be an unlawful practice for any person to refuse, upon the written request of an unsuccessful applicant for credit, to provide within a reasonable period of time such an applicant with a written statement explaining the reason(s) for the denial, refusal or restriction of the amount or use of credit.

(c) It shall not be unlawful for any party to a credit transaction to consider the credit history of any individual applicant and to use accepted standards to determine an individual applicant's ability to fulfill the terms of the transaction if such methods are utilized in the same fashion to determine all applicant's eligibility for credit and are not designed to contravene, nor have the effect of contravening, the intent of this Ordinance.

ARTICLE 6. DISCRIMINATION IN HOUSING
AND COMMERCIAL SPACE.

Sec. 13. Discrimination in general.

It shall be an unlawful practice to do any of the following acts for a reason wholly or partially based on discrimination:

(a) To refuse to negotiate for, enter into, or perform any sale, exchange or lease of any real property; or to require different terms for such transaction or to represent falsely that an interest in real property is not available for inspection, purchase, sale, exchange, lease or occupancy when in fact it is so available.

(b) To include in the terms or conditions of a transaction in real property, any clause, condition or restriction.

(c) To refuse to lend money, guarantee a loan, accept a deed of trust or mortgage, or otherwise refuse to make funds available for the purchase, acquisition, construction, alteration, rehabilitation, repair or maintenance of real property; or impose different conditions on such financing; or refuse to provide title or other insurance, relating to the ownership or use of any interest in real property.

(d) To refuse or restrict facilities, service, repairs or improvements for a tenant or lessee.

(e) To make, print or publish, or to cause to be made, printed or published any notice, statement or advertisement, with respect to a transaction, or proposed transaction, in real property, or financing related thereto, which notice, statement or advertisement indicates or attempts to indicate any preference or limitation.

(f) To discriminate in any financial transaction involving real property on account of the location of the residence or business, a practice commonly referred to as "red lining."

(g) To refuse examination of copies of any listing of real property.

(h) To enter into a listing agreement which prohibits the inspection, sale, exchange, lease or occupancy of real property.

(i) To act or undertake to act, in any capacity, in a transaction in which a person knows that a violation of this Ordinance has occurred or will occur.

(j) To purchase, sell, exchange, lease or occupy real property, or authorize and direct one in his/her employment or on his/her behalf to do so, or solicit another person to do so, for the specific reason and intention of preventing another person or persons from transacting the same.

(k) To refuse to negotiate for, enter into or perform any sale, exchange or lease of any real property because of discrimination against any party to the transaction, any member of the family of any such party, any person using or occupying or intending to use or occupy the real property or any person using or occupying any real property in the area in which such real property is located.

Sec. 14. Blockbusting and steering.

It shall be unlawful practice for any person, whether or not acting for monetary gain, directly or indirectly to engage in the practice of "blockbusting" or "steering", including, but not limited to, the committing of any one or more of the following acts:

(a) To promote, induce, influence, or attempt to promote, induce or influence a transaction in real property through any representation, means or device whatsoever calculated to induce a person to discriminate or to engage in such transaction wholly or

partially in response to discrimination, prejudice, fear or unrest adduced by such means, device or representation.

(b) To place a sign or display any other device either purporting to offer or tending to lead to the belief that an offer is being made for a transaction in real property that is not in fact available or offered for transaction, or which purports that any transaction in real property has occurred that in fact has not.

(c) To represent that a change has occurred, will occur or may occur with respect to the composition of the owners or occupants in any block, neighborhood or area in which real property, which is the subject of a real estate transaction, is located if such representation is based on discrimination.

(d) To represent that a change with respect to the composition of the owners or occupants in any block, neighborhood or area will result in a lowering of property values, in an increase in criminal or anti-social behavior, or in a decline in the quality of schools in such block, neighborhood or area if such representation is based on discrimination.

Sec. 15. Other discriminatory practices.

It shall be an unlawful practice for any person to do any of the following acts for a reason wholly or partially based on discrimination:

(a) To post or erect or cause or permit any person to post or erect any sign or notice upon any real property, managed by or in the custody, care or control of such person, indicating an intent to sell or lease any real property in a manner that is unlawful under this Ordinance.

(b) To publish or circulate, or cause or permit any person to publish or circulate, a statement, advertisement or notice of an intention to sell or lease any real property in a manner that is unlawful under this Ordinance.

Sec. 16. Exceptions.

(a) Nothing in this Ordinance shall require the owner to offer real property to the public at large before selling, exchanging or leasing it, provided that the owner complies with all other provisions of this Ordinance.

(b) Nothing in this Ordinance shall be construed to apply to the rental or leasing of housing accommodations in that portion of a building in which the owner, or members of his or her family, occupy one of the living units and in which the owner-occupant anticipates the necessity of sharing a kitchen or bathroom with a prospective tenant, not related to the owner-occupant.

(c) The provisions of this Ordinance shall not be so construed as to prohibit a person from inquiring into and reporting upon the qualifications of any prospective buyer or tenant with respect to limitations or exclusions other than those based on discrimination.

(d) Nothing in this Ordinance is intended to prohibit any person from renting or leasing housing, or any part thereof, solely to elderly and/or handicapped persons, or both to elderly and to handicapped persons when:

1. The building contains at least three (3) dwelling units, at least two (2) of which are available only to elderly and/or handicapped persons, and

2. The building is either constructed or remodeled to make special provision for the needs of elderly and/or handicapped persons. Evidence of such special provision includes but is not limited to, ramps; doorways larger than the standard size; special bathroom equipment, such as shower seats; safety bars; special hardware, such as door levers in place of doorknobs; and special kitchen appliances.

ARTICLE 7. INVESTIGATION AND CONCILIATION.

Sec. 17. Filing of complaints.

(a) Any individual who believes that he or she has been aggrieved by a violation of the provisions of this Ordinance may file a complaint with the Commission or Officer.

(b) The complainant shall make a written statement that an unlawful practice has been committed, setting forth the facts upon which the complaint is based, and setting forth facts sufficient to enable the Officer to identify the respondent.

(c) All complaints shall be filed within 30 days of the occurrence of the alleged violation, or 30 days after the discovery thereof, but in no event shall a complaint be filed more than one year after the occurrence of the violation.

(d) Complaints filed may be voluntarily withdrawn at the request of the complainant at any time prior to the completion of the public hearing specified in Section 21. The circumstances accompanying such withdrawal may be fully investigated by the Officer or the Commission.

(e) The Officer may investigate individual instances and patterns of conduct which the Commission or Officer feels are in violation of the provisions of this Ordinance, and may file complaints in connection therewith.

Sec. 18. Investigation.

(a) The Officer or his/her designee shall promptly investigate allegations of discrimination set forth in any complaint and shall immediately furnish the respondent with a copy of said complaint.

(b) An initial determination in writing shall be made by the investigator, stating whether or not there is probable cause to believe that this Ordinance has been violated, and on what facts such determination is based.

(c) If the Officer finds, with respect to any respondent, that the Commission lacks jurisdiction or that probable cause does not exist, the Officer shall issue and cause to be served on the appropriate parties an order dismissing the allegations of the complaint.

Sec. 19. Conciliation.

(a) In case the investigator determines initially that there is probable cause, an attempt shall be made to eliminate the alleged discriminatory practice by informal methods of conference, conciliation and persuasion.

(b) If the respondent and complainant agree to a conciliation agreement, such agreement shall be reported to the Commission and the Commission shall issue an order stating the terms of the agreement and furnish a copy of the order to the complainant and respondent.

(c) At any time within one year from the date of a conciliation agreement, the Commission, or the Officer at the request of the Commission, shall investigate whether the terms of the agreement are being complied with by the respondent. Upon finding that the terms of the agreement are not being complied with by the respondent, the Commission shall certify the matter to the City Attorney for enforcement proceedings.

(d) Except for the terms of the conciliation agreement, neither the Commission, the Officer nor any officer or employee thereof shall make public, without the written consent of the involved parties, information concerning the case.

(e) Nothing in this Ordinance shall be so construed as to contravene, or attempt to contravene, the provisions or intent of the Illinois Open Meeting Law.

ARTICLE 8. PUBLIC HEARING.

Sec. 20. Notice of hearing.

In case of failure of conciliation efforts, or in advance of such efforts, as determined by the Officer, and after finding probable cause and after consulting and coordinating with the office of the City Attorney, the Officer shall cause to be issued and served in the name of the Commission, a written notice, together with a copy of the complaint, as the same may have been amended, requiring the respondent to answer the charges of such complaint at a public hearing; such hearing to be scheduled not less than 10 days nor more than 30 days after such service. The Notice shall specify the time, date and place of such hearing. Notice shall be served by registered or certified mail, return receipt requested, or by personal service.

Sec. 21. Public hearing.

(a) After a complaint has been noticed for hearing, the Commission shall conduct said hearing to make a determination concerning the complaint.

(b) The office of the City Attorney or the Officer shall present the City's case before the Commission. Efforts at conciliation and reconciliation shall not be received into evidence.

(c) If the respondent fails to answer the complaint, the Commission shall proceed on the basis of the evidence in support of the complaint.

(d) The respondent may appear at the hearing with or without representation, may examine and cross examine the witnesses and the complainant, and may offer evidence.

(e) At the conclusion of any hearing, the Commission shall render a decision as to whether or not the respondent has engaged in an unlawful practice or has otherwise violated the provisions of this Ordinance. No such decision by the commission shall be by a vote of less than a majority of its duly authorized members. If it is determined that a respondent has not engaged in an unlawful practice, the Commission shall issue, and cause to be served on the respondent and the complainant, a decision and order dismissing the case. If it is determined that a respondent has engaged in an unlawful practice, the Commission shall issue, and cause to be served on such respondent, a decision and order, accompanied by findings of fact and conclusions of law, requiring such respondent to cease and desist from such unlawful practice, and to take such action as in the judgement of the Commission will carry out the purposes of this Ordinance. Such action may include, but shall not be limited to, the following acts on behalf of the complainant and other aggrieved individuals: hiring, reinstating or upgrading, with or without back pay; restoring membership in any respondent labor organization, admitting to or allowing to participate in a program, apprenticeship training program, on-the-job training program or other occupational training or retraining program; the extension of full, equal and unsegregated accommodations, advantages, facilities and privileges; payment of compensatory damages; extending credit, referring for employment, selling, exchanging or leasing real property, or providing housing accommodations.

(f) Nothing in this Ordinance shall be construed as to permit back pay and/or compensatory damages to equal more than the actual monetary losses or costs incurred by the complainant(s) as a result of the discrimination by the respondent(s).

Sec. 22. Fines.

Any person found in violation of any provision of this Ordinance by the Commission, or in subsequent judicial proceedings in a court of law, shall be fined not more than \$500.00 for each violation.

Sec. 23. Review.

Any person suffering a legal wrong, or adversely affected or aggrieved by an order or decision of the Commission in a matter, pursuant to the provisions of this Ordinance, is entitled to a judicial review thereof, upon filing a written petition for such a review with the Circuit Court of the Sixth Judicial Circuit or any court of competent jurisdiction.

ARTICLE 9. GENERAL PROVISIONS.

Sec. 24. Enforcement.

(a) The Chair of the Commission, or the Acting Chair in the absence of the Chair, shall issue subpoenas^{ae} at the instance of the Commission or the investigator, or at the instance of a respondent or complainant to the proceedings, whenever necessary to compel the attendance of a witness or to require the production for examination of any books, payrolls, records, correspondence, documents, papers or other evidence in any investigation or hearing of a discrimination charge.

(b) If the Commission determines that the respondent(s) have not, after 30 calendar days following service of its order, corrected the unlawful practice and complied with this Ordinance, the Commission shall certify the matter to the City Attorney for enforcement proceedings.

(c) The City Attorney shall institute, in the name of the City of Urbana, civil proceedings, including the seeking of such restraining orders and temporary or permanent injunctions, as are necessary to obtain complete compliance with the Commission's orders.

Sec. 25. Other discriminatory practices.

(a) It shall be an unlawful practice for any person to refuse to hire, to discharge, to evict from housing or commercial space, to refuse to negotiate for, sell, exchange or lease any real property or to include terms or conditions for such property, to harass, intimidate or in any other way retaliate or discriminate against, or interfere with any individual because he/she has made a complaint, testified or assisted in any proceeding under this Ordinance, whether on his/her own behalf or for another individual.

(b) It shall be unlawful practice for any person to aid, abet, compel or coerce another person to commit an act which is unlawful under the provisions of this Ordinance, or to attempt to do so.

Sec. 26. Exceptions.

(a) Any practice or act of discrimination which would otherwise be prohibited by this Ordinance shall not be deemed unlawful if it can be established that such practice or act can be justified on the basis of being reasonably necessary to the normal operation of the business or enterprise. However, a "business necessity" exception shall not be justified by the factors of increased cost to business, business efficiency, the comparative or stereotypical characteristics of one group as opposed to another or the preferences of co-workers, employers' customers or any other person.

(b) Nothing contained in the provisions of this Ordinance shall be construed to bar any religious or political organization from giving preference to persons of the same political or religious persuasion in the conducting of the said organizations' activities.

(c) Nothing contained in the provisions of this Ordinance shall be considered to be discriminatory on the basis of age if the act occurs with respect to a person under the age of eighteen (18).

Sec. 27. Severability of provisions.

If any provision or part thereof of this Ordinance, or application thereof to any person or circumstance, is held invalid, the remainder of the Ordinance and the application of the provision, or part thereof, to other persons not similarly situated or to other circumstances shall not be affected thereby.

Sec. 28. Posting of notice.

Every person subject to this Ordinance shall post and keep in a conspicuous location, where business or activity is customarily conducted or negotiated, a notice provided by the City of Urbana, whose form and language shall have been prepared by the Officer setting forth excerpts from, or summaries of, the pertinent provisions of this Ordinance and information pertinent to the filing of a complaint.

Sec. 29. Records and reports.

When a charge of discrimination has been filed against a person pursuant to this Ordinance, the respondent shall preserve all

records which may be relevant to the charge or action until a final disposition of the charge. Such records shall include, but not be limited to, application forms submitted by applicants, sales and rental records, credit and reference reports, personnel records, and any other records pertaining to the status of an individual's enjoyment of the rights and privileges protected or granted under this Ordinance.

2. That, upon this amendatory Ordinance becoming effective, all of Chapter 15A, entitled "Housing and Real Estate", which said chapter is otherwise known as the "Fair Housing Ordinance of Urbana, Illinois", of the Urbana City Code, as amended, be and the same is hereby repealed in its entirety.

3. That this amendatory Ordinance shall be in full force and effect from and after its passage and publication in accordance with Section 1-2-4 of the Illinois Municipal Code (Ill. Rev. Stats., Ch. 24, § 1-2-4).

This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called, of a majority of the members of the Council of the City of Urbana, Illinois, at a regular meeting of said Council on the 24th day of April, 1979.

PASSED by the City Council this 24th day of April, 1979.

Beverly Umbarger
Beverly Umbarger, Acting City Clerk

APPROVED by the Mayor this 30th day of April, 1979.

Jeffrey T. Markland
Jeffrey T. Markland, Mayor

CERTIFICATE OF PUBLICATION

I, Ruth S. Brookens, City Clerk, City of Urbana, Illinois, do herewith certify that I caused the above Ordinance to be duly published in the Champaign-Urbana News Gazette on the 10th day of May, 1979, and a Certificate of Publication is attached hereto.

Ruth S. Brookens
Ruth S. Brookens, City Clerk