

1 ARTICLE II. DISCRIMINATION AND FAIR HOUSING*

2 Sec. 58-31. Purpose of article.

3 It is hereby declared to be the policy of the Village and the purpose of this article that
4 all persons shall be assured full and equal opportunity to obtain fair and adequate housing for
5 themselves and their families within the Village and to secure to all persons an equal
6 opportunity to view, purchase, lease, rent, or occupy real estate in the Village without
7 discrimination because of their race, color, religion, sex, creed, ancestry, **handicap disability,**
8 **age, marital status, presence or age of children, or national origin, sexual orientation, or**
9 **source of income.**

10 Sec. 58-32. Definitions.

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

14 *Attorney* for the commission means any attorney, duly licensed by the State,
15 designated by Corporation Counsel to act as legal counsel for the Commission in accordance
16 with Village policies and procedures.

17 *Chair* means the duly appointed chair of the Village Human Relations Commission, or
18 the chair's designee.

19 *Commission* means the Village Human Relations Commission.

20 *Complainant* means person(s) filing a charge of unfair housing practices.

21 *Discriminate* means to treat any person(s) differently from others because of race,
22 color, religion, sex, creed, ancestry, **handicap disability,** age, marital status, presence or age
23 of children, **or national origin, sexual orientation, or source of income.**

24 *Lease* includes any sublease, assignment, or rental and any contract to enter into any
25 sublease, assignment, or rental.

26 *Lending institution* means any bank, insurance company, savings and loan
27 association, or person(s) in the business of lending money or guaranteeing loans, any
28 person(s) in the business of obtaining, arranging or negotiating loans or guarantees as agent
29 or broker, and any person(s) in the business of buying or selling loans or instruments for the
30 payment of money which are secured by title to, or a security interest in, real estate.

31 *Owner* means any person(s) who holds legal or equitable title to, owns any beneficial
32 interest in any housing accommodation, who holds legal or equitable title to shares of, or any
33 beneficial interest in any real estate cooperative which owns any real property, or any
34 person(s) who is acting as the agent, manager or employee of the owner.

35 *Real estate transaction* means the purchase, sale, exchange, or lease of any housing
36 accommodation, or business, commercial or industrial property, and an option to do any of
37 the foregoing.

1 *Respondent* means person(s) charged with violating any provision of this article.

2 *Sale* means any contract to sell, exchange, or convey, transfer or assign legal or
3 equitable title to, or a beneficial interest in, a housing accommodation or business,
4 commercial or industrial property.

5 ***Source of Income*, means the lawful manner by which an individual supports**
6 **himself or herself and his or her dependents.**

7 *Steering* means to influence or attempt to influence by words or acts the choice or
8 location of housing of a prospective purchaser, occupant, or tenant in connection with
9 viewing, buying, leasing, or occupying real estate, based on race, color, religion, sex, creed,
10 ancestry, ~~handicap~~ **disability**, age, marital status, presence or age of children, ~~or~~ national
11 origin, **sexual orientation, or source of income**, so as to promote or maintain segregation.

12 *Village Manager* and *Manager* mean the duly appointed chief administrative officer of
13 the Village.

14 Sec. 58-33. Penalties.

15 Any person who violates any provision of this article, or any rule or regulation adopted
16 or issued pursuant to this article, shall be subject to the penalties provided in Section 1-6 in
17 addition to any other penalty specifically provided for.

18 Sec. 58-34. Enforcement; powers of Human Relations Commission.

19 (a) The Human Relations Commission shall be charged with the duty of enforcing the
20 provisions of this article. In discharging this responsibility, it shall have the power to:

21 (1) Gather and provide for the exchange of information relative to the provisions of
22 this article among real estate brokers and salesmen, lenders, developers,
23 employers, municipal officials and community groups within the Village.

24 (2) Receive and investigate complaints charging discrimination in housing.

25 (3) Seek conciliation of, hold hearings, and make findings of fact with respect to
26 any such complaint.

27 (4) Administer oaths, take sworn testimony and subpoena witnesses and pertinent
28 documents, which power may be enforced by proper petition to any court of
29 competent jurisdiction.

30 (5) Initiate such general and specific investigations as it deems necessary in order
31 to discourage and prevent violations of Section 58-36.

32 (6) Upon good cause and appropriate investigation, initiate complaints.

33 (b) The Commission shall have the power to enforce the provisions of this article, to
34 investigate all complaints filed under this article, and to recommend sanctions as
35 defined in Sections 58-38(e), 58-33 and 58-35.

1 Sec. 58-35. Rules of Human Relations Commission.

2 The Commission shall adopt and publish such rules and regulations made at any
3 regular or special meeting as may be necessary to carry out the provisions of this article,
4 provided that a quorum is present. Such rules and regulations or changes thereto shall be
5 subject to approval by the Mayor and Board of Trustees.

6 Sec. 58-36. Unlawful housing practices.

7 The following acts shall constitute violations of this article:

- 8 (1) To discriminate against any person(s) in the terms, conditions, or privileges of
9 sale or rental of a dwelling, or in the provision of services or facilities in
10 connection therewith, because of their race, color, religion, sex, creed,
11 ancestry, **handicap disability**, age, marital status, presence or age of children,
12 **or national origin, sexual orientation, or source of income.**
- 13 (2) To refuse to sell or rent, after the making of a bona fide offer, or to refuse to
14 negotiate for the sale or rental of, or otherwise make unavailable or deny, a
15 dwelling to any person(s) because of their race, color, religion, sex, creed,
16 ancestry, **handicap disability**, age, marital status, presence or age of children,
17 **or national origin, or sexual orientation, or source of income.**
- 18 (3) To represent to any person(s) because of their race, color, religion, sex, creed,
19 ancestry, **handicap disability**, age, marital status, presence or age of children,
20 **or national origin, or sexual orientation, or source of income** that any
21 dwelling is not available for inspection, sale, or rental when such dwelling is in
22 fact so available.
- 23 (4) To make, print, or publish, or cause to be made, printed, or published, any
24 notice, statement, or advertisement, with respect to the sale or rental of a
25 dwelling that indicates any preference, limitation, or discrimination based upon
26 a person(s) race, color, religion, sex, creed, ancestry, **handicap disability**,
27 age, marital status, presence or age of children, **or national origin, sexual**
28 **orientation, or source of income** or an intention to make such preference,
29 limitation, or discrimination.
- 30 (5) To, for profit, induce or attempt to induce any person(s) to buy, sell or rent any
31 dwelling by representations regarding the entry or prospective entry into the
32 neighborhood of any person(s) of a particular race, color, religion, sex, creed,
33 ancestry, **handicap disability**, age, marital status, presence or age of children,
34 **or national origin, sexual orientation, or source of income.**
- 35 (6) To discriminate in connection with borrowing or lending money, guaranteeing
36 loans, accepting mortgages, or otherwise financing a real estate transaction of
37 any person(s) on the grounds of their race, color, religion, sex, creed, ancestry,
38 **handicap disability**, age, marital status, presence or age of children, **or**
39 **national origin, sexual orientation, or source of income.**

- 1 (7) To delay the processing or denying a loan or other financial assistance to a
2 person(s) applying therefor for the purpose of purchasing, constructing,
3 improving, repairing, or maintaining a dwelling, or to discriminate in the fixing of
4 that amount, interest rate, duration, or other terms or conditions of such loan or
5 other financial assistance because of their race, color, religion, sex, creed,
6 ancestry, **handicap disability**, age, marital status, presence or age of children,
7 **or national origin, sexual orientation, or source of income.**
- 8 (8) To discriminate in appraising the value of real estate or in the sale of insurance
9 in connection with a real estate transaction of any person(s) because of their
10 race, color, religion, sex, creed, ancestry, **handicap disability**, age, marital
11 status, presence or age of children, **or national origin, sexual orientation, or**
12 **source of income.**
- 13 (9) To enter into a listing agreement which discriminates against any person(s)
14 because of their race, color, religion, sex, creed, ancestry, **handicap disability**,
15 age, marital status, presence or age of children, **or national origin, sexual**
16 **orientation, or source of income.**
- 17 (10) To deny any person(s) access to, or membership or participation in, any
18 multiple-listing service, real estate brokers' organization or other service,
19 organization, or facility relating to the business of selling or renting dwellings or
20 to discriminate against any person(s) in the terms and conditions of such
21 access, membership or participation on account of their race, color, religion,
22 sex, creed, ancestry, **handicap disability**, age, marital status, presence or age
23 of children, **or national origin, sexual orientation or source of income.**
- 24 (11) To engage in steering.
- 25 (12) To act or undertake as real estate broker, salesman, or agent with respect to
26 any dwelling, the disposition of which requires such person(s) to participate in
27 discrimination.
- 28 (13) To perform any act of discrimination with the intention of restricting or limiting
29 the housing choice of any person(s).
- 30 (14) To coerce, intimidate, threaten, or interfere with any person(s) in the exercise
31 or enjoyment of, or on account of, such person's having exercised or enjoyed,
32 or on account of such person's having aided or encouraged any other
33 person(s) in the exercise or enjoyment of, any right granted or protected by this
34 article.
- 35 (15) To solicit any owner to sell, rent, or list residential property at any time after
36 receiving written notice that such owner does not desire to sell, rent, or list such
37 residential property. Such notice may be given by the owner or by a third party
38 on the owner's behalf.
- 39 (16) To intentionally interfere with the performance of a duty or exercise of a power
40 by the Commission or by its members or representatives.

1 (17) **To engage in sexual harassment in any real estate transaction. “Sexual**
2 **harassment” means any unwelcome sexual advance, request for sexual**
3 **favors, or conduct of a sexual nature when (1) submission to such**
4 **conduct is an explicit or implicit term or condition of an individual’s real**
5 **estate transaction; or (2) submission to or rejection of such conduct by**
6 **an individual is used as the basis for any decision affecting the**
7 **individual’s real estate transaction; or (3) such conduct has the purpose**
8 **or effect of substantially interfering with an individual’s real estate**
9 **transaction or creating an intimidating, hostile, or offensive environment**
10 **with respect thereto.**

11 (18) To aid or abet any of acts described in this section performed in violation of this
12 article.

13 Sec. 58-37. Exemptions.

14 Nothing in this article shall:

- 15 (1) Apply to the rental, lease, or occupancy of a room in an owner-occupied single-
16 family dwelling.
- 17 (2) Prohibit a religious organization, association, or society or any nonprofit
18 institution or organization operated, supervised, or controlled by or in
19 conjunction with a religious organization or society from limiting the sale, rental
20 or occupancy of dwellings which it owns or operates for other than commercial
21 purposes to person of the same religion, or from giving preference to such
22 persons, unless membership in such religion is restricted on account of race,
23 color, ~~religion~~, sex, creed, ancestry, ~~handicap~~ **disability**, age, marital status,
24 presence or age of children, or national origin, **sexual orientation, or source**
25 **of income.**
- 26 (3) Prohibit a private club, not in fact open to the public, which, as an incident to its
27 primary purpose or purposes, provides lodgings which it owns or operates for
28 other than a commercial purpose, from limiting the rental or occupancy of such
29 lodgings to its members and their guests or from giving preference to its
30 members.
- 31 (4) Prohibit the operation of housing units designed and offered predominantly for
32 use and occupancy by persons over the age of 62.
- 33 (5) Prohibit the operation of housing units designed and offered predominantly for
34 use and occupancy by persons with a disability.
- 35 (6) Prohibit any charitable or educational organization from limiting to person(s) of
36 the same sex the rental of living accommodations in facilities primarily
37 providing single room occupancy.
- 38 (7) Prohibit an initial condominium declaration limiting ownership, rental or
39 occupancy of a condominium unit to a person 55 years of age or older,

1 provided that the person or immediate family of a person owning, renting or
2 lawfully occupying such unit prior to the recording of the initial declaration shall
3 not be deemed to be in violation of such age restriction as long as they
4 continue to own or reside in such housing accommodation.

5 **(8) Nothing in this chapter shall require any person who does not participate**
6 **in the Housing Choice Voucher Program, to accept any subsidy, payment**
7 **assistance, voucher, or contribution under or in connection with such**
8 **program or to lease or rent to any tenant or prospective tenant who is**
9 **relying on such a subsidy, payment assistance, contribution or voucher**
10 **for payment of part of the rent for such place of accommodation.**

11 Sec. 58-38. Complaints; conciliation; hearing procedures.

12 (a) *Filing of complaint.* The Commission or any person(s) aggrieved in any manner by a
13 violation of any provision of this article may file with the Village Manager or designee a
14 written complaint setting forth their grievance within 180 days after the date of the
15 alleged violation. The complaint shall be filed on a form provided by the Village
16 Manager or designee.

17 (b) *Investigation.*

18 (1) After receipt of the complaint, the Village Manager or designee shall conduct
19 an investigation of the alleged violation. If the Village Manager or designee
20 finds that probable cause of a violation exists, the Village Manager or designee
21 shall submit the Manager's or designee's findings in writing to the chair of the
22 Human Relations Commission. Upon receipt of the findings, the chair shall
23 schedule a conciliation conference not less than 10 and not more than 30 days
24 from the date the chair receives the written findings.

25 (2) The Village Manager or designee shall cause a copy of the complaint to be
26 served upon the respondent along with notice of the date, time and location of
27 the conciliation conference. A copy of the complaint and notice of the date, time
28 and location of the conference shall also be served upon the complainant.

29 (3) If the Village Manager or designee finds that probable cause does not exist, the
30 Village Manager will dismiss the complaint and shall notify the chair of the
31 Human Relations Commission in writing of the Manager's or **designee's**
32 **findings. Upon receipt of the findings the chair will send out notification**
33 **to the Complainant, indicating the results of the investigations and the**
34 **finding of no probable cause.**

35 **(4) If a complaint indicates multiple respondents, and subsequent to the**
36 **investigation by the Village Manager or designee, probable cause is**
37 **found with regard to one or more of the respondents, then the**
38 **Commission shall proceed on the complaint against those parties for**
39 **which probable cause was found. The named parties for which no**
40 **probable cause was found shall be dismissed by the Commission. The**
41 **chair shall cause notification to be sent to the complainant with regard to**

1 **the findings of the investigation and to the parties for which probable**
2 **cause was found.**

3 (c) *Conciliation conference.*

4 (1) A panel of 3 Commission members shall be convened in an effort to resolve
5 the parties' differences in private. The chair of the Human Relations
6 Commission or the chair's designee shall preside over the Conciliation
7 Conference Panel. The chair of the Human Relations Commission shall select
8 2 members of the Human Relations Commission to serve on the Panel. The
9 Village Manager or designee and an attorney for the Commission shall be
10 present. The complainant and respondent may be represented by attorneys if
11 they desire. The conference shall be closed to all other persons. However, in
12 the discretion of the panel, a complainant or respondent may include an
13 additional person such as an interpreter or family member.

14 (2) No evidence shall be taken at the conciliation conference. The sole purpose of
15 the conference will be to attempt to reconcile the parties. If the parties cannot
16 reach agreement at the conference, a public hearing upon the complaint shall
17 be scheduled.

18
19 (d) *Nondisclosure.* Members of the Commission or its staff shall not disclose the filing of a
20 complaint, what transpires during the course of an investigation, or what transpires
21 during the course of a conciliation conference, except as such disclosures are deemed
22 essential to the investigation and endeavors at conciliation or are made at a public
23 hearing in accordance with subsection (e) of this section. Nothing in this subsection
24 shall be construed to prevent the Village Manager or designee and the Commission
25 from disclosing dismissal notices or conciliation agreements, including the reasons
26 therefor. The identities of the parties shall not be disclosed without their consent.

27 (e) *Public hearing.*

28 (1) If an agreement between the parties cannot be reached at the conciliation
29 conference, the chair of the Human Relations Commission or designee shall
30 set a date for a public hearing upon the complaint. The date for the hearing
31 shall be decided upon at the conciliation conference and shall be no less than
32 10 days and no more than 30 days from the conclusion of the conciliation
33 conference.

34 (2) The chair of the Human Relations Commission or designee shall convene and
35 preside at the hearing. The hearing panel will be composed of 5 members of
36 the Human Relations Commission. The panel shall include the following: the
37 chair or designee, the Housing Committee chair or designee and 3
38 Commission members to be selected by the chair. An attorney for the
39 Commission and the Village Manager or designee shall also be present.

40 (3) At the hearing, the complainant and respondent shall have the right to be
41 represented by legal counsel, the right to call witnesses, and the right to cross
42 examination. Rules of procedure adopted by the Commission shall govern the

1 proceedings. Testimony taken at the hearing shall be under oath or affirmation
2 and an official transcript shall be made and filed in the Village Manager's
3 Office. The hearing shall be open to the public.

4 (4) After all evidence has been taken, the panel shall take the matter under
5 advisement. The panel will render its decision in writing with findings of fact.
6 Copies of the decision shall be sent to the parties and transmitted to the Village
7 Manager. A majority vote of those panel members present at all sessions of the
8 hearing is required to decide the matter. If the panel finds that there was no
9 violation of this article, the complaint shall be dismissed. If, however, the panel
10 finds that a violation of this article has occurred, it shall take action as it deems
11 proper consistent with this section, including but not limited to the following:

12 a. Issuing an order to cease and desist from any unlawful housing
13 practices as determined by the panel.

14 b. Recommending that the Village Manager request that the Corporation
15 Counsel institute proceedings to enforce, against any person(s) or
16 business found in violation of this article, the fine provided.

17 c. Recommending that the Village Manager request that the Corporation
18 Counsel apply to any court of competent jurisdiction for:

19 1. An order restraining the party from violating any provision of this
20 article; or

21 2. Such other or further relief as may be appropriate for the
22 enforcement of this article and for the elimination of violations.

23 d. Recommending that the Village Manager request that the Corporation
24 Counsel petition or institute proceedings with the Department of
25 Registration and Education for the purpose of causing the Department
26 to revoke, suspend, or refuse to renew the license granted by such
27 Department to the party found to have violated any provision of this
28 article.

29
30 (e) In addition to the penalty provided for in Section 58-33, the public hearing panel may
31 order restitution, specific performance and any and all remedies the panel deems just
32 and appropriate in accordance with its findings. The panel may further recommend
33 that the Village Manager request that the Corporation Counsel institute **appropriate**
34 proceedings to enforce the order of the panel.

35 (f) *Continuance of conciliation* conference or public hearing. The chair of the Public
36 Hearing Panel may grant a continuance and postpone the convening of the public
37 hearing if a party requests a continuance in writing in a timely and reasonable manner.
38 Such a continuance may be granted even if it is more than 30 days from the
39 conclusion of the conciliation conference. A continuance of a conciliation conference

1 may not be granted without the Conciliation Conference Panel convening. If a party
2 fails to appear at either the conciliation conference or the public hearing, the Panel
3 may proceed with and conclude the matter.

4 (g) *Evidence and subpoena power.* **No strict rules of evidence** ~~The Federal Rules of~~
5 ~~Arbitration~~ shall apply in conducting a conciliation conference or public hearing,
6 **however, the Conciliation Conference Panel and the Public Hearing Panel shall**
7 **determine the relevance of any evidence to be submitted for consideration, in**
8 **its' respective proceeding. If said evidence is not deemed relevant it will not be**
9 **accepted.** The Public Hearing Panel shall have the power to subpoena records or
10 individuals for testimony at the public hearing, as it relates to a specific matter. The
11 Conciliation Conference Panel shall not have such subpoena powers.

12 (h) *Retention of jurisdiction.* The Human Relations Commission shall retain jurisdiction for
13 1 year after the conclusion of a conciliation conference or public hearing.

14 **Section 2:** That this Ordinance shall be in full force and effect from and after its
15 passage, approval and publication in pamphlet form as provided by law.

16 **ADOPTED** this day of September, 2004.

17
18 Ayes:
19 Nays:
20 Absent:

Village Clerk

Approved by me this day of
September, 2004.

21
22
23 Attested and filed in my office
24 this day of September, 2004;
25 and published in pamphlet form
26 according to law from September
27 , 2004 to September , 2004.

Mayor, Village of Skokie

30
31 _____
Village Clerk

THIS ORDINANCE MAY BE CITED AS
VILLAGE ORDINANCE NUMBER

04-9-Z-

**AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO EXPAND
AND OPERATE A MOTOR VEHICLE SALES FACILITY AT 5240 GOLF
ROAD, SKOKIE, ILLINOIS IN AN M-2 LIGHT INDUSTRY DISTRICT**

1 **WHEREAS**, the owner of the following described real property:

2 PARCEL 1: That part of the East 6.18 acres of the South 16.22 acres (except
3 the South 50 feet) of the Southeast quarter of the Southwest quarter of Section 9,
4 Township 41 North, Range 13, East of the Third Principal Meridian, lying Westerly of
5 Railroad right of way, in Cook County, Illinois;
6

7 PARCEL 2: All that part of the West 80 feet of the 100 foot right of way
8 conveyed by the Chicago and Northwestern Railway Company to International Minerals
9 and Chemical Corporation by deed dated June 30, 1966 and filed for records in the office
10 of the recorder of deeds of Cook County, Illinois, on July 1, 1966 as Document 19874346
11 in the East half of the Southwest quarter of Section 9, Township 41 North, Range 13,
12 East of the Third Principal Meridian, that lies Northwesterly of the North line of Simpson
13 Street (now known as Golf Road) and Southeasterly of a line drawn perpendicular to
14 such right of way at a point in the center line thereof 535 feet distant and Northwesterly
15 from the point where such center line meets said North line of Simpson Street (now
16 known as Golf Road) said right of way, being described in said deed as a Northwesterly
17 and Southeasterly strip of land 100 feet in width that lies 50 feet in width of each side of
18 the center line between the two main tracks of the Chicago and Northwestern Railway
19 Company as originally located and established in Cook County, Illinois.
20

21 PARCEL 3: That part of the East half of the Southwest quarter of Section 9,
22 Township 41 North, Range 13, East of the Third Principal Meridian, which lies
23 Southwesterly of the Southwesterly right of way line of the Chicago and Northwestern
24 Railway Company, Southeasterly of that part condemned by case #48813630 for the
25 Edens Expressway, and North of the line of Wittbold's Rapid Transit Terrace No. 3,
26 extended East to Southwesterly right of way line of the of the Chicago and Northwestern
27 Railway Company;

28 Said Parcel of land being also bounded and described as follows:
29 Beginning at the intersection of the North line (extended East) of Wittbold's Rapid Transit
30 Terrace No. 3, a subdivision in the Southwest quarter aforesaid, with the Southwesterly
31 right of way of 100 foot Chicago Northern Railway Company (recorded January 9, 1903
32 as Document 3340507) ; Thence Northwesterly along said Southwesterly right of way line
33 a distance of 101.39 feet; Thence Southwesterly to a point in said North line of Wittbold's
34 Rapid Transit Terrace No. 3 Subdivision, said point being, 99.13 feet West of the point of
35 beginning; Thence East 99.13 feet to the place of beginning, in Cook County, Illinois;
36

37 PARCEL 4: All that part of the West 80 feet of the 100 foot right of way,
38 conveyed by the Chicago and Northwestern Railway Company to International Minerals
39 and Chemical Corporation by deed dated June 30, 1966 and filed for record in the office
40 of the recorder of deeds of Cook County, Illinois on July 1, 1966 as Document 19874346,
41 in the East half of the Southwest quarter of Section 9, Township 41 North, Range 13,