

CHAPTER 94: FAIR HOUSING

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GENERAL PROVISIONS**§ 94.01 DECLARATION OF POLICY.**

(A) It is declared to be the policy of the village to provide, within constitutional limitations, for fair housing throughout the village, to assure that all persons have full and equal opportunity to consider all available housing, and to obtain fair and adequate housing for themselves and their families, without discrimination because of race, color, religion, sex, or national origin, and to promote long-term racial diversity and integration.

(B) It is further declared to be the policy of the village to take all actions necessary and proper to achieve the policies expressed in division (A) of this section; in the village's policy statement on racial diversity, Resolution 228; and in the village's resolution urging a unitary housing market and affirmative marketing plan, Resolution 256-11-80. ('79 Code, § 32.80) (Ord. 1207, passed 4-2-84)

§ 94.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

COMMISSION. The Commission of Housing and Human Relations established by Ordinance 983, as amended. (Am. Ord. 1545, passed 12-20-93)

DISCRIMINATE or **DISCRIMINATION.** To treat any person in a particular manner solely or in part because of race, color, religion, sex or national origin; provided that **DISCRIMINATE** or **DISCRIMINATION** shall not include special outreach efforts conducted by or under the authority of units of government (including agencies, departments, and commissions thereof) or nonprofit fair housing agencies to ensure that persons of minority groups are fully informed of available dwelling opportunities in areas of present or prospective majority (white) group concentration, or to ensure that persons of the majority (white) group are fully informed of available dwelling opportunities in areas of present or prospective minority group concentration.

DWELLING. Any building, structure, or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one or more persons, and any vacant land which is offered for sale or rental and on which any building, structure, or portion thereof may be constructed or located.

LENDING INSTITUTION. Any bank, savings and loan association, insurance company, or other organization or person regularly engaged in the business of lending money, guaranteeing loans for profit, or otherwise providing financial assistance or insurance in connection with the purchase, sale, or rental of dwellings.

LESSOR. Any person who rents dwellings to other persons.

MULTI-FAMILY RESIDENTIAL DEVELOPMENT. Any building or structure, or group of buildings or structures, which contain four or more dwellings under common management or ownership.

OWNER. Any person who holds legal or equitable title to, or owns any beneficial interest in, a dwelling, or who holds legal or equitable title to, or shares of, or holds any beneficial interest in, any organization or person which owns a dwelling; and his/her agents.

PERSON. One or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers, or fiduciaries.

PURCHASE. To obtain a dwelling through a sale.

RENT or RENTAL. To lease, sublease, assign, grant, or obtain the right to occupy a dwelling not owned by the occupant in return for consideration, or a contract or option to do any of the foregoing.

SALE or SELL. To convey, exchange, transfer, or assign legal or equitable title to, or a beneficial interest in, a dwelling in return for consideration, or a contract or option to do any of the foregoing.

('79 Code, § 32.81) (Ord. 1207, passed 4-2-84)

§ 94.03 EXEMPTIONS.

Nothing in this chapter shall apply to:

(A) The rental of a room or rooms in an owner-occupied single-family dwelling;

(B) A religious organization, or any nonprofit organization operated, supervised, or controlled by or in conjunction with a religious organization, with respect to its limitation of the sale, rental, or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or with respect to preference given to such persons, unless membership in the religion is restricted on account of race, color, sex, or national origin; or

(C) A private club, not in fact open to the public, which as an incident to its primary purpose provides lodgings which it owns or operates for other than a commercial purpose, with respect to its limitation of the rental or occupancy of the lodgings to its members and their guests, or with respect to preference given to such persons.

('79 Code, § 32.82) (Ord. 1207, passed 4-2-84)

§ 94.04 DISCRIMINATION PROHIBITED.

(A) In order to effectuate the policies set forth in § 94.01, as far as legislatively possible, it is declared to be a discriminatory act, an unfair housing practice, and unlawful for any lending institution or other person to:

(1) Discriminate against any person in the price, terms, conditions, or privileges relating to the sale or rental of any dwelling, or in the provision of facilities, repairs, improvements, or services in connection with any dwelling.

(2) Discriminate against any person by refusing to sell or rent, by refusing to negotiate for the sale or rental of, or by withdrawing from the market or otherwise making unavailable or denying, any dwelling.

(3) Discriminate against any person by making false representations, or by withholding material information, constructively or otherwise, with respect to the inspection, sale, or rental of any dwelling, including, but not limited to, representing to any person that any dwelling is not available for inspection, sale, or rental when the dwelling is in fact available.

(4) Make, publish, print, circulate, issue, or display or cause to be made, published, printed, circulated, issued, or displayed, any communication, notice, advertisement, sign, symbol, listing, or other writing of any kind, in connection with the sale or rental of any dwelling, or the financing thereof, that indicates or expresses any preference, limitation, reliance, or discrimination based on race, color, religion, sex, or national origin, or an intention to make any preference, limitation, reliance, or discrimination.

(5) Enter into any listing agreement which sanctions discrimination against any person.

(6) Discriminate against any person by denying access to, membership or participation in any multiple-listing service, real estate agents' organization, or other service, organization, or facility relating to the business of selling or renting dwellings; or discriminate against any person in the terms or conditions of such access, membership, or participation.

(7) Steer any person. For the purpose of this section, *STEERING* shall mean the use of any word, phrase, or action in rendering real estate agent services relating to the prospective sale or rental of a dwelling, which influences or is intended to influence the choice of any person in favor of any area because it is occupied, in whole or in part, by individuals of such person's own race or ethnic origin, or against any area because it is occupied, in whole or in part, by individuals of a race or ethnic origin different from such person. (Ord. 1311, passed 1-5-87)

(8) For profit, induce or attempt to induce the sale, rental, or listing for sale or rental of any dwelling by representations regarding the presence in, proximity to, or entry or prospective entry into, the block, neighborhood, or area of a person or persons of a particular race, color, religion, sex, or national origin.

(9) Coerce, intimidate, threaten, cause retaliation against, or interfere with any person in the exercise or enjoyment of or on account of his/her having exercised or enjoyed, or on account of his/her having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by this chapter.

(10) Aid, abet, compel, coerce, or attempt the commission of any act declared to be unlawful under this chapter; or obstruct or prevent enforcement of, or compliance with, this chapter.

(11) Discriminate by engaging in any other action which makes unavailable, or restricts consideration of, the inspection, purchase, sale, or rental of any dwelling.

(12) Discriminate against any person in connection with borrowing or lending money, guaranteeing loans, accepting a deed of trust or mortgage, or otherwise obtaining or making available funds for the purchase, construction, improvement, repair, or maintenance of any dwelling; or discriminate by delaying the processing of or denying any loan or other financial assistance; or discriminate in the fixing of the amount, interest rate, duration, or other terms or conditions of any loan or other financial assistance; or discriminate on the basis that a dwelling is located in a particular geographic area.

(13) Discriminate against any person in appraising the value of any dwelling in connection with the sale or rental of the dwelling.

(B) Nothing provided in this section shall be construed to prohibit special outreach efforts conducted by or under the authority of units of government (including agencies, departments, and commissions thereof) or nonprofit fair housing agencies to ensure that persons of minority groups are fully informed of available dwelling opportunities in areas of present or prospective majority (white) group concentration, or to ensure that persons of the majority (white) group are fully informed of available dwelling opportunities in areas of present or prospective minority group concentration. ('79 Code, § 32.83) (Ord. 1207, passed 4-2-84) Penalty, see § 94.99

§ 94.05 EXCEPTIONS TO REPORT REQUIREMENTS.

(A) Any person who negotiates or attempts to negotiate the purchase, sale, or listing of dwellings located in the village, or any lessor who rents dwellings located in the village, solely as an agent or contractor for a second person is not required to provide sales data or rental data to the Commission pursuant to this chapter if that second person provides the Commission all such data required.

(B) Any person who negotiates or attempts to negotiate the purchase, sale, or listing of dwellings located in the village, or any lessor who rents dwellings located in the village, solely through grants or contractors is not required to provide sales data or rental data to the Commission pursuant to this chapter if those agents or contractors provide the Commission all such data required.

(C) Any natural individual who owns a dwelling, who either is domiciled in the dwelling or is the last natural individual to be domiciled in the dwelling, and who attempts to sell that particular dwelling without the assistance of an agent acting for profit, is not required to provide sales data or rental data to the Commission pursuant to this chapter.

(D) Any natural individual who owns a building containing four or less dwellings and who occupies a dwelling in that building is not required to provide rental data concerning that building to the Commission pursuant to this chapter.

('79 Code, § 32.89) (Ord. 1311, passed 1-5-87)

§ 94.06 APPLICATION OF AFFIRMATIVE MARKETING PLANS.

This chapter shall apply to:

(A) Residential subdivision developments containing four or more dwellings for which plans have not received final municipal approval or for which all necessary building permits have not been issued;

(B) Residential planned unit developments for which plans have not received final municipal approval or for which building permits have not been issued;

(C) Multi-family residential developments, to be newly constructed or substantially rehabilitated, for which building permits have not been issued.

('79 Code, § 32.92) (Ord 1207, passed 4-2-84)

§ 94.07 AFFIRMATIVE MARKETING PLANS.

(A) The owner of each such development as described in § 94.06 shall prepare and file an affirmative marketing plan with the Commission on a printed form made available by the Commission. Upon approval of the plan by the Commission pursuant to § 94.08, the owner shall thereafter implement the plan. The plan shall be designed to attract purchasers or renters of all minority and majority (white) groups to such developments, and to provide for special outreach efforts to ensure that persons of minority groups are fully informed of available dwelling opportunities in areas of present or prospective majority (white) group concentration, and to ensure that persons of the majority (white) group are fully informed of available dwelling opportunities in areas of present or prospective minority group concentration.

(B) The plan shall:

(1) Identify which groups are least likely without special outreach efforts to apply for dwellings in the development;

(2) Describe in detail the methods to be used to attract persons to dwellings in the development, especially persons in the groups identified pursuant to subdivision (1) above. The methods may include, but need not be limited to, advertising through commercial media, brochures and leaflets, posting of signs, and appropriate contacts and arrangements with agencies of the village and other governments, fair housing agencies, community groups, and employers;

(3) State the racial composition of the persons expected to reside in the development as a result of implementation of the plan;

(4) Describe in detail the fair housing training that will be provided to persons engaged in the sale or rental of dwellings in the development; and

(5) Provide for any other methods and information related to the advertising, sale, or rental of dwellings in the development as the Commission determines are necessary to achieve the purposes of this chapter.

('79 Code, § 32.93) (Ord. 1207, passed 4-2-84)

§ 94.08 COMMISSION APPROVAL.

Within 30 days of the filing of an affirmative marketing plan, the Commission shall either approve the plan, in writing, if it complies with the provisions of this chapter and with such regulations as are adopted by the Commission, or state, in writing, its reasons for failing to approve the plan if it does not so comply. No advertising, sale, or rental of dwellings in a development subject to this chapter may be commenced, and no final municipal approval or building permit may be issued for such a development, until the Commission grants written approval.

('79 Code, § 32.94) (Ord. 1207, passed 4-2-84)

§ 94.09 DURATION OF PLAN.

An affirmative marketing plan shall expire one year after the date on which the Commission grants written approval of the plan pursuant to § 94.08. Prior to such expiration, the owner shall prepare and file a revised affirmative marketing plan with the Commission pursuant to § 94.07 and the Commission shall thereupon review the plan pursuant to § 94.08. No final municipal approval or building permit may be issued for a development subject to this chapter unless there is an unexpired affirmative marketing plan which the Commission has approved for the development pursuant to § 94.08. No advertising, sale, or rental of dwellings in such a development may be commenced or continued except in accordance with an unexpired plan.

('79 Code, § 32.95) (Ord. 1207, passed 4-2-84)

§ 94.10 REPORTS.

The owner shall provide the Commission a report concerning implementation of the approved affirmative marketing plan each month, or as frequently as the Commission finds to be appropriate on a printed form made available by the Commission. The reports shall state, with respect to the reporting period, the race of the persons who inquired, at any time and place, as to the availability of dwellings in the development and the source of information leading to each such inquiry; the race of the persons who applied to purchase or rent the dwellings and the source of information leading to each such application; the race of the persons currently residing in dwellings in the development; and any other information related to the advertising, sale, or rental of dwellings as the Commission may determine is necessary to review and evaluate the effectiveness of the plan.

('79 Code, § 32.96) (Ord. 1207, passed 4-2-84)

§ 94.11 EVALUATION AND AMENDMENT OF PLAN.

The Commission and the owner shall evaluate the progress and effectiveness of the affirmative marketing plan at such times as the Commission may deem appropriate. Any approved affirmative marketing plan may be modified, amended, or terminated at any time by written agreement between the Commission and the owner.

('79 Code, § 32.97) (Ord. 1207, passed 4-2-84)

§ 94.12 LIMITATIONS TO PLAN.

This chapter shall not be construed in any manner to limit any applicable federal or state affirmative marketing requirements.

('79 Code, § 32.98) (Ord. 1207, passed 4-2-84)

ADMINISTRATION AND ENFORCEMENT**§ 94.25 COMMISSION ON HOUSING AND HUMAN RELATIONS.**

(A) *Term of office; qualifications for membership.* There is hereby created a Commission on Housing and Human Relations consisting of nine members, of which two members shall be between the ages of 16 and 21 years of age, and said nine members shall be either residents of, be employed in or have a business located within the village. Provided, however, a majority of the Commission members

shall be residents of the village. Each member shall be appointed by the Village President with the consent of the Board of Trustees. The Chairman and a Vice-Chairman shall be designated annually by the Village President. All members shall serve for a period of three years, or until a successor has been approved and has qualified.

(B) *Purpose of Commission.* The purpose of the Commission shall be:

(1) To promote the long term racial diversity and stable integration of the community through development of programs and recommendations designed to ensure that there exists full and equal access to and demand for housing opportunities throughout the community without regard to race, color, sex, age, religion or national origin, and that the fair housing regulations of the village are complied with.

(2) Recommend to the Village Board and other municipal officials means to foster, encourage and stimulate the improvement of human relations among and between citizens of all races, colors, creeds, national origins, and economic and educational levels so as to provide all individuals with an equal opportunity to grow, participate, and share to the best of their ability in the social, civic, educational, political, economic and judicial systems.

(3) Administer the Fair Housing Ordinance responsibilities as defined elsewhere in this chapter.

(C) *Duties and functions.* The primary function of the Commission is to further its stated policies. Its duties shall include, but not be limited to:

(1) Advise the President and Board of Trustees on human relations and housing matters as may be assigned by the Village Board or initiated by the Commission.

(2) Research and design program recommendations designed to stimulate an interest in and demand for housing opportunities throughout the community by all economically competitive segments of the home buying and renting market.

(3) Develop and administer in cooperation with housing developers and real estate agents active within the community such affirmative marketing plans as may be necessary to attract homeseekers who may not otherwise consider housing opportunities in the community in general or particular neighborhoods within the community.

(4) Maintain and analyze housing transaction statistics and real estate information as may be necessary to evaluate the success of municipal housing programs.

(5) Review and recommend ordinances, programs and practices which prevent housing discrimination and enhance racial stability.

(6) Receive and investigate complaints alleging unlawful discriminatory acts or unfair housing practices.

(7) Initiate complaints charging unlawful discriminatory acts and unfair housing practices.

(8) Endeavor through conciliation to resolve such complaints.

(9) Conduct adjudicative hearings concerning such complaints, make findings of fact, issue orders, and recommend that the village seek judicial or administrative relief with respect to such complaints and orders in accordance with the provisions of this chapter.

(10) Subpoena witnesses, compel their attendance, administer oaths, take sworn testimony, and in connection therewith, require the production for examination of any documents relating to any matter under investigation or in question before the Commission, and enforce such powers by proper petition in any court of competent jurisdiction in accordance with the provisions of this chapter.

(11) Gather and provide for the exchange of information related to the provisions of this chapter among real estate agents, lending institutions, developers, employers, municipal officials and employees, community organizations, and other persons with an interest in effective enforcement of this chapter.

(12) Serve as the educational arm of the municipality in the field of human relations and housing to all persons, areas, groups and institutions in the municipality.

(13) Carry out such research and recommend actions in the field of human relations to lessen prejudice and discrimination based on race, color, sex, age, religion, national origin or marital status.

(D) *Meetings; rules of procedure.* The Commission shall meet regularly and adopt its own rules of procedure, and all meetings shall be held in accordance with said rules. The Commission shall submit to the municipality an annual report and such special reports as it may from time to time deem advisable. The Commission shall perform such further duties as may be assigned to it by the President and Board of Trustees.

(E) *Powers of Commission.*

(1) When authorized by the President and Board of Trustees by appropriate resolution, the Commission may require by subpoena the attendance and testimony of witnesses and the production of documentary evidence relating to any matter under investigation and hearing. The Chairman may sign a subpoena which may be served by any police officer of the municipality or by any person lawfully authorized to serve a subpoena under the laws of the State of Illinois. The attendance of witnesses or the production of documentary evidence may be required at such designated place of the hearing within the municipality and before the Commission as a whole, or before a duly constituted subcommittee of the Commission. Witnesses summoned before the Commission, or a subcommittee of the Commission, shall be paid the same fees and mileage that are paid witnesses in the Circuit Court of this state.

(2) In case of disobedience by a person to the subpoena, the Commission may petition the Circuit Court of Cook County for an order requiring the attendance and testimony of witnesses, for the

production of documentary evidence, or both. The Chairman of the Commission or the Commission member conducting the hearing is authorized to administer oaths and is required to provide for the preservation of all testimony taken.

('79 Code, §§ 32.75 - 32.79) (Ord. 983, passed 9-18-78; Am. Ord. 1140, passed 4-19-82; Am. Ord. 1264, passed 8-5-85; Am. Ord. 1545, passed 12-20-93; Am. Ord. 1894, passed 2-18-2003)

Statutory reference:

Human Relations Commission, see ILCS Ch. 775, Act 5, §§ 8-101 et seq.

§ 94.26 COMMISSION TO ADMINISTER AND ADJUDICATE ALLEGED VIOLATIONS.

(A) The Commission on Housing and Human Relations shall have the responsibility to administer this chapter and to adjudicate complaints alleging violations of this chapter.

(B) The Commission shall have and may exercise the following powers, in addition to the duties and powers granted in its enabling ordinance, to implement the purposes of this chapter:

- (1) To receive and investigate complaints charging unlawful discriminatory acts and unfair housing practices;
- (2) To initiate complaints charging unlawful discriminatory acts and unfair housing practices;
- (3) To endeavor, by conciliation, to resolve any such complaints;
- (4) To hold adjudicative hearings concerning such complaints, make findings of fact, issue orders, and to recommend that the village seek judicial or administrative relief with respect to any such complaints and orders in accordance with the provisions of this chapter;
- (5) To subpoena witnesses, compel their attendance, administer oaths, take sworn testimony, and in connection therewith, to require the production for examination of any documents relating to any matter under investigation or in question before the Commission, and enforce such powers by proper petition any court of competent jurisdiction;
- (6) To cooperate with the owners of developments subject to the provisions of §§ 94.06 through 94.12, in the preparation of affirmative marketing plans, and to approve, disapprove, monitor, evaluate, modify, amend, or terminate such plans;
- (7) To recommend to the Village Board of Trustees educational and other programs designed to promote the purposes of this chapter;
- (8) To gather and provide for the exchange of information related to the provisions of this chapter among real estate agents, lending institutions, developers, employers, municipal officials, community organizations, and other persons with an interest in effective enforcement of this chapter;

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(9) To render, at least once a year, to the Village Board of Trustees written report of the Commission's activities and recommendations with respect to fair housing practices, which report shall be made public after submission to the Board of Trustees;

(10) To prepare and submit annually to the Village Administrator a budget for its operation and staffing;

(11) To adopt such rules and regulations as the Commission may deem necessary or desirable to conduct its business and to carry out the purposes of this chapter; and

(12) To do such other acts as are necessary and proper to perform those duties with which the Commission is charged under this chapter.
('79 Code, § 32.99) (Ord. 1207, passed 4-2-84; Am. Ord. 1545, passed 12-20-93)

§ 94.27 FAIR HOUSING ADMINISTRATOR.

The Village President shall appoint a Fair Housing Administrator. The Fair Housing Administrator shall have such duties, responsibilities, and powers as may be provided by the Commission or the Village Board of Trustees, including, but not limited to, the initiation, receipt, conciliation and processing of complaints on behalf of the Commission.
('79 Code, § 32.100) (Ord. 1207, passed 4-2-84)

§ 94.28 COMPLAINTS.

Any person aggrieved in any manner by a violation of this chapter may allege that a violation has occurred, or that a violation will occur and cause irrevocable injury, by filing with the Commission, within 180 days of the alleged violation, a written verified complaint setting forth his/her grievance. Any complaint initiated by the Commission shall be signed by its Chairperson. The complaint shall state, on a printed form made available by the Commission, the name and address of the complainant, the name and address (if known) of the person alleged to have committed a violation of this chapter and the particular facts thereof, and such other information as may be required by the Commission. A complaint may be amended at any time.
('79 Code, § 32.101) (Ord. 1207, passed 4-2-84)

§ 94.29 NOTICE.

Within 15 calendar days after a complaint has been received or initiated by the Commission, the Fair Housing Administrator shall serve, or cause to be served, in person or by certified mail, a copy of

the complaint on the person alleged to have violated this chapter (hereinafter referred to as “respondent”).
(’79 Code, § 32.102) (Ord 1207, passed 4-2-84)

§ 94.30 INVESTIGATION.

Within 30 calendar days after a complaint has been received or initiated by the Commission, the Fair Housing Administrator shall conduct an investigation of the complaint and shall determine either that:

(A) There are reasonable grounds to believe that a violation of this chapter has occurred, in which case the Fair Housing Administrator shall then initiate the conciliation process of § 94.31; or

(B) There are not reasonable grounds to believe that a violation of this chapter has occurred, in which case the Fair Housing Administrator shall then dismiss the complaint by preparing a written notice of dismissal, including the reasons therefor, and notify the parties of the dismissal, within five days, by serving a copy of the notice of dismissal by certified mail on the parties. The notice of dismissal shall advise the complainant of his/her or her right of appeal under this section. Within 14 days of receipt of the notice of dismissal, the complainant may appeal by filing a written request with the Commission for a review of the complaint. By a majority vote, the Commission may overrule the dismissal and refer the complaint to the Fair Housing Administrator for conciliation pursuant to § 94.31.
(’79 Code, § 32.103) (Ord. 1207, passed 4-2-84)

§ 94.31 CONCILIATION.

If the Fair Housing Administrator has made a determination pursuant to § 94.30(A) that there are reasonable grounds to believe that a violation of this chapter has occurred, the Commission shall:

(A) Notify the complainant and respondent of the time, place, and date of a conciliation conference at least ten days prior thereto, and both parties shall appear at the conciliation conference in person or by attorney; and

(B) Attempt to resolve the complaint by methods of conference, conciliation, and persuasion with all interested parties and such representatives as the parties may choose to assist them. Conciliation conferences shall be informal and nothing said or done during the conferences shall be made public unless the parties agree thereto in writing. The terms of conciliation agreed to by the parties shall be reduced to writing and incorporated into a consent agreement to be signed by the parties. Consent agreements shall be signed on behalf of the Commission by its Chairperson.

(C) If the complaint has not been resolved by conciliation within 60 calendar days after it has been received or initiated by the Commission, the Fair Housing Administrator shall refer the complaint to the Commission for an adjudicative hearing.
(‘79 Code, § 32.104) (Ord. 1207, passed 4-2-84)

§ 94.32 INJUNCTIVE RELIEF.

At any time after the Fair Housing Administrator has determined pursuant to § 94.30(A) that there are reasonable grounds to believe that a violation of this chapter has occurred, the Fair Housing Administrator, after first consulting with the Village President, the Village Administrator, or the Trustee liaison to the Commission, may petition the appropriate court for temporary relief pending final determination of the proceedings under this chapter, including an order or decree restraining the respondent from doing or causing any act which would render ineffectual any order or action by the Commission.
(‘79 Code, § 32.105) (Ord. 1207, passed 4-2-84)

§ 94.33 HEARINGS BY COMMISSION.

Within 40 calendar days after the Fair Housing Administrator refers a complaint to the Commission pursuant to § 94.31, the Commission shall, upon due and reasonable notice to all parties, conduct a hearing on the complaint. Parties to the hearing shall be the complainant and respondent, and such other persons as the Commission may deem appropriate. The hearing shall be open to the public. At least ten days before the hearing, the Commission shall serve upon the respondent a statement of charges and a summons requiring the attendance of named persons and the production of relevant documents and records. The parties may apply to the Commission to have subpoenas issued in the Commission's name, which subpoenas may be served by any police officer of the village or by any person authorized to serve a subpoena under state law. Failure to comply with a summons or subpoena shall constitute a violation of this chapter. The parties may file such statements with the Commission as they deem necessary. No fewer than three of the same members of the Commission must be present at all times during a hearing. The parties may appear before the Commission in person or by duly authorized representative, and may be represented by legal counsel. The parties shall have the right to present witnesses and cross-examine witnesses, and all testimony and evidence shall be given under oath or by affirmation.
(‘79 Code, § 32.106) (Ord. 1207, passed 4-2-84)

§ 94.34 HEARING DECISIONS.

Only those members of the Commission who have attended all hearings on the complaint shall participate in the determination of the complaint. Within 15 days of the close of the hearing, the decision shall be rendered, at a meeting open to the public, in the form of a written order which shall

include findings of fact, a statement of whether the respondent has violated this chapter, and such remedial actions as the Commission may order or recommend pursuant to § 94.35. The order shall be served upon the parties by certified mail within 15 days of the public meeting. The order shall be available for public inspection, and a copy shall be provided to any person upon request and payment of reproduction costs.

('79 Code, § 32.107) (Ord. 1207, passed 4-2-84)

§ 94.35 REMEDIAL ACTIONS.

(A) If the Commission finds upon the preponderance of the evidence that the respondent has not violated this chapter, its order under § 94.34 shall dismiss the complaint.

(B) If the Commission finds upon the preponderance of the evidence that the respondent has violated this chapter, its order under § 94.34 shall assess a fine pursuant to § 94.99 and shall provide for the taking of such further remedial action as it deems appropriate, which may include, but need not be limited to:

(1) Directing the respondent to cease and desist from violations of this chapter and to take such affirmative steps as necessary to effectuate the purposes of this chapter;

(2) Recommending that the village initiate an appropriate court action for the enforcement of this chapter, and for such other or further relief as the court may deem appropriate, including but not limited to, injunctive relief, compensatory damages, punitive damages, and attorneys' fees and costs for award to the complainant;

(3) Initiating proceedings for violation of federal or state law or regulations;

(4) Initiating proceedings with any contracting agency, in the case of any violation of this chapter by the respondent in the course of performing under a contract or subcontract with the state or any political subdivision or agency thereof, or with the United States of America or any agency or instrumentality thereof, for the purpose of causing a termination of such contract or any portion thereof, or obtaining other relief;

(5) Initiating proceedings with the Illinois Department of Registration and Education or any other agency to revoke, suspend, or refuse to renew the license of any person found to have violated any provision of this chapter;

(6) Directing the respondent to reimburse the complainant for his/her actual and reasonable expenses incurred and to be incurred as a result of each violation found, including but not limited to, expenses for moving and temporary storage of household furnishings, additional expenses in connection

with the purchase or rental of a dwelling for alternative accommodations, and reasonable attorneys' fees and costs, provided that no such reimbursement by any respondent shall exceed the sum of \$750 with respect to each violation found; and

(7) Directing the respondent to comply with such other or further relief as the Commission may deem appropriate for the enforcement of this chapter.
('79 Code, § 32.108) (Ord. 1207, passed 4-2-84)

§ 94.36 JUDICIAL REVIEW.

Within 35 days following a decision by the village, any party may apply for judicial review of the Commission's decision before a court of competent jurisdiction.
('79 Code, § 32.109) (Ord. 1311, passed 1-5-87)

§ 94.37 JUDICIAL RELIEF.

The village or any person aggrieved by a violation of any provision of this chapter may apply to any court of competent jurisdiction for appropriate relief from the violation, including, but not limited to:

- (A) Injunctive relief or an order otherwise compelling compliance with this chapter;
- (B) Compensatory and punitive damages;
- (C) Reasonable attorneys' fees and costs; and

(D) Such other or further relief as is appropriate for the enforcement of this chapter and the elimination of violations thereof.
('79 Code, § 32.110) (Ord. 1207, passed 4-2-84)

§ 94.38 ADDITIONAL REMEDIES.

This chapter shall not prevent the village or any person from exercising any right or seeking any remedy to which that person might otherwise be entitled, or from filing any complaint with any other agency or court of law or equity.
('79 Code, § 32.111) (Ord. 1207, passed 4-2-84)

§ 94.99 PENALTY.

Any person violating any provision of this chapter shall be fined not less than \$100 nor more than \$750 for each violation. Every day a violation continues shall be deemed a separate violation. ('79 Code, § 32.999) (Ord. 1207, passed 4-2-84)

