

AN ORDINANCE TO REGULATE REAL ESTATE TRANSACTIONS

WHEREAS, the City Council of the City of Urbana, Illinois did, in 1963, adopt the following statement of policy:

"Believing in the basic worth of every individual, and believing that the best interests of all citizens of Urbana can be furthered to greatest advantage in an atmosphere of understanding and cooperation, it is hereby resolved that the City of Urbana shall be committed to a policy of equal employment, status and treatment for all citizens without regard to race, religion, or national origin insofar as the City has authority under the Constitution and Statutes of the state of Illinois. Furthermore we urge all citizens of Urbana, individually and collectively, to act in accord with such a policy."; and

WHEREAS, the City of Urbana, Illinois, continues to grow in population, area, and in the number and value of improvements upon real estate, and there has been and continues to be increase in trade, commerce, and business activity in the community, and in the sale, exchange, transfer, rental and lease of real estate through real estate brokers; and

WHEREAS, the laws and the Constitution of the United States of America and of the State of Illinois, guarantee to all persons equally the right to own property regardless of race, color, religion, or national origin or ancestry, and it has been and is the policy of the City, for the maintenance of good government and the promotion of business, trade, commerce, manufacturing and the general welfare to foster and assure to all persons equally the opportunity to live in safe decent housing facilities regardless of race, color, religion or national origin or ancestry; and

WHEREAS, in the exercise of the privilege under said laws and Constitution to engage in a business of their own choice, through their individual conduct and through work in their associations, many real estate brokers have made such progress in raising

and maintaining high standards of service to their clients, to the public and to the community, and have endeavored to discourage discrimination and to encourage and nurture equal opportunity for all persons in real estate matters coming into their hands, and it is necessary and desirable to encourage and assure insofar as possible the maintenance of such standards and the continuance of such endeavors by all real estate brokers; and

WHEREAS, the legislature has delegated to cities the authority to license, tax and regulate certain businesses including brokers dealing in real property; and

WHEREAS, it has been found by the Council of the City of Urbana, Illinois, to be in the best interest of the health, safety and welfare of the people of the City to license and regulate brokers within the City dealing in real property.

PART A, NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF URBANA, ILLINOIS, as follows:

Section 1. A "real estate broker" within the meaning of this ordinance is any person, association, copartnership or corporation, who for a compensation or valuable consideration sells or offers for sale, buys or offers to buy, or negotiates the purchase or sale or exchange of real estate, or who leases, or offers to lease, or rents or offers to rent, any real estate, or negotiates leases thereof, or of the improvements thereon for another or others.

A "real estate salesman" is any person, who for compensation or valuable consideration, is employed either directly or indirectly by a real estate broker.

Part A of this ordinance shall apply to real estate brokers and shall not apply to any person, association, copartnership or corporation, who as owner or lessor shall perform any of the acts aforesaid with reference to property owned or leased by them, or to the regular salaried employees thereof, with respect to the property so owned or leased, where such acts are performed in the regular course of, or as an incident to, the management of

such property and the investment therein, and not in connection with a whole or partial vocation of selling or offering to sell, buying or offering to buy, or negotiating the purchase or sale or exchange of real estate, or the leasing or offering to lease, or renting or offering for rent of any real estate, or the negotiation of leases therefor or of improvement thereon. Nor shall the provisions of this ordinance apply to persons acting as attorney-in-fact under a duly executed power of attorney from the owner authorizing the final consummation by performance of any contract for the sale, leasing or exchange of real estate, nor shall this ordinance be construed to include in any way the services rendered by an attorney-at-law in the performance of his duties as such attorney-at-law; nor shall it be held to include, while acting as such, a receiver, trustee in bankruptcy, administrator or executor, or any person selling real estate under order of any court, nor to include a trustee acting under a trust agreement, deed of trust, or will, or the regular salaried employees thereof.

Section 2. It shall be unlawful for any person to advertise, represent or hold himself out as, or to engage in the business of, or to act in the capacity of a real estate broker in the City of Urbana, without first having obtained a license so to do. No license shall be issued to any person who is not duly licensed as a real estate broker by the State; provided, however, that a license may be issued to an association, copartnership or corporation where all the members and officers of such association, copartnership or corporation who actively participate in the brokerage business of such association, copartnership or corporation are duly licensed as real estate brokers by the State.

This section shall not be construed to require a license of a real estate salesman.

Section 3. No license shall be issued by the City to any person, firm or corporation, unless the applicant for such City license has first qualified for, and received, and there is in full force and effect for such applicant a certificate of registration

as a real estate broker issued by the State of Illinois.

Section 4. Application for license as a real estate broker shall be in accordance with the provisions of this ordinance upon forms supplied by the City Clerk and containing: the name, residence address, business address, date of birth, and the date and number of applicant's current certificate of registration from the State of Illinois, and the applicant shall display evidence of a certificate of registration from the State of Illinois which is in full force and effect.

Section 5. Licenses issued hereunder shall be for the period May 1, through April 30 of the year following, and shall be renewable annually during the month of April.

Section 6. The annual fee for any license or renewal of license shall be Five Dollars (\$5.00) and shall accompany the application for issuance or renewal of license. The license shall be issued immediately upon the payment of the required fee and the filing of the application herein provided for.

Section 7. A real estate broker's license or the renewal thereof may be refused or an existing license suspended or revoked for any violation of this ordinance, subject to the procedures hereinafter set forth.

Section 8. It shall be unlawful for any real estate broker or real estate salesman:

- (a) To 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 housing accommodation within the City of Urbana which will indicate or express any limitation or discrimination in the sale, rental or leasing of such housing accommodation, predicated upon the race, color, religion, or national origin or ancestry of any prospective buyer, lessee or renter of such property.
- (b) To solicit an owner for the sale, lease or listing for sale or lease, of such owner's housing accommodation located within the City of Urbana on the ground there will be loss of value to such housing accommodation due to the present or prospective entry into the neighborhood of any person or persons of any particular race, color, religion, or national origin or ancestry.

- (c) To distribute or cause to be distributed, written material or statements with the specific intention of inducing any owner of any housing accomodation in the City of Urbana to sell or lease his property because of any present or prospective change in the race, color, religion, or national origin or ancestry of persons in the neighborhood.
- (d) To make any misrepresentations concerning the listing for sale or the anticipated listing for sale or the sale of any housing accomodation for the specific purpose of inducing or attempting to induce the sale or listing for sale of any housing accomodation located within the City of Urbana by falsely representing that the presence or anticipated presence of persons of any particular race, color, religion, or national origin or ancestry in the neighborhood where such housing accomodation is located will or may result in the lowering of property values in the neighborhood.
- (e) To refuse to sell, lease, or rent or to refuse to show or display to any proposed buyer or renter any real estate for residential purposes being offered by the owner for sale or lease within the City of Urbana because of the race, color, religion, or national origin or ancestry of the proposed buyer or renter.
- (f) To purchase, lease, or rent real estate for residential purposes, or authorize and direct one in his employment or on his behalf to do so, or solicit another person to do so on his behalf, for the specific reason and intention of preventing another person or persons from purchasing, renting, leasing or occupying such residential real estate by reason of the race, color, religion, or national origin or ancestry of such person or persons.
- (g) To make any distinction, discrimination or restriction against any person in the price, terms, conditions or privileges of any kind relating to the sale, exchange, rental, lease or occupancy of any residential real estate in the City of Urbana or in the furnishing of any facilities or services in connection therewith.

Section 9. There is hereby created a Real Estate Brokers Licensing Board which shall consist of five members, one of whom shall be a real estate broker, and which shall be appointed by the Mayor, subject to the approval of the Council. The Mayor shall designate one of the members to be its chairman. Any three members of the Board shall constitute a quorum. The term of office of each member of the Board shall be for three years, and until his successor is qualified; provided, however, that of the members first

appointed, one member shall be appointed for a term of one year, one member for a term of two years, and three members for a term of three years. Thereafter each member shall service for a term of three years.

Section 10. Duties of the Real Estate Brokers Licensing Board.

It shall be the duty of the Real Estate Brokers Licensing Board to:

- (a) Act to eliminate discriminatory practices as specified in Section 8 of this ordinance, and to receive and investigate complaints charging unlawful housing practices.
- (b) Seek conciliation of such complaints, hold hearings, make findings of fact, issue orders publish its findings of fact and orders in accordance with the provisions of this ordinance.
- (c) Adopt such rules and regulations as may be necessary to carry out the purposes of this ordinance.

Section 11. Any person aggrieved in any manner by a violation of the provisions of this ordinance shall file a verified written complaint setting forth his grievance with the Real Estate Brokers Licensing Board and pay the filing fee, all as hereinafter provided. Said complaint shall state the name and address of the complainant and of the person or persons charged with violating the provisions of this ordinance, and the alleged facts surrounding the alleged violation hereof. The Board shall provide a printed form of complaint. Any complaint must be filed within thirty days (30) after the alleged violation occurred or it shall be barred.

Each complaint shall be filed with the City Clerk, together with a filing fee of Five Dollars (\$5.00). The City Clerk shall immediately transmit the complaint to the Real Estate Brokers Licensing Board. If, in accordance with the procedures hereinafter set forth, the Board shall determine that probable cause exists for the complaint, or if any of the charges alleged in the complaint are sustained and the real estate broker complained of is either fined or his license is revoked or suspended, or the alleged violation complained of is eliminated by conference, conciliation

and persuasion, the City Clerk shall remit the filing fee to the complainant. If it is found and determined that probable cause does not exist for the complaint and the charges alleged in the complaint are not sustained, the filing fee shall be retained by the City.

After the filing of any complaint, a copy of said complaint shall be furnished to the Real Estate Broker complained of. The Board shall proceed to make a prompt private investigation in connection therewith, and if the Board shall determine after such investigation that probable cause exists for the complaint, it shall immediately endeavor to eliminate the alleged violation complained of by conference, conciliation and persuasion. In case of a determination that probable cause does not exist, the Board shall make written findings of fact and shall send copies thereof to the complainant and the Real Estate Broker within twenty (20) days from the date of the filing of the complaint. In cases where the Board has found probable cause for the complaint, if attempts at conciliation are not successful within thirty (30) days after the filing of the complaint, the Board shall then proceed promptly with a full public hearing thereon.

A written notice, together with a copy of the complaint, shall be served in the name of the Board by registered mail with return receipt requested or by personal service on all parties of a full hearing on the complaint at a time and place to be specified in such notice. The notice and complaint shall be served on all parties not less than fifteen (15) days before the time set for the hearing, which hearing shall be held not later than forty-five (45) days from the date of the filing of the complaint.

The Real Estate Broker charged with having violated any of the provisions of this ordinance shall have the right to file an answer to the complaint, to appear at the hearing in person or to be represented by counsel, and to submit testimony. The complainant shall be present and shall be allowed to present testimony in person or by counsel.

Such hearing shall be conducted by the Board. The Board shall not be bound by the strict rules of evidence prevailing in courts of law or equity. The Board shall have full power to subpoena witnesses and pertinent documents, which power may be enforced by the Board by proper petition to the Circuit Court of the Sixth Judicial Circuit.

The Board shall have the power to administer oaths and affirmations, and to take sworn testimony. At the conclusion of the hearings the Board shall render a written report and recommendations, which shall be served by mail upon the parties. No report shall be delayed more than sixty (60) days after the date of the issuance of notice for commencement of the first hearing.

Section 12. If, upon all of the evidence at the hearing, the Board finds that the Broker has violated any of the provisions of this ordinance, the Board shall state its findings of fact and shall issue and cause to be served upon such Broker an order requiring such Broker to cease and desist from such violation, and to take such affirmative or other action, as, in the judgment of the Board, will effectuate the purpose of this ordinance, including a requirement of a report of the manner of compliance. The Board shall retain jurisdiction of the case until it is satisfied that the Broker has complied with the order. In the event that the Board determines that the Broker has not complied with its order, it shall then be empowered to recommend to the City Council the suspension or revocation of the Broker's license or institution of a suit for a fine as provided herein or both. If upon all the evidence at the hearing, the Board finds that the Broker has not violated any of the provisions of this ordinance, the Board shall state its findings of fact and shall issue and cause to be served upon the complainant an order dismissing the complaint. A copy of its order shall be delivered, in all cases, by the Board to the complainant, to the Broker, and to the Mayor of the City of Urbana.

The Board is also empowered at the conclusion of such proceedings and as a part of its report, to recommend to the City Council the suspension or revocation of the broker's license of any broker licensed by the City of Urbana, against whom a complaint shall have been filed and who shall have been a party to any proceedings thus filed and found guilty of violating any applicable provision of this ordinance, or to recommend institution of a suit for a fine as provided herein. Any broker whose license has been suspended or revoked by the City Council, or any complainant aggrieved by the decision of the City Council, shall have the right of appeal from such order of suspension or revocation or decision in accordance with the procedure specified in the Administrative Review Act of Illinois. The order of the City Council shall be final and shall become a part of the record of the hearing held before the Board, and the City Clerk shall serve a copy of its decision upon the parties.

Section 13. Any person, firm or corporation violating any provision of this ordinance, may, in addition to revocation or suspension of the license herein required, or in lieu thereof, be fined not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00) for each offense.

PART B, NOW BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF URBANA, ILLINOIS, as follows:

Section 1. If an owner or agent of an owner seeks to sell real estate by advertising said real estate in any newspaper, it shall be unlawful for him to impose any limitations based on race, color, religion, national origin or ancestry.

Section 2. The procedures specified in Sections 11 and 12 of PART A and the penalties specified in Section 13 of PART A shall apply equally to complaints against owners or agents of owners.

ADOPTED by the City Council of the City of Urbana,
Illinois, this 15th day of January, 1968.

Duane Eckert
CITY CLERK

APPROVED by the Mayor of the City of Urbana, Illinois,
this 15th day of January, 1968.

Stanley B. Weaver
MAYOR