

Effective Date: July 26, 2014

6/25/2014  
4/14/2014

**26-O-14**

**AN ORDINANCE**

**Amending Title 1 of the Evanston City Code Codifying a Human Rights Ordinance, and Associated Amendments to Title 1, Chapter 12 "Fair Employment Practices" and Title 5, Chapter 5 "Fair Housing"**

NOW BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EVANSTON, COOK COUNTY, ILLINOIS THAT:

**SECTION 1: Legislative Statement.**

The City of Evanston welcomes diversity and believes that all individuals living in, working for, or visiting the City of Evanston should be treated fairly, and with respect and dignity. The City discourages unlawful discrimination and unequal treatment against individuals on the basis of race, color, religion, national origin, sex, sexual orientation, gender identity, marital status, age, source of income or physical or mental disabilities. The City of Evanston strongly supports the treatment of all individuals with respect and dignity, regardless of an individual's race, color, religion, national origin, sex, sexual orientation, gender identity, marital status, age, source of income or physical or mental disabilities, including but not limited to the areas of housing, public accommodation and employment.

This declaration of public policy is in line with the statutory protections and policy goals of the Illinois Human Rights Act, 775 ILCS 5/et seq., and is intended to secure and guarantee the rights established by Sections 17, 18, and 19 of Article I of the Illinois Constitution of 1970.

Article VII, Section (6)a of the Illinois Constitution of 1970, which states that the "powers and functions of home rule units shall be construed liberally," was written "with the intention that home rule units be given the broadest powers possible" (*Scadron v. City of Des Plaines*, 153 Ill.2d 164). Pursuant to 65 ILCS 5/1-2-1, the City may make all rules and regulations to carry into effect the powers granted to the City, such broad and general grant of authority complementing the City's home rule powers. At meetings held in compliance with the provisions of the Illinois Open Meetings Act (5 ILCS 120/1 *et seq.*), the City Council considered this Ordinance, heard public comment, and made findings. It is well-settled law in Illinois that the legislative judgment of the City Council must be considered presumptively valid (*see Glenview State Bank v. Village of Deerfield*, 213 Ill.App.3d 747(1991)) and is not subject to courtroom fact-finding (*see National Paint & Coating Ass'n v. City of Chicago*, 45 F.3d 1124 (1995)).

The City Council finds that achieving and maintaining a discrimination-free environment is necessary to effectively serve the public by enabling the City to recruit and train qualified employees and to procure and provide services to the public. Additionally, unlawful discrimination in privately owned and operated public accommodations, employment, and housing causes the unjust exclusion of persons, and results in a diminution of their dignity, respect, and status contrary to the public policy of the City and the Constitutional principles upon which the United States was founded. This Ordinance will prevent such unlawful discrimination, and promote the general welfare of City of Evanston residents and visitors alike.

**SECTION 2:** Title 1 of the Evanston City Code of 2012, is hereby amended to add Chapter 20 which shall read as follows:

**CHAPTER 20 – EVANSTON HUMAN RIGHTS ORDINANCE****1-20-1: SHORT TITLE:**

This Chapter shall be known and may be cited as the EVANSTON HUMAN RIGHTS ORDINANCE.

**1-20-2: PURPOSE:**

It is the intent of the City of Evanston that no person be denied equal protection of the laws, nor shall any person be denied enjoyment of his or her civil or political rights or be unlawfully discriminated against because of race, color, religion, national origin, sex, sexual orientation, gender identity, marital status, age, source of income or physical or mental disabilities.

**1-20-3: CONSTRUCTION:**

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

**1-20-4: SEVERABILITY:**

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

**1-20-5: DEFINITIONS:**

For the purposes of this Chapter, the following terms shall have the following meanings:

AGE	Limited to any individual who is at least forty (40) years of age but less than sixty-five (65) years of age.
COMMISSION	The Cook County Commission on Human Rights.
DEPARTMENT	The Illinois Department of Human Rights.
DISABILITY	With respect to a person: (A) A physical or mental impairment which substantially limits one or more of such person's major life activities; (B) A record of having such an impairment; or (C) Being regarded as having such an

	impairment, but such term does not include current, illegal use of or addiction to a controlled substance (as defined in section 102 of the Controlled Substances Act 21 U.S.C. 802).
EMPLOYEE	An individual who is engaged to work in the City of Evanston for or under the direction and control of another for monetary or other valuable consideration.
FAMILIAL STATUS	Refers to whether a household includes one or more individuals (who have not attained the age of 18 years) domiciled with: <ul style="list-style-type: none"> <li>(A) A parent or another person having legal custody of such individual or individuals; or</li> <li>(B) The designee of such parent or other person having such custody, with the written permission of such parent or other person. The protection afforded against unlawful discrimination on the basis of familial status shall apply to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of eighteen (18) years.</li> </ul>
FINANCIAL INSTITUTION	Any bank, credit union, insurance company, mortgage banking company or savings and loan association which operates or has a place of business in this City.
GENDER IDENTITY	A person's actual or perceived gender, including a person's gender identity, self-image, appearance, expression, or behavior, whether or not that gender identity, self-image, appearance, expression, or behavior is different from that traditionally associated with the person's sex at birth.
LOAN	Includes, but is not limited to, the providing of funds, for consideration, which are sought for: <ul style="list-style-type: none"> <li>(A) The purpose of purchasing, constructing, improving, repairing,</li> </ul>

	<p>or maintaining a housing accommodation; or</p> <p>(B) Any commercial or industrial purposes.</p>
MARITAL STATUS	The legal status of being single, married, divorced, separated, or widowed.
NATIONAL ORIGIN	The place in which a person or one of his or her ancestors was born.
OPERATOR	Any owner, lessee, proprietor, manager, superintendent, agent, or occupant of a place of public accommodation, or an employee of any such person or persons.
PUBLIC ACCOMODATION	<p>A place of business with a physical location within the City of Evanston, including, but not limited to:</p> <p>(A) An inn, hotel, motel, or other place of lodging, except for an establishment located within a building that contains not more than 5 units for rent or hire and that is actually occupied by the proprietor of such establishment as the residence of such proprietor;</p> <p>(B) A restaurant or other establishment serving food or drink;</p> <p>(C) A motion picture house, theater, concert hall, stadium, or other place of exhibition or entertainment;</p> <p>(D) An auditorium, convention center, lecture hall, or other place of public gathering;</p> <p>(E) A bakery, grocery store, clothing store, hardware store, shopping center, or other sales or rental establishment;</p> <p>(F) A laundromat, dry-cleaner, bank, barber shop, beauty shop, travel service, shoe repair service, funeral parlor, gas station, office of an accountant or lawyer, pharmacy, insurance office, professional office of a health care provider, hospital, or other service establishment;</p> <p>(G) Public conveyances on air, water, or land;</p> <p>(H) A terminal, depot, or other station</p>

	<p>used for specified public transportation;</p> <p>(I) A museum, library, gallery, or other place of public display or collection;</p> <p>(J) A park, zoo, amusement park, or other place of recreation;</p> <p>(K) A non-sectarian nursery, day care center, elementary, secondary, undergraduate, or postgraduate school, or other place of education;</p> <p>(L) A senior citizen center, homeless shelter, food bank, non-sectarian adoption agency, or other social service center establishment;</p> <p>(M) A gymnasium, health spa, golf course, or other place of exercise or recreation.</p>
SEX	The biological differences between men and women, and gender.
SEXUAL ORIENTATION	Having or perceived as having emotional, physical, or sexual attachment to another without regard to the sex of that person or having or being perceived as having an orientation for such an attachment, or having or being perceived as having a self-image or identity not traditionally associated with one's biological maleness or femaleness. "Sexual orientation" does not include a physical or sexual attachment to children by an adult.
SOURCE OF INCOME	The lawful manner by which an individual supports himself or herself, and his or her dependents.
UNLAWFUL DISCRIMINATION	Discrimination against a person because of his or her race, color, religion, national origin, ancestry, age, sex, marital status, disability, sexual orientation, gender identity, source of income, as those terms are defined in this Section.
VARYING TERMS	<p>Including, but not limited to, the following practices:</p> <p>(A) Requiring a greater down payment than is usual for the particular type of loan involved;</p> <p>(B) Requiring a shorter period of amortization than is usual for the</p>

	particular type of loan involved; (C) Charging a higher interest rate than is usual for the particular type of loan involved; (D) An under appraisal of real estate or other item of property offered as security.
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**1-20-6: PROHIBITION AGAINST UNLAWFUL DISCRIMINATION IN CITY EMPLOYMENT AND PUBLIC CONTRACTS:**

It is the policy of the City that the City will not unlawfully discriminate in City employment, employment opportunities, and awarding public contracts on the basis of any protected characteristic.

Provisions related to the prohibition against unlawful discrimination in city employment and awarding of public contracts shall be those as established and revised by the Fair Employment Practices of the City of Evanston, City Code Section 1-12-1 et seq., and any other applicable provisions of the City Code.

**1-20-7: FINANCIAL CREDIT TRANSACTIONS:**

(A) Prohibition. It shall be a civil rights violation for any financial institution to unlawfully discriminate by engaging in the following actions:

1. Denial of Services. Deny any person any of the services normally offered by such an institution;
2. Modification of Services. Provide any person with any service which is different from, or provided in a different manner than, that which is provided to a person similarly situated.
3. Loan Terms. Unfairly deny or vary the terms of a loan.
4. Property Location. Unfairly deny or vary the terms of a loan on the basis that a specific parcel of real estate offered as security is located in a specific geographical area.
5. Consideration of Income. Unfairly deny or vary the terms of a loan without having considered all of the regular and dependable income of each person who would be liable for repayment of the loan.
6. Lending Standards. Utilize lending standards that have no economic basis and which constitute unlawful discrimination.

(B) Prohibition. It shall be a civil rights violation for a person who offers credit cards to the public in this City to engage in the following actions:

1. Credit Cards. To refuse to issue a credit card, upon proper application, on the basis of unlawful discrimination;

2. Reasons for Rejection. To fail to inform an applicant for a credit card, upon request, of the reason that his or her application for a credit has been rejected.

(C) Exemptions. Nothing in this Section shall prohibit:

1. Sound Underwriting Practices. A financial institution from considering sound underwriting practices in contemplation of any loan to any person. Such practices shall include:
  - a. The willingness and the financial ability of the borrower to repay the loan;
  - b. The market value of any real estate or other item of property proposed as security for any loan; and
  - c. Diversification of the financial institution's investment portfolio.
2. Credit-Worthiness Information; Credit Systems. A financial institution or a person who offers credit cards from:
  - a. Making an inquiry of the applicant's age, permanent residence, immigration status, or any additional information if such inquiry is for the purpose of determining the amount and probable continuance of income levels, credit history, or other pertinent element of credit-worthiness as provided in regulations of the Department;
  - b. Using any empirically derived credit system which considers age if such system is demonstrably and statistically sound in accordance with regulations of the Department, except that in the operation of such system the age of an applicant over the age of 62 years may not be assigned a negative factor or value.
3. Special Credit Programs. A financial institution from refusing to extend credit when required to, by or pursuant to any:
  - a. Credit assistance program expressly authorized by law for an economically disadvantaged class or persons;
  - b. Credit assistance program administered by a nonprofit organization for its members of an economically disadvantaged class of persons;
  - c. Special purpose credit program offered by a profit-making organization to meet special social needs which meets standards prescribed by the Department in its regulations.

- (D) Investigations of Alleged Violations: Any person claiming to be aggrieved by an unlawful credit transaction practice may file a claim with the Department or Commission to initiate the investigation of the complaint. Enforcement of



unlawful discrimination in any aspect of a credit transaction shall be as established and revised by the Illinois Human Rights Act or the Cook County Human Rights Ordinance, as amended.

- (E) Private Remedies: Any person aggrieved by a violation of this Section who has exhausted the remedies provided in the Illinois Human Rights Act or the Cook County Human Rights Ordinance, may apply to any court of competent jurisdiction for appropriate relief.

#### **1-20-8: PUBLIC ACCOMODATIONS:**

- (A) It is a civil rights violation for any person on the basis of unlawful discrimination to:
1. Enjoyment of Facilities, Goods, and Services. Deny or refuse to another the full and equal enjoyment of the facilities, goods, and services of any public place of accommodation;
  2. Written Communication. Directly or indirectly, as the operator of a place of public accommodation, publish, circulate, display or mail any written communication, except a private communication sent in response to a specific inquiry, which the operator knows is to the effect that any of the facilities of the place of public accommodation will be denied to any person or that any person is unwelcome, objectionable or unacceptable because of unlawful discrimination;
  3. Public Officials. Deny or refuse to another, as a public official, the full and equal enjoyment of the accommodations, advantage, facilities or privileges of the official's office or services or of any property under the official's care because of unlawful discrimination.
- (B) Investigations of Alleged Violations: Any person claiming to be aggrieved by an unlawful public accommodation practice may file a claim with the Department or Commission to initiate an investigation of the complaint. Enforcement of unlawful discrimination in any aspect of a public accommodation shall be as established and revised by the Illinois Human Rights Act or the Cook County Human Rights Ordinance, as amended.
- (C) Private Remedies: Any person aggrieved by a violation of this Section who has exhausted the remedies provided in the Illinois Human Rights Act or Cook County Human Rights Ordinance, may apply to any court of competent jurisdiction for appropriate relief.

#### **1-20-9: ADDITIONAL CIVIL RIGHTS VIOLATIONS:**

- (A) Retaliation. No person shall retaliate against any person because that person in good faith has opposed that which he or she reasonably believed to be unlawful

discrimination, sexual harassment, or other violation of this Chapter or has made a complaint, testified, assisted, or participated in an investigation, proceeding, or hearing under this Chapter.

- (B) Aiding and Abetting. No person shall aid, abet, compel, or coerce a person to commit a violation under this Chapter.
- (C) Investigations of Alleged Violations: Any person claiming to be aggrieved by a prohibited act under Section 1-20-9(A) or 1-20-9(B) may file a claim with the Commission to initiate the investigation of the complaint. Enforcement of this Section's additional civil rights shall be as established and revised by the Cook County Human Rights Ordinance, as amended.
- (D) Private Remedies: Any person aggrieved by a violation of this Section who has exhausted the remedies provided in the Cook County Human Rights Ordinance, may apply to any court of competent jurisdiction for appropriate relief.

**1-20-10: EFFECT ON PROVISIONS ON CIVIL REMEDIES:**

This Chapter shall neither add nor detract from any civil or administrative remedies now available to persons complaining of unlawful discrimination under this Chapter.

**1-20-11: NO CIVIL RIGHTS VIOLATION:**

- (A) It is not a civil rights violation for a medical, dental, or other health care professional, or a private professional service provider such as a lawyer, accountant, or insurance agent to refer or refuse to treat or provide services to an individual in a protected class for any nondiscriminatory reason if, in the normal course of his or her operations or business, the professional would for the same reason refer or refuse to treat or provide services to an individual who is not in the required protected class of the individual who seeks or requires the same or similar treatment or services.
- (B) With respect to a place of public accommodation defined in City Code Section 1-20-5, the exercise of free speech, free expression, free exercise of religion, or expression of religiously based views by any individual or group of individuals that is protected under the First Amendment of the United States Constitution or under Section 3 of Article I, or Section 4 of Article I, of the Illinois Constitution, shall not be a civil rights violation.

**SECTION 3:** The Fair Employment Practices Ordinance of the City of Evanston, Illinois, Section 1-12-2 of the Evanston City Code of 2012, as amended, is hereby further amended to read as follows:

**1-12-2: PURPOSE AND DECLARATION OF POLICY:**

It is hereby declared to be the purpose of this Chapter and the policy of the City in the exercise 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 maintenance and promotion of commerce, industry and good government in the City, to secure to all persons working or desiring to work for the City or for any vendor to the City or for any contractor or subcontractor of the City, an equal opportunity to secure employment or to enjoy the benefits of employment without discrimination based on race, color, religion, national origin, sex, sexual orientation (as defined in Section 5-5-6 1-12-3 of this Code), gender identity (as defined in Section 1-12-3 of this Code), marital status, age, source of income (as defined in Section 1-12-3 of this Code), or physical or mental disabilities that do not impair the ability to work.

This Chapter applies to discriminatory employment practices by the City or by any vendor to the City or by any contractor or subcontractor of the City, and shall be construed according to the fair import of its terms and shall be liberally construed to further the purposes and policy stated in this Section and the special purpose of the particular provision involved.

**SECTION 4:** Section 1-12-3 of the Evanston City Code of 2012, as amended, is hereby amended to include the following:

<u>GENDER IDENTITY</u>	A person's actual or perceived gender, including a person's gender identity, self-image, appearance, expression, or behavior, whether or not that gender identity, self-image, appearance, expression, or behavior is different from that traditionally associated with the person's sex at birth as being either female or male.
<u>SOURCE OF INCOME</u>	The lawful manner by which an individual supports himself or herself and his or her dependents.

**SECTION 5:** Section 1-12-5(A) of the Evanston City Code of 2012, as amended, is hereby amended to read as follows:

- (A) That it will not discriminate against any employee or applicant for employment because of race, color, religion, sex, sexual orientation, gender identity, marital status, national origin or ancestry, ~~or age~~, source of income, or physical or mental disabilities that do not impair ability to work, and further that it will examine all job classifications to determine if minority persons or women are underutilized and will take appropriate affirmative action to rectify any such underutilization.

**SECTION 6:** Section 1-12-5(C) of the Evanston City Code of 2012, as amended, is hereby amended to read as follows:

- (C) That, in all solicitations or advertisements for employees placed by it or on its behalf, it will state that all applicants will be afforded equal opportunity without discrimination because of race, color, religion, sex, sexual orientation, gender identity, marital status, national origin, ancestry, source of income, or disability.

**SECTION 7:** The Fair Housing Ordinance of the City of Evanston, Section 5-5-2 of the Evanston City Code of 2012, as amended, is hereby further amended and revised to read as follows:

**5-5-2: PURPOSE AND DECLARATION OF POLICY:**

It is hereby declared to be the policy of the City and the purpose of this Chapter, in the exercise 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 the City, and to promote and protect fair housing opportunities throughout the City and to acknowledge the value of diversity within our community, to secure to all persons living and/or working, or desiring to live and/or work in the City of Evanston, an equal opportunity to view, purchase, lease, rent, or occupy real estate without discrimination based on race, color, religion, sex, age, sexual orientation, gender identity, marital status, disability, source of income, familial status, or national origin of any individual.

**SECTION 8:** Section 5-5-5 of the Evanston City Code of 2012, as amended, is hereby further amended and revised to include the following:

DISCRIMINATION.	To make distinction in treatment of any person because of race, color, religion, sex, age, sexual orientation, <u>gender identity</u> , marital status, disability, <u>source of income</u> , familial status or national origin of an individual.
STEERING.	To encourage or discourage the sale or rental of real property because of the race, color, religion, sex, age, <u>sexual orientation</u> , <u>gender identity</u> , marital status, disability, <u>source of income</u> , familial status or national origin of the individual and/or persons in the neighborhood in which the property is located. This shall include, but is not limited to, directing persons into or away from areas because of race, color, religion, sex, age, <u>sexual orientation</u> , <u>gender identity</u> , marital status, disability, <u>source of income</u> , familial status or national origin of the individual and/or persons in the area or purported to be moving into the area.

SOURCE OF INCOME	The lawful manner by which an individual supports himself or herself and his or her dependents.
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**SECTION 9:** Section 5-5-6 of the Evanston City Code of 2012, as amended, is hereby further amended and revised to read as follows:

**5-5-6: DISCRIMINATION PROHIBITED:**

No person, including, but not limited to, any owner, manager, lessee or sublessee of real property, real estate broker, lender, financial institution, advertiser, real estate appraiser or agent of any of the foregoing, shall discriminate against any other person (or discriminate against such person because of the race, color, religion, sex, age, sexual orientation, gender identity, marital status, disability, source of income, familial status or national origin of the friends or associates of such person) in regard to the sale or rental of or dealings concerning real property. "Sexual orientation" is defined as: having or perceived as having emotional, physical, or sexual attachment to another without regard to the sex of that person or having or being perceived as having an orientation for such an attachment, or having or being perceived as having a self-image or identity not traditionally associated with one's biological maleness or femaleness. "Sexual orientation" does not include a physical or sexual attachment to children by an adult. "Gender identity" is defined as: a person's actual or perceived gender, including a person's gender identity, self-image, appearance, expression, or behavior, whether or not that gender identity, self-image, appearance, expression, or behavior is different from that traditionally associated with the person's sex at birth as being either female or male. Any such discrimination shall be unlawful. Without limiting the foregoing, it shall also be unlawful discrimination for any person to:

- (A) Policies And Publicity. Advertise, publish, display, or circulate or cause to be published, displayed, advertised or circulated, either in writing or orally, any notice, statement, communication, sign or advertisement, or to announce a policy, or to use any form of application for the purchase, lease, rental, or financing of real property, or to make any record or inquiry in connection with the prospective purchase, rental or lease of real property, which expresses directly or indirectly any discrimination, or any intent to discriminate.
- (B) Deceive Or Overcharge. Discriminate by deceiving or overcharging any person for real property in the City, or to making any distinction or restriction against any person as to the conditions or privileges of any kind relating to the sale, rental, lease, or occupancy of real property.
- (C) Discriminate In Lending. (See Section 5-5-8 of this Chapter) Discriminate or to participate in discrimination in connection with borrowing or lending money, guaranteeing loans, accepting mortgages, the making or purchasing of loans or the provision of other financial assistance secured by residential real estate, or otherwise obtaining or making available funds for the purchase, acquisition,

construction, rehabilitation, repairs or maintenance of any real property in the City.

- (D) Change In Neighborhood: Solicit or to enter into any agreement for the sale, lease or listing for sale or lease of any real property within the City (on the ground of loss of value) due to the present or prospective entry into any neighborhood of any person or persons of any particular race, color, religion, sex, age, sexual orientation, gender identity, marital status, disability, source of income, familial status or national origin.
- (E) Inducing Sales. Distribute or cause to be distributed written material or statements designed to induce any person to sell or lease real property because of the alleged or actual or because of any present or prospective change in the race, color, religion, sex, age, sexual orientation, gender identity, marital status, disability, source of income, familial status or national origin of persons in the City or neighborhood.
- (F) Misrepresentation. Make any misrepresentations concerning the listing for sale or the anticipated listing for sale or the sale of any real property for the purpose of inducing or attempting to induce the sale or listing for sale of any real property by representing that the presence or anticipated presence of persons of any particular race, color, religion, sex, age, sexual orientation, gender identity, marital status, disability, source of income, familial status or national origin in the area will or may result in the lowering of real property values in the block, neighborhood or area in which the property is located.
- (G) Refusal to Sell. Refuse to sell or rent real property because of race, color, religion, sex, age, sexual orientation, gender identity, marital status, disability, source of income, familial status or national origin.
- (H) Refusal to Show Records of Available Housing. Refuse to show to any person who has specified his/her needs, the list or other records identifying all real properties reasonably meeting such specifications.
- (I) Withholding Housing. Represent to any person that any real property is not available, or otherwise to withhold real property from any person because of race, color, religion, sex, age, sexual orientation, gender identity, marital status, disability, source of income, familial status or national origin.
- (J) Refusal to Show Real Estate. Refuse to show real estate because of the race, color, religion, sex, age, sexual orientation, gender identity, marital status, disability, source of income, familial status or national origin of any prospective purchaser, lessee or tenant, or because of the race, color, religion, sex, age, sexual orientation, gender identity, marital status, disability, source of income, familial status or national origin of the residents in the area in which the property is located.

- (K) Steering. Encourage or discourage the sale or rental of real property because of the race, color, religion, sex, age, sexual orientation, gender identity, marital status, disability, source of income, familial status or national origin of the individual and/or persons in the neighborhood in which the property is located. This shall include but is not limited to directing persons into or away from areas because of race, color, religion, sex, age, sexual orientation, gender identity, marital status, disability, source of income, familial status or national origin of the individual and/or persons in the area or purported to be moving into the area.
- (L) Differential Treatment. Make any differential treatment toward any prospective seller, purchaser, or tenant because of that person's race, color, religion, sex, age, sexual orientation, gender identity, marital status, disability, source of income, familial status or national origin, or toward any prospective seller, purchaser, or tenant because of the race, color, religion, sex, age, sexual orientation, gender identity, marital status, disability, source of income, familial status or national origin of the persons in the area in which that property is located.
- (M) Evasion. Employ any person as a salesman or agent as a means of evading provisions of this Chapter.
- (N) Providing Information. Volunteer oral or written information about the racial composition of a neighborhood unless such information is a factual, accurate and actual response to an unsolicited direct question.
- (O) Posting and Distributing. Fail to post in a prominent place available for observation by the public in each business establishment of a person in the business of purchasing, selling, exchanging or leasing real property, a copy of this Chapter, or a poster provided by the Commission summarizing this Chapter; and/or fail to distribute to any prospective seller, purchaser or tenant a summary of the ordinance provided by the Commission.
- (P) Rental Application. Discriminate by denying, or unreasonably delaying the processing of, a lease or rental application of a person, discriminate in the fixing of the fee or length of processing time, or other terms and conditions of such application process.
- (Q) Insurance. Discriminate in the sale of insurance in connection with real estate.
- (R) Redlining. To discriminate by differential treatment of a geographic area in the setting of insurance rates or appraised valuations or the availability of financing of property, based on the race, color, religion, sex, age, sexual orientation, gender identity, marital status, disability, source of income, familial status or national origin of persons in the area or purported to be moving into the area.

- (S) Listing Agreement and Multiple Listing Service.
1. Entering into a listing agreement which discriminates against any person due to their race, color, religion, sex, age, sexual orientation, gender identity, marital status, disability, source of income, familial status, or national origin.
  2. Deny a person access to, or membership or participation in any multiple listing service, real estate broker's organization or facility relating to the business of selling or renting dwellings, or to discriminate against him/her in the terms or conditions of such access, membership, or participation, on account of race, color, religion, sex, age, sexual orientation, gender identity, marital status, disability, source of income, familial status or national origin.
- (T) Aid or Abet. Discriminating by aiding or abetting acts performed in violation of this Chapter.
- (U) Coercion. Coercion, intimidation, threatening or interference 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.
- (V) Discrimination Due to a Disability.
1. To discriminate because of a disability of:
    - a. That person;
    - b. A person residing in or intending to reside in that dwelling after it is sold, rented or made available; or
    - c. Any person associated with that disability.
  2. For purposes of this subsection, discrimination includes:
    - a. A refusal to permit, at the expense of the disabled person, reasonable modifications of an existing dwelling unit occupied or to be occupied by such person if such modifications may be necessary to afford such person full enjoyment of the premises; except that, in the case of a rental, the landlord may, where it is reasonable to do so, condition permission for a modification on the renter agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted; a person with disabilities may make reasonable modification as provided in this Section of the Fair Housing



Ordinance to the interior or exterior public and common use areas of a building as well as to his/her individual dwelling unit.

- b. A refusal to make reasonable accommodations in rules, policies, practices or services, when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling; or
- c. In connection with the design and construction of covered multi-family dwellings for first occupancy a failure to design and construct those dwellings in such a manner that:
  - (1) The public use and common use portions of such dwellings are readily accessible to and usable by disabled persons;
  - (2) All the doors designed to allow passage into and within all premises within such dwellings are sufficiently wide to allow passage by disabled persons in wheelchairs; and
  - (3) All premises within such dwellings contain the following features of adaptive design:
    - A. An accessible route into and through the dwelling;
    - B. Light switches, electrical outlets, thermostats and other environmental controls in accessible locations;
    - C. Reinforcements in bathroom walls to allow later installation of grab bars; and
    - D. Usable kitchens and bathrooms such that an individual in a wheelchair can maneuver about the space.
- 3. Compliance with the appropriate requirements of the American National Standard for buildings and facilities providing accessibility and usability for physically disabled people (commonly cited as ANSI A117.1) suffice to satisfy the requirements of this paragraph.

**SECTION 10:** Section 5-5-8 of the Evanston City Code of 2012, as amended, is

hereby further amended and revised to read as follows:

**5-5-8: DISCRIMINATION IN LENDING:**

It shall be unlawful and a violation of this Chapter for any lending institution to discriminate 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, seek or agree to terms, conditions or privileges that discriminate on account of race, color, religion, sex, age, sexual orientation, gender identity, marital status, disability, source of income, familial status or national origin. (See Subsection 6(C) of this Chapter.)

**SECTION 11:** Section 5-5-9 of the Evanston City Code of 2012, as amended, is hereby further amended and revised to read as follows:

**5-5-9: REFUSALS TO DEAL IN LENDING:**

It shall be unlawful and a violation of this Chapter for any lending institution to refuse to negotiate for, enter into, or perform any agreement to lend or guarantee the loan of funds for the purchase, sale, construction, lease, rehabilitation, improvement, renovation, or repair of any real property because of discrimination on account of race, color, religion, sex, age, sexual orientation, gender identity, marital status, disability, source of income, familial status or national origin.

**SECTION 12:** Section 5-5-10 of the Evanston City Code of 2012, as amended, is hereby further amended and revised to read as follows:

**5-5-10: COVERAGE:**

This Chapter shall apply, respectively, to every person, including, but not limited to, every owner, lending institution, real estate broker and manager who, within the City, performs any function relating to or in connection with a real estate transaction, whether or not such person maintains an office or place of doing business within the City; provided, however, that the provisions of this Chapter shall not be so construed as to prohibit a person on behalf of the owner from inquiring into and reporting upon the qualifications of any prospective buyer or tenant with respect to limitations or exclusions other than those of race, color, religion, sex, age, sexual orientation, gender identity, marital status, disability, source of income, familial status or national origin.

**SECTION 13:** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION 14:** If any provision of this ordinance or application thereof to any person or circumstance is ruled unconstitutional or otherwise invalid, such invalidity

shall not affect other provisions or applications of this ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this ordinance is severable.

**SECTION 15:** The findings and recitals herein are declared to be prima facie evidence of the law of the City and shall be received in evidence as provided by the Illinois Compiled Statutes and the courts of the State of Illinois.

**SECTION 16:** That this Ordinance 26-O-14 shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

Introduced: July 14, 2014

Approved:

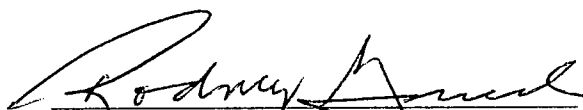
Adopted: July 14, 2014

July 16, 2014

  
Elizabeth B. Tisdahl, Mayor

Attest:

Approved as to form:

  
Rodney Greene, City Clerk

  
W. Grant Farrar, Corporation Counsel