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AN ORDINANCE TO PROHIBIT DISCRIMINATORY PRACTICES  
IN REAL PROPERTY TRANSACTIONS IN URBANA, ILLINOIS

BE IT ORDAINED by the City Council of the City of Urbana, Illinois:

ARTICLE I

Section 1.01 - Short Title

This Ordinance shall be known and may be cited as the Fair Housing Ordinance of Urbana, Illinois.

Section 1.02 - Purpose and Declaration of Policy

It is hereby declared to be the policy of Urbana and the purpose of this Ordinance, in the exercise of Urbana of its police and regulatory powers for the protection of the public safety, for the health, morals, safety, and welfare of the persons in and residing in the City, and for the maintenance and promotion of commerce, industry and good government in Urbana, to secure to all persons living and/or working or desiring to live and/or work in Urbana a fair opportunity to purchase, lease, rent or occupy real estate without discrimination based on race, color, religion or national origin.

Section 1.03 - Construction

This Ordinance shall be construed according to the fair import of its terms and shall be liberally construed to further the purposes and policy stated in Section 1.02 and the special purposes of the particular provision involved.

Section 1.04 - Severability

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

Section 1.05 - Definitions

For the purposes of this Ordinance:

- (a) "Real Property" means any real estate, vacant land, building or structure, or any part thereof, within the city limits.
- (b) "Board" means the Fair Housing Board. "City Council" means the City Council of Urbana.
- (c) "Panel" means a panel, comprised of three or more members of the Board, designated by the Chairman of the Board, to investigate and to attempt to conciliate a complaint filed or made under Article V of this Ordinance.

- (d) "Lease" includes sublease, assignment, and rental and includes any contract to do any of the foregoing.
- (e) "National origin" includes the national origin of an ancestor.
- (f) "Owner" means any person who holds legal or equitable title to, owns any beneficial interest in, any Real Property or who holds legal or equitable title to shares of, or who holds any beneficial interest in, any real estate cooperative which owns any Real Property.
- (g) "Person" includes one or more individuals, corporations, partnerships, associations, legal representatives, mutual companies, unincorporated organizations, trusts, trustees, trustees in bankruptcy, receivers and fiduciaries.
- (h) "Purchase" includes any contract to purchase.
- (i) "Real Estate Broker" means any person licensed as a real estate broker in accordance with the provisions of Chapter 114 $\frac{1}{2}$ , Illinois Revised Statutes, or required thereby to be so licensed.
- (j) "Real Estate Salesman" means any person licensed as a real estate salesman in accordance with the provisions of Chapter 114 $\frac{1}{2}$ , Illinois Revised Statutes, or required thereby to be so licensed.
- (k) "Real Estate Agent" means any Real Estate Broker, any Real Estate Salesman, and any other person, who, as employee or agent or otherwise, engages in the management or operation of any Real Property.
- (l) "Real Estate Transaction" means the purchase, sale, exchange, rental or lease of any Real Property, or an option to do any of the foregoing.
- (m) "Sale" includes any contract to sell, exchange, or to convey, transfer or assign legal or equitable title to or a beneficial interest in Real Property.
- (n) "Lending Institution" means any bank, insurance company, savings and loan association or any other person in the business of lending money or guaranteeing loans, any person in the business of obtaining, arranging or negotiating loans or guarantees as agent or broker, and any person in the business of buying or selling loans or instruments for the payment of money which are secured by title to or a security interest in real estate.

## ARTICLE II

### Section 2:01 - Discriminatory Terms

It shall be an unlawful housing practice and a violation of this Ordinance for any Real Estate Broker, Salesman, Agent, Owner, or other person to sell, or rent or offer to sell or rent a Real Property on terms, conditions or privileges that

## ARTICLE II

discriminate between persons because of race, color, religion or national origin.

### Section 2.02 - Refusal to Negotiate

It shall be an unlawful real estate practice and a violation of this Ordinance for any Real Estate Broker, Salesman, Agent, Owner or other person to refuse to negotiate for, enter into, or perform any sale or lease of any Real Property, because of the race, color, religion, or national origin of any party to such sale or lease, or of any member of the family of any such party, or of any person using or occupying or intending to use or occupy such Real Property or of any person using or occupying any Real Property in the area in which such Real Property is located.

### Section 2.03 - Withholding Housing

It shall be an unlawful real estate practice and a violation of this Ordinance for any Real Estate Broker, Salesman, Agent, Owner or other person to represent to any person that any Real Property is not available for inspection, purchase, sale, lease, or occupancy when in fact it is so available, or otherwise to hold Real Property from any person because of race, color, religion or national origin.

### Section 2.04 - Advertisements, Signs and Notices

It shall be an unlawful real estate practice and a violation of this Ordinance for any Real Estate Broker, Salesman, Agent, Owner or other person to publish or circulate a statement, advertisement or notice or to post or erect or cause any person to post or erect, any sign or notice upon any Real Property, indicating any intent to sell or lease any Real Property in a manner that is unlawful under this Article II.

### Section 2.05 - Refusal of Offers

It shall be an unlawful real estate practice and a violation of this Ordinance for any Real Estate Broker, Salesman, Agent or other person to refuse to receive or to fail to transmit a bona fide offer for the purchase, sale, exchange or lease of any Real Property because of the race, color, religion or national origin of the person making such offer.

## ARTICLE III

### Section 3.01 - Discrimination in Lending

It shall be an unlawful real estate practice and a violation of this Ordinance for any Lending Institution to refuse to negotiate for, enter into or perform any agreement to lend or guarantee the loan of funds or in making, agreeing to make, arranging or negotiating any loan or guarantee of funds, for the purpose of financing the purchase or sale, construction, lease, rehabilitation, improvement, renovation or repair of any Real Property, or to offer or agree to terms, conditions, or privileges that discriminate between persons because of race, color, religion or national origin of any party to such agreement or of any member of the family of any such party, or of the residents of the area in which such Real Property is located.

### Section 3.02 - Licensing

Every Real Estate Broker shall apply for and obtain a

license from Urbana prior to transacting any business involving real estate in Urbana as a Real Estate Broker and prior to advertising or assuming to act as such Real Estate Broker. The transacting of any business as a Real Estate Broker without first having obtained said license shall constitute a violation of this Ordinance.

#### ARTICLE IV

##### Section 4.01 - Representation

It shall be an unlawful real estate practice and a violation of this Ordinance for any Real Estate Broker, Salesman, Agent, Owner, or other person, for the purpose of inducing any other person to enter into a real estate transaction with such person, his principal or his agent,

- (a) to represent that a change has occurred, will occur or may occur with respect to race, color, religion or national origin in the composition of the Owners or occupants in any block, neighborhood or area in which the Real Property (which is the subject of the real estate transaction) is located, or
- (b) to represent that a change with respect to the race, color, religion or national origin in the composition of the Owners or occupants in any block, neighborhood, or area will result in the lowering of property values, or in an increase in criminal or anti-social behaviour, or in a decline in the quality of schools in such blocks, neighborhood or area.

##### Section 4.02 - Other Violations

It shall be an unlawful real estate practice and a violation of this Ordinance for any Real Estate Broker, Salesman, Agent, Owner or any other person:

- (a) To aid, abet, incite or coerce a person to commit an unlawful real estate practice under this Ordinance.
- (b) 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 any other person to do so on his behalf for the specific reason and intention of preventing any other person or persons from purchasing, renting, leasing, or occupying such residential real estate by reason of the race, color, religion, or origin, or ancestry of such person or persons.
- (c) To deliberately and knowingly refuse examination of copies of any listing of Real Property in Urbana to any person because of race, color, religion or national origin.
- (d) To enter into a listing agreement which prohibits the inspection, sale, lease, or occupancy of Real Property to any person because of race, color, religion or national origin.
- (e) To knowingly and willfully interfere with the performance of a duty or the exercise of a power by the Board or one of its members or representatives.
- (f) To willfully obstruct or prevent or attempt to obstruct or prevent a person from complying with the

provisions of this Ordinance or an order issued thereunder.

#### ARTICLE V

##### Section 5.01 - Fair Housing Board

There is hereby created a Fair Housing Board which shall consist of five members appointed as hereinafter provided.

##### Section 5.02 - Composition of Fair Housing Board

All five members of the Board shall be appointed from the community at large and shall be citizens who are willing to expend the time and effort necessary to carry out the duties of the Board.

##### Section 5.03 - Method of Appointment

Members shall be appointed by the Mayor subject to the approval of the City Council. In the first instance, three members shall be appointed for a term of three years, one for a term of two years, and one for a term of one year. Thereafter each member appointed shall serve for a term of three years or until his successor is duly appointed and qualified. The Board shall elect one of its members to be its chairman. Three members shall constitute a quorum, but the concurrence of the majority of the entire Board (obtained either at a meeting of the Board or in a poll conducted by the chairman) shall be necessary for Board action.

##### Section 5.04 - Fair Housing Board Duties and Powers

The Board shall have and exercise the following duties and powers:

- (a) To act to eliminate unlawful real estate practices that violate this Ordinance.
- (b) To act to assure to persons living, working or desiring to live in Urbana, opportunity to purchase, lease or occupy Real Property in Urbana without discrimination because of race, color, religion or national origin.
- (c) To receive and investigate complaints alleging unlawful real estate practices in violation of this Ordinance.
- (d) To attempt elimination of unfair real estate practices by conciliation, conference and/or persuasion.
- (e) To hold public hearings in the event that its efforts under the above subsection (d) are ineffective, or where it deems that such efforts will be ineffective.
- (f) To instruct the City Attorney to commence appropriate court action against those the Board has duly found to be in violation of this Ordinance.
- (g) To recommend to the City Council suspension and/or revocation of licenses of Real Estate Brokers in accordance with the requirements of this Ordinance.
- (h) To render from time to time, but not less than every 12 months, a written report to the City Council of its activities and recommendations with respect to fair real estate practices, which written reports shall be made public after submission to the City Council.

- (i) To exercise such other powers as are vested in the Board by other sections of this Ordinance, and to adopt such rules and regulations as may be necessary to carry out the purposes of this Ordinance.

Section 5.05 - Licenses of Real Estate Brokers

- (a) No license shall be issued by the City to any person 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.
- (b) 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.
- (c) 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.
- (d) 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.
- (e) 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 5.06. - License Representations

Before any license under this Ordinance is granted, the applicant shall give his representation that he intends to comply with the provisions of this Ordinance in and about his business as a Real Estate Broker. Upon issuance of license, the City Clerk shall give a copy of this Ordinance to each licensee.

Section 5.07 - Complaints, Conciliation

- (a) Any person aggrieved in any manner of any violation of any provision of this Ordinance may file with the Board a written verified complaint setting forth his grievance. The complaint shall state: (1) the name and address of the complainant, (2) the name and address of the person against whom the complaint is brought, if known to the complainant, and (3) the alleged facts surrounding the alleged violation of this Ordinance; and such complaint shall state the name and address of all persons believed to have knowledge concerning the alleged facts. The Board shall provide a printed form of complaint for the use of aggrieved persons.
- (b) After the filing of any complaint, the Board shall serve a copy of the complaint on the party or parties charged and the Chairman of the Board shall designate a panel, as defined in Section 1.05 (c) of this Ordinance, to make a prompt investigation in connection therewith.



Such investigation shall be accomplished within four days from the filing of the complaint.

- (c) If such Panel shall determine after such investigation that probable cause exists for the allegations of the complaint,
  - (1) The Chairman of the Board shall set a time and date for a conference with the Board. Said conference shall be private.
  - (2) At such conference, the Board shall interview the complainant and the person or persons against whom the complaint has been directed and shall attempt to resolve the complaint by all proper methods of conciliation and persuasion.
- (d) If at any time after the date of filing of the complaint the Board shall determine that such attempt at conciliation and persuasion would not be in furtherance of the objectives of this Ordinance, the Board shall thereupon proceed promptly to a full hearing on the complaint in accordance with Section 5.08 below.

Section 5.08 - Hearings by Board

- (a) Such hearings shall be conducted by the entire Board, or a quorum thereof, upon ten (10) days notice to all parties. The Board shall not be bound by the strict rules of evidence prevailing in courts of law or equity. The Board shall have power to administer oaths and to take sworn testimony. The Board shall have the 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 complainant and any party alleged to have violated this Ordinance shall be entitled to be represented by counsel and shall have the right to call witnesses on his own behalf and to cross-examine witnesses.

Section 5.09 - Enforcement

- (a) If, upon all the evidence at the hearing, the Board finds that the person complained of 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 person, an order requiring such person to cease and desist from such violation, and to take such affirmative or other action, as, in the judgement of the Board, will effectuate the purpose of this Ordinance, including a report of the manner of compliance.
- (b) If, upon all the evidence at the hearing, the Board finds that the person complained of 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.

- (c) The Board shall retain jurisdiction of the case until it is satisfied the person to whom the order was directed has complied. The order of the Board and its findings of fact shall be issued within thirty (30) days after the filing of the complaint, and shall be delivered to the complainant, the person charged, and the Mayor of the City of Urbana.
- (d) The Board shall be empowered at the conclusion of the proceedings held under Section 5.08, to instruct the City Attorney to do any one or more of the following:
  - (1) To institute and prosecute proceedings in a court of competent jurisdiction to enforce against any person found in violation of this Ordinance the fine provided for in Article VII below.
  - (2) To apply to any court of competent jurisdiction,
    - (i) for an order restraining any person from violating any provision of this Ordinance.
    - (ii) for such other future relief as may seem to the court appropriate for the enforcement of this Ordinance and for the elimination of violations hereof.
  - (3) To petition or institute proceedings with the Illinois Department of Registration and Education for the purpose of causing the Department to revoke, suspend or refuse to renew the license granted by such Department to any Real Estate Broker or Real Estate Salesman found to have violated any provision of this Ordinance.
- (e) The Board is also empowered at the conclusion of such proceedings to recommend to the City Council suspension and/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 provisions of this Ordinance. The period of suspension or revocation shall not exceed ninety (90) days for a first violation of the Ordinance. The City shall not issue a new license to a Real Estate Broker during the period that his prior license is suspended or revoked.

Section 5.10 - Limitation of Time to File Complaints

Any complaint filed hereunder with the Board must be filed within sixty (60) days after the alleged discriminatory practice occurred or it shall be barred.

ARTICLE VI

Section 6.01 - Remedies

Any person aggrieved in any manner by the violation of any provision of this Ordinance who has exhausted the remedies provided in Section 5.07 and 5.08 of this Ordinance may apply to any court of competent jurisdiction for appropriate relief from such violation, including:



- (a) An order compelling compliance with this Ordinance;
- (b) An order to prohibit any person found by the court to have violated any provision of this Ordinance from the sale, lease, exchange, transfer, conveyance or assignment of any dwelling or housing which is the subject of such violation;
- (c) An order requiring specific performance of any contract for the sale, lease, exchange, transfer, conveyance or assignment of any dwelling or housing, by any person who in violation of this Ordinance refuses or fails to perform such contract;
- (d) Compensatory damages and if appropriate, punitive damages;
- (e) Such other and further relief as may seem appropriate to the court for the enforcement of this Ordinance and the elimination of violations thereof.

Section 6.02 -

Any complainant under this Ordinance may apply to a court of competent jurisdiction for an order temporarily prohibiting any transaction affecting the real property which is the subject of the complainant's pending complaint under this Ordinance prior to final determination by the Board where the owner of said property is one of the parties complained of. Any orders issued by the Court shall be in accordance with Chapter 69 of the Illinois Revised Statutes or its successor.

Section 6.03

Any party, complainant or person aggrieved by an order of the Board shall have the right to obtain judicial review of such order pursuant to the Administrative Review Act of Illinois or through other appropriate procedures.

ARTICLE VII

Section 7.01 - Fines

Any person 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.

ARTICLE VIII

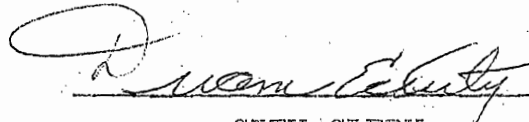
Section 8.01 - Ordinances Repealed

The Ordinance entitled "An Ordinance to Regulate Real Estate Transactions" adopted and approved on the 15th day of January A. D., 1968, and all other ordinances and parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

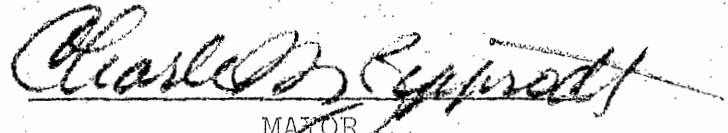
Section 8.02 - Effective Date

This Ordinance shall be in full force and effect from and after its passage, approval, recordation and publication according to law.

ADOPTED by the City Council of the City of Urbana, Illinois, this 2nd day of February A. D. 1970.

  
CITY CLERK

APPROVED by the Mayor of the City of Urbana, Illinois, this 2nd day of February A. D. 1970.

  
MAYOR