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**VILLAGE OF MELROSE PARK  
COOK COUNTY, ILLINOIS**

**ORDINANCE NO. 924**

**AN ORDINANCE ESTABLISHING A COMPREHENSIVE FAIR  
HOUSING PLAN FOR THE VILLAGE OF MELROSE PARK,  
COUNTY OF COOK, STATE OF ILLINOIS.**

**ADOPTED BY THE  
PRESIDENT AND BOARD OF TRUSTEES  
OF THE  
VILLAGE OF MELROSE PARK**

**THIS 8<sup>TH</sup> DAY OF AUGUST 2005**

**RONALD M. SERPICO, Village President  
MARY ANN PAOLANTONIO SALEMI, Village Clerk**

**Board Of Trustees**

**JOHN S. CONTEDEUCA  
CATHLEEN COSSIDENT ITALIA  
THOMAS KLEIN  
RUBEN LOMELI  
ARTURO J. MOTA  
ANTHONY J. PRIGNANO**

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**Published by authority of the  
President and Board of Trustees  
Of the Village of Melrose Park,  
Cook County, Illinois on  
This 9<sup>TH</sup> day of AUGUST 2005**

**ORDINANCE NO. 924**

**AN ORDINANCE ESTABLISHING A COMPREHENSIVE FAIR HOUSING PLAN FOR THE VILLAGE OF MELROSE PARK, COUNTY OF COOK, STATE OF ILLINOIS.**

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WHEREAS, the Village of Melrose Park, Cook County, State of Illinois (“the Village”) is a duly organized and existing Village created under the provisions of the laws of the State of Illinois, and is now operating under the provisions of the Illinois Municipal Code, and all laws amendatory thereof and supplementary thereto with full powers to enact ordinances for the benefit of the residents of the Village; and

WHEREAS, the Village President, the Honorable Ronald M. Serpico, the Village Clerk, the Honorable Mary Ann Paolantonio Salemi, having taken office on May 2, 2005 and the Village Board of Trustees, the Honorable John S. Conteduca, Cathleen Cossident Italia, Tom "T.K." Klein, Ruben Lomeli, Trustee Arturo J. Mota and Anthony J. Prignano, having taken office on May 2, 2005, constitute the duly elected, qualified and acting officials of the Village; and

WHEREAS, the President and Board of Trustees of the Village of Melrose Park, County of Cook, State of Illinois (hereinafter “Village”), finds that the economic stability of the Village and the welfare of its citizens directly depend upon stable, integrated and balanced living patterns; and

WHEREAS, the Village finds that stable, integrated and balanced living patterns are threatened by discriminatory acts and unlawful housing practices; and

WHEREAS, the Village further finds that discriminatory acts and unlawful housing practices violate the rights of individuals to choose where to live; and

WHEREAS, discriminatory acts and unlawful housing practices contribute to the formation and preservation of segregated neighborhoods, thereby affecting the quality of daily life of the citizens of the Village; and

WHEREAS, discriminatory acts and unlawful housing practices interfere with the achievement of stable, integrated and balanced living patterns, thereby depriving the citizens of the benefits of interracial, inter-religious and intercultural association; and

NOW THEREFORE, BE IT ORDAINED by the Village President and the Board of Trustees of the Village of Melrose Park, Cook County Illinois, as follows:

**ARTICLE I.  
IN GENERAL**

**Section 01. Declaration of Policy**

In the exercise of its power to regulate for the protection of the public health, safety, morals, and welfare, it is declared to be the public policy of the Village to assure fair housing and freedom from discrimination throughout the community, to protect the community from the effects of residential segregation by race, color, religion, sex, physical or mental handicap, familial status or national origin, and to secure to its citizens the economic, social, and professional benefits of living in a stable, integrated society.

**Section 02. Incorporation Clause.**

The President and Board of Trustees of the Village (the "Village Board") hereby find that all of the recitals hereinbefore stated as contained in the preambles to this Ordinance are full, true and correct and does hereby, by reference, incorporate and make them part of this Ordinance.

**Section 03. Purpose.**

The purpose of this Ordinance is to adopt a comprehensive fair housing policy for the Village of Melrose Park, County of Cook, State of Illinois.

**Section 04. Invocation of Authority.**

This Ordinance is enacted pursuant to the authority granted to this Village by the Constitution of the State of Illinois and the Illinois Compiled Statutes.

**Section 05. State Law Adopted.**

All applicable provisions of the Illinois Compiled Statutes, including the Illinois Municipal Code, as may be amended from time to time, relating to the purposes of this Ordinance are hereby incorporated herein by reference.

**Sections 06-09. Reserved.**

**ARTICLE II.  
DEFINITIONS**

**Section 10.00 Definitions.**

As used in this Ordinance, the following terms have the following meanings:

**Accessible**, when used with respect to the public and common use areas of a building containing covered multifamily dwellings, means that the public or common use areas of the building can be approached, entered, and used by individuals with physical handicaps.

**Accessible Route** means a continuous unobstructed path connecting accessible elements and spaces in a building or within a site that can be negotiated by a person with a severe disability using a wheelchair and that is also safe for and usable by people with other disabilities.

**Administrator** means the person designated by the corporate authorities of the Village to administer the provisions of this ordinance.

**Affirmative Marketing** means attempting to attract all prospective buyers and renters with special efforts to attract persons of a race or national origin least likely to apply through the normal operations of the market place.

**Aggrieved Party/Person** included any person who claims to have been injured by a discriminatory housing practice or believes that he or she will be injured by a discriminatory housing practice that is about to occur.

**ANSI A117.1-1986** means the 1986 edition of the American National Standard for buildings and facilities providing accessibility and usability for physically handicapped people.

**Broker** includes any person authorized to perform an action on behalf of another person regarding any matter related to the sale or rental of dwellings, including offers, solicitations or contracts and the administration of matters regarding such offers, solicitations or contracts or any residential real estate-related transactions.

**Building** means a structure, facility, or portion thereof that contains or serves one or more dwelling units.

**Building Entrance on an Accessible Route** means an accessible entrance to a building that is connected by an accessible route to public transportation stops, to accessible parking and passenger loading zones, or to public streets or sidewalks, if available.

**Charge** means an allegation contained in a complaint.

**Common Use Areas** means rooms, spaces or elements inside or outside of a building that are made available for the use of residents of a building or the guests thereof. These areas include hallways, lounges, lobbies, and laundry rooms, refuse rooms, mailrooms, recreational areas and passageways among and between buildings.

**Complaint** means the document filed by a complainant with the Commission.

**Complainant** means a party/person, including the Commission, who files a complaint.

**Commission** means the Combined Community Relations-Fair Housing Review Commission.

**Community Residence** means a group home or specialized residential care home serving unrelated persons with disabilities.

**Conciliation** means the attempted resolution of issues raised by a complaint, or the investigation of such charge, through informal negotiations involving the aggrieved party, the respondent and the Commission.

**Controlled Substance** means any drug or other substance, or immediate precursor included in the definition in Section 102 of the Controlled Substances Act (21 U.S.C. 802).

**Covered Multifamily Dwelling** means a building consisting of four or more units if such buildings have one or more elevators; and ground floor units in other buildings consisting of four or more units.

**Discriminate** means to treat any person differently from others because of race, color, religion, creed, national origin, age, sex, ancestry, marital status, physical or mental handicap, familial status or unfavorable military discharge.

**Dwelling** means any building structure or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one or more families or unrelated individuals, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure or portion thereof.

**Elderly Person** means a person 55 years of age or older.

**Entrance** means any access point to a building or portion of a building used by residents for the purpose of entering.

**Exterior** means all areas of the premises outside of an individual dwelling unit.

**Familial Status** means one or more individuals who have not attained the age of 18 years being domiciled with –

- (a) a parent or a person having legal custody of such individual or individuals;
- (b) the designee of such parent or other person having such custody, with the written permission of such parent or other person; or
- (c) persons who are pregnant or in the process of securing legal custody of any individual who has not attained the age of 18.

**Financial Institution** means any bank, credit union, insurance company, mortgage banking company, savings and loan association, or other entity or organization which makes or purchases loans or provides other financial assistance and which operates or has a place of business in the state of Illinois.

**Handicap** means, with respect to a person, a physical or mental impairment which substantially limits one or more major life activities, a record of such an impairment, or being regarded as having such an impairment.

**Hearing** means that part of an adjudicative proceeding that involves the submission of evidence, either by oral presentation or written submission, and includes the submission of briefs and oral arguments on the evidence and applicable law.

**Housing Accommodation** includes any improved or unimproved real property or part thereof which is used or occupied or is intended, arranged or designed to be used or occupied as the home or residence of one or more individuals.

**Housing for Older Persons** means –

- (a) all housing that is provided under state and federal programs for elderly persons as defined by the specific programs, providing U.S. HUD approval has been secured;
- (b) housing that is “intended for and solely occupied by persons 62 years of age or older”;
- (c) communities in which at least 80 percent of all units are occupied by one person 55 years of age or older, if the existence of significant facilities and services specifically designed to meet the physical and social needs of older persons can be documented.

**Interior** means the spaces, parts, components or elements of an individual dwelling unit.

**Loan** includes, but is not limited to, the providing of funds, for consideration, which are –

- (a) sought for the purpose of purchasing, constructing, improving, repairing, or maintaining a housing accommodation;
- (b) sought for any commercial or industrial purposes; or



(c) secured by residential real estate.

**Lease** includes any sublease, assignment, or rental and any contract to enter into any of the foregoing.

**Marital Status** means the legal status of being married, single, separated, divorced or widowed.

**Modification** means any change to the public or common use areas of a building or any change to a dwelling unit.

**National Origin** means the place in which a person or one of his or her ancestors was born.

**Offer** means and includes every attempt by means of written or oral communications to present for acceptance or rejection, to hold out or proffer, to make a proposal to or to exhibit real estate that may be taken or received with the intention of ultimately entering a real estate transaction.

**Owner** means any person who holds legal or equitable title to, or owns any beneficial interest in, any real estate, or who hold legal or equitable title to shares of, or any beneficial interest in, an equity, which owns any real estate.

**Panic Peddling** means for profit, to induce or attempt to induce a person to sell or rent a dwelling by representation regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, sex, familial status, national origin, or handicap.

**Person** includes one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies,

trusts, unincorporated organizations, trustees, or trustees in cases under Title 11 of the United States Code.

**Person in the business of selling or renting dwellings** means any person who –

- (a) within the preceding 12 months has participated as principal in three or more transactions involving the sale or rental of any dwelling or any interest therein;
- (b) within the preceding 12 months, has participated as agent, other than in the sale of his or her own personal residence, in providing sales or rental facilities or sales or rental services in two or more transactions involving the sale or rental of any dwelling or interest therein; or
- (c) is the owner of any dwelling designed or intended for occupancy by, or occupied by, five or more families.

**Physical or Mental Impairment** includes –

- (a) any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; and endocrine; or
- (b) any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

**Premises** means the interior or exterior spaces, parts, components or elements of a building, including individual dwelling units and the public and common use areas of a building.

**Protected Classes** includes all persons legally protected against discrimination.

**Public Contract** includes every contract to which the State of Illinois, any of its political subdivisions or any municipal corporation is a party.

**Public Use Areas** means interior or exterior rooms or spaces of a building that are made available to the general public. Public use may be provided at a building that is privately or publicly owned.

**Real Estate Transaction** means the purchase, sale or fee or equitable title to, or beneficial interest in, or rental or lease of, any real property; or an option to do any of the foregoing, or any negotiation, listing, contract, or agreement in connection therewith. Real Estate Transaction also includes the brokering or appraising of residential real property and the making or purchasing of loans or providing other financial assistance for purchasing, constructing, improving, repairing or maintaining a dwelling or secured by residential real estate.

**Real Property** includes buildings, structures, real estate, lands, tenements, lease holds, interests in real estate cooperatives, condominiums, and hereditaments, corporeal and incorporeal, or any interest therein.

**Religion** includes all aspects of religious observance and practice, as well as belief; and all aspects of religious non-observance, non-practice and non-belief.

**Respondent** means –

- (a) the person or other entity against whom a discriminatory housing practice has been alleged in a complaint;
- (b) any other person or entity identified in the course of investigation and notified as required by this Ordinance.

**Sex** means the status of being male or female.

**Solicit or Solicitation** means any communication by or on behalf of a real estate agent with the owner or occupant of a dwelling.

- (a) which is intended to induce the sale or rental of such dwelling;
- (b) which is intended to offer or promote services in connection with the sale, rental or listing of such dwelling; and
- (c) which is carried out by means of
  - (1) in-person contacts at the dwelling;
  - (2) written material mailed or delivered directly to the dwelling, such as direct mail, leaflets or pamphlets; or
  - (3) telephone contacts with owners or occupants of the dwelling.

For purposes of this Ordinance, the term “solicit” or “solicitation” shall not refer to communication carried out by means of print or electronic media of general circulation, such as a newspaper, radio, television, or the yellow pages.

**Steering** means influencing or attempting to influence by words or acts the choice or location of housing of a prospective purchaser, occupant, or tenant, in connection with viewing, buying, leasing, or occupying real estate based on race, color, religion, sex,

familial status, national origin, or handicap so as to limit choice or promote or maintain segregation.

**To Rent** includes to lease, to sublease, to let, and to otherwise grant for consideration the right to occupy premises not owned by the occupant.

**Varying Terms** includes, but is not limited to, the following practices:

- (a) Requiring a greater down payment than is usual for the particular type of a loan involved.
- (b) Requiring a shorter period of amortization than is usual for the particular type of loan involved.
- (c) Charging a higher interest rate than is usual for the particular type of loan involved.
- (d) Under-appraising of real estate or other items of property offered as security.

## **ARTICLE II PROHIBITED ACTS GENERAL**

### **Section 11.00 Prohibited Acts**

The following shall be unlawful

### **Section 11.01 Discriminatory Terms**

Discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, religion, sex, physical or mental handicap, familial status, or national origin.

### **Section 11.02 Refusal to Negotiate, Deal, Sell or Rent**

Refuse to sell or rent, after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny a dwelling to any person because of race, color, religion, sex, physical or mental handicap, familial status, or national origin.

### **Section 11.03 Withholding Dwellings**

Represent to any person because of race, color, religion, sex, physical or mental handicap, familial status, or nation origin that any dwelling is not available for inspection, sale, or rental when such dwelling is in fact available.

### **Section 11.04 Advertisements, Signs, Notices**

Make, print, circulate, or publish, or cause to be made, printed, or published, any written or oral notice, statement, or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, sex, physical or mental handicap, familial status, or national origin or an intention to make such preference, limitation, or discrimination. Discriminatory notices, statements and advertisements include, but are not limited to:

- (a) Using words, phrases, photographs, illustrations, symbols, or forms which convey that dwellings are available or not available to a particular group of persons because of race, color, religion, sex, physical or mental handicap, familial status, or national origin.
- (b) Expressing to agents, brokers, employees, prospective sellers or renters or any other persons a preference for or limitation on any purchaser or renter because of race, color, religion, sex, physical or mental handicap, familial status, or national origin of such persons.

- (c) Selecting media or locations for advertising the sale or rental of dwellings which deny particular segments of the housing market information about housing opportunities because of race, color, religion, sex, physical or mental handicap, familial status, or national origin.
- (d) Refusing to publish advertising for the sale or rental of dwellings, or requiring different charges or terms for such advertising because of race, color, religion, sex, physical or mental handicap, familial status, or national origin.

#### **Section 11.05 Panic Peddling**

For profit, to induce or attempt to induce a person to sell or rent a dwelling by representation regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, sex, physical or mental handicap, familial status, or national origin.

Prohibited actions under this section include, but are not limited to:

- (a) Engaging for profit in conduct, which conveys to a person that a neighborhood is undergoing or is about to undergo a change in the race, color, religion, sex, physical or mental handicap, familial status, or national origin of persons residing in it, in order to encourage persons to offer a dwelling for sale or rental.
- (b) Encouraging, for profit, any person to sell or rent a dwelling through assertions that the entry or prospective entry of persons of a particular race, color, religion, sex, familial status, or national origin or with handicaps can or will result in undesirable consequences for the project,

neighborhood or community, such as a lowering of property values, an increase in criminal or antisocial behavior, or a decline in the quality of schools or other services or facilities.

**Section 11.06 Lending**

Discriminate in connection with borrowing or lending money, guaranteeing loans, accepting mortgages, or otherwise financing a real estate transaction on the grounds of race, color, religion, sex, physical or mental handicap, familial status, or national origin.

**Section 11.07 Lending Terms**

Deny or delay the processing of a loan or other financial assistance to a person applying therefore for the purpose of purchasing, constructing, improving, repairing, or maintaining a dwelling; or discriminate in the fixing of that amount, interest rate, duration, or other terms or conditions of such loan or other financial assistance because of the race, color, religion, sex, physical or mental handicap, familial status, or national origin of such person.

**Section 11.07 Appraising/Insurance**

Discriminate in the appraisal of the value of real estate or in the sale of insurance in connection with a real estate transaction because of the race, color, religion, sex, physical or mental handicap, familial status, or national origin of the person.

**Section 11.08 Varying Rents/Sale Price**

Impose different sale prices or rental charges for the sale or rental of a dwelling upon any person because of race, color, religion, sex, physical or mental handicap, familial status, or national origin.



### **Section 11.09 Qualification Criteria**

Use difference qualification criteria or applications, or sale or rental standards or procedures, such as income standards, application requirements, application fees, credit analysis or sale or rental approval procedures or other requirements, because of race, color, religion, sex, physical or mental handicap, familial status, or national origin.

### **Section 11.10 Eviction**

Evict tenants because of their race, color, religion, sex, handicap, familial status, or national origin, or because of the race, color, religion, sex, physical or mental handicap, familial status, or national origin of a tenant's guest.

### **Section 11.11 Listings**

Enter into a listing agreement, which discriminates against any person because of race, color, religion, sex, physical or mental handicap, familial status, or national origin.

### **Section 11.12 Discrimination in Membership or Services**

Deny any person access to or membership or participation in any multiple-listing service, real estate brokers' organization or other service, organization, or facility relating to the business of selling or renting dwellings or to discriminate against any person in the terms or conditions of such access, membership or participation on account of race, color, religion, sex, physical or mental handicap, familial status, or national origin.

### **Section 11.13 Steering (Restriction of Choice)**

Restrict or attempt to restrict, because of race, color, religion, sex, physical or mental handicap, familial status, or national origin, the choices of a person by words or acts in connection with buying or renting a dwelling so as to perpetuate, or tend to perpetuate, segregated housing patterns, or to discourage or obstruct integrated housing.

Prohibited actions under this section, which are generally referred to as unlawful steering practices, include, but are not limited to the following:

- (a) Discouraging any person from inspecting, purchasing or renting a dwelling because of race, color, religion, sex, physical or mental handicap, familial status, or national origin; or because of the race, color, religion, sex, physical or mental handicap, familial status, or national origin of persons in a community, neighborhood, or development, so as to perpetuate, or tend to perpetuate, segregated housing patterns, or to discourage or obstruct integrated housing.
- (b) Discouraging the purchase or rental of a dwelling because of race, color, religion, sex, physical or mental handicap, familial status, or national origin by exaggerating drawbacks or failing to inform any person of desirable features of a dwelling or of a community, neighborhood, or development, so as to perpetuate, or tend to perpetuate, segregated housing patterns, or to discourage or obstruct integrated housing.
- (c) Communicating to any prospective purchaser that he or she would not be comfortable or compatible with existing residents of a community, neighborhood or development because of race, color, religion, sex, physical or mental handicap, familial status, or national origin, so as to perpetuate, or tend to perpetuate, segregated housing patterns, or to discourage or obstruct integrated housing.
- (d) Assigning any person to a particular section of a community, neighborhood or development, or to a particular floor of a building,

because of race, color, religion, sex, physical or mental handicap, familial status, or national origin, so as to perpetuate, or tend to perpetuate, segregated housing patterns, or to discourage or obstruct integrated housing.

- (e) Failing to inform any person of available housing opportunities in a particular section of a community, neighborhood or development, or in a particular building or particular floor of a building, because of race, color, religion, sex, familial status, national origin, or handicap, so as to perpetuate, or tend to perpetuate, segregated housing patterns, or to discourage or obstruct integrated housing.

**Section 11.14 Participation**

Act or undertake to act as a real estate broker, salesman, or agent with respect to any dwelling, the disposition of which requires said person to participate in discrimination.

**Section 11.15 Restrictions**

Perform any act of discrimination with the intention or effect of restricting or limiting the housing choice of any person.

**Section 11.16 Aiding and Abetting**

Aid or abet acts performed in violation of this ordinance.

**Section 11.17 Interference, Coercion, or Intimidation**

Coerce, intimidate, threaten or interfere with any person in the exercise or enjoyment of, or on account of his having exercised or enjoyed, or on account of his

having aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by this ordinance.

**Section 11.18 Solicitation**

Solicit any owner to sell or rent or list residential property at any time after such person has notice that such owner does not desire to sell, rent, or list such residential property. For the purposes of this subsection, notice must be provided as follows:

- (a) The notice may be given by the owner personally or by a third party in the owner's name, either in the form of an individual notice or a list, provided it complies with subsection (b) below.
- (b) Such notice shall be explicit as to whether each owner on the notice seeks to avoid both solicitation for listing and sale, or only for listing, or only for sale, as well as the period of time for which any avoidance is desired. The notice shall be dated and either of the following shall apply:
  - (1) each owner shall have signed the notice; or
  - (2) the person or entity preparing the notice shall provide an accompanying affidavit to the effect that all the names on the notice are, in fact, genuine as to the identity of the persons listed and that such persons have requested not to be solicited as indicated.
- (c) The individual notice or notice in the form of a list with the accompanying affidavit shall be served personally or by certified or registered mail, return receipt requested.

**ARTICLE III  
PROHIBITED ACTS  
HANDICAPPED HOUSING**

**Section 12.00**

In addition to those prohibited acts identified in Articles II and IV, the following shall also be unlawful:

**Section 12.01 Discrimination Against the Handicapped**

- (a) To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection with such dwelling, because of handicap of –
- (1) the buyer or renter;
  - (2) a person residing in or intending to reside in that dwelling after it is so sold, rented, or made available; or
  - (3) any person associated with that person.
- (b) To make an inquiry to determine whether an applicant for a dwelling; a person intending to reside in that dwelling after it is sold, rented or made available; or any person associated with that person has a handicap, or to make inquiry as to the nature or severity of a handicap of such a person.
- (c) However, this section does not prohibit the following inquiries, provided these inquiries are made of all applicants, whether or not they have handicaps:
- (1) Inquiry into the applicant's ability to meet the requirements of ownership or tenancy.

- (2) Inquiry to determine whether an applicant is qualified for a dwelling available only to persons with handicaps or to persons with a particular type of handicap.
  - (3) Inquiry to determine whether an applicant for a dwelling is qualified for a priority available to persons with handicaps or to persons with a particular type of handicap.
  - (4) Inquiry to determine whether an applicant for a dwelling is a current illegal abuser or addict of a controlled substance.
  - (5) Inquiry to determine whether an applicant has been convicted of the illegal manufacture or distribution of a controlled substance.
- (d) Nothing in this section requires that a dwelling be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others.

#### **Section 12.02 Unit Modification**

To refuse to permit, at the expense of the handicapped person, reasonable modifications of existing premises 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 modifications, reasonable wear and tear excepted.

### **Section 12.03 Rules and Policies**

To refuse 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 the dwelling, including public and common use areas.

### **Section 12.04 Guide/Support Dogs**

To refuse to sell or rent because a person has a guide, hearing or support dog. It is a civil rights violation for the owner or agent of any housing accommodation to –

- (a) refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny property to any blind, hearing impaired or physically handicapped person because he has a guide, hearing or support dog; or
- (b) discriminate against any blind, hearing impaired, or physically handicapped person in the terms, conditions, or privileges of sale or rental property, or in the provision of services or facilities in connection therewith, because he has a guide, hearing or support dog; or
- (c) require, because a blind, hearing impaired, or physically handicapped person has a guide, hearing or support dog, an extra charge in a lease, rental agreement, or contract of purchase or sale, other than for actual damage done to the premises by the dog.

**ARTICLE IV  
PROHIBITED ACTS  
FINANCIAL**

**Section 13.00 Prohibited Acts-Financial**

In addition to those prohibited acts identified in Articles II and III, it shall be a violation for any financial institution, on the grounds of unlawful discrimination to –

- (a) deny any person any of the services normally offered by such an institution;
- (b) provide any person with any service which is different from, or provided in a different manner than, that which is provided to other persons similarly situated;
- (c) deny or vary the terms of a loan because of race, color, religion, sex, physical or mental handicap, familial status, or national origin;
- (d) 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;
- (e) 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;
- (f) utilize lending standards that have no economic basis;
- (g) refuse to purchase or impose different terms or conditions on loans or other debts or securities which support the purchase, construction, improvement, repair or maintenance of a dwelling, or which are secured



by residential real estate because of race, color, religion, sex, physical or mental handicap, familial status, or national origin.

## **ARTICLE V COVERAGE AND EXEMPTIONS**

### **Section 14.00 Coverage and Exemptions**

Nothing in this ordinance, other than the prohibition against discriminatory advertising, shall –

(a) apply to the following:

(1) The rental, lease or occupancy of a room in an owner-occupied single family dwelling, provided the following conditions are met –

(i) the owner does not own or have any interest in more than three single family houses at any one time;

(ii) the house is sold or rented without the use of a real estate broker, agent or salesperson or the facilities of any person in the person of selling or renting dwellings.

(2) Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his or her residence.

- (b) prohibit a religious organization, association, or society, or any non-profit institution or organization operated, supervised, or controlled by or in conjunction with a religious organization or society from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than commercial purposes to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color, religion, sex, physical or mental handicap, familial status, or national origin;
- (c) prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members and their guests or from giving preference to its members;
- (d) prohibit the rental or sale of a dwelling on the basis of age or handicap when such dwelling is authorized, approved, financed, or subsidized in whole or in part by a unit of state, local, or federal government;
- (e) limit the applicability of any reasonable local, state, or federal restrictions regarding the maximum number of occupants permitted to occupy a dwelling;
- (f) require the rental or sale of a unit to any person convicted of the illegal manufacture or distribution of a controlled substance;
- (g) with regard to discrimination based on familial status apply with respect to housing for older persons as defined in Section 1.4 of this ordinance;

- (h) apply to persons engaged in the business of furnishing appraisals of real property from taking into consideration factors other than those based on unlawful discrimination or familial status in furnishing appraisals;
- (i) prohibit financial institutions from considering sound underwriting practices in contemplation of any loan to any person. Such practices shall include the following:
  - (1) The willingness and the financial ability of the borrower to repay the loan.
  - (2) The market value of any real estate or other item of property proposed as security for any loan.
  - (3) Diversification of the financial institution's investment portfolio.
- (j) prohibit a person engaged in the business of furnishing appraisals of real property from taking into consideration factors other than race, creed, age, ancestry, unfavorable military discharge, color, religion, sex, handicap, familial status, or national origin.

## **ARTICLE VII ADMINISTRATION**

### **Section 15.00 Administration**

The Administrator of this Ordinance shall be the Village Clerk. The Administrator shall have such duties, responsibilities, and powers as are necessary for the implementation of this ordinance and additionally as may be provided by the President

and Board of Trustees of the Village of Melrose Park, including the issuing, initiation, receipt, and due processing of complaints.

## **ARTICLE VIII COMMUNITY RELATIONS-FAIR HOUSING REVIEW BOARD**

### **Section 16.00 Creation**

There is hereby created a Combined Community Relations Commission-Fair Housing Review Board (hereinafter referred to as "Commission") consisting of nine (9) members appointed by the Village President with the advice and consent of the Board of Trustees. A Chairperson and Vice-Chairperson shall be elected annually by a vote of a majority of the Commission. Terms of appointment shall be for three years.

### **Section 16.01 Purpose**

The purpose of the Commission shall be to promote a truly open, integrated and stable community and to stimulate the improvement of human relations among all persons, so as to provide all citizens with an equal opportunity to grow, participate in and share to the best of their ability the economic, educational, political and social benefits of the community.

### **Section 16.02 Duties**

The duties of the Commission shall include but shall not be limited to the following:

- (1) Advising elected officials and staff on human/community relations matters;

- (2) Serving as an educational arm of the Village in the field of human/community relations to all persons, groups and institutions in the community;
- (3) Acting as a bridge between Village government, citizens and citizens' groups;
- (4) Performing as a catalyst in improving human/community relations and equitable living conditions;
- (5) Holding hearings and carrying on research and studies in the field of human/community relations in an effort to equalize opportunities and lessen prejudice and discrimination;
- (6) Performing an advocacy role by initiating complaints of discrimination and by assisting and encouraging persons in the pursuit of their rights under this Ordinance.
- (7) Gathering and providing for the exchange of information relative to the provisions of this Ordinance among real estate brokers and salespersons, lenders, developers, employers, municipal officials and community groups within and without the Village.
- (8) Counseling of prospective residents in accordance with the policy and provisions of this Ordinance and maintaining a list of counseling sources approved by the Village.
- (9) Adopting, promulgating, amending and rescinding rules and regulations of procedures for handling complaints of discrimination in housing;

- (10) Receiving and reviewing complaints charging discrimination in housing, seeking conciliation of such complaints in compliance with this Ordinance.
- (11) Holding hearings and making findings of fact and making recommendations in accordance with the provisions of this Ordinance.

The Commission shall have the power to:

- (12) Administer oaths and take sworn testimony at hearings;
- (13) Issue orders and impose fines and penalties;
- (14) Require all persons subject to the application of this chapter to maintain such records as may be necessary to demonstrate compliance with the provisions of this Ordinance.

All Board meetings shall be open to the public except those for the purpose of conciliating complaints of discrimination.

#### **Section 16.03 Meetings**

The Commission shall meet monthly and adopt its own rules of procedure, and all meetings shall be held in accordance with such rules. The Commissions shall submit to the municipality an annual report and such special reports, as it may from time to time deem advisable. The Commission shall performance such further duties as may be assigned by the President and Board of Trustees.

### **ARTICLE VIII COMPLAINTS AND ENFORCEMENT**

### **Section 17.00 Filing a Complaint**

Proceedings under this Ordinance shall be commenced by filing a verified complaint with the Administrator within 180 days of the alleged violation. The complaint shall be submitted on the form to be provided by the Village Clerk and shall contain a short and plain statement of the alleged violation, the name and address of the person charged (respondent) and shall be signed by the aggrieved party (complainant) or the Commission by its Chairperson or Vice-Chairperson. The aggrieved party may be assisted in the filing of a complaint by a member or members of the Commission.

### **Section 17.01 Complaint Served**

Within 15 days after the complaint is filed, the Administrator shall serve a copy of the complaint personally or by certified mail, return receipt requested, on the person charged and shall furnish copies thereof to the Commission.

### **Section 17.02 Complaint Review by Board**

The Commission shall review the complaint. Within 20 calendar days after the complaint is filed, the Commission shall decide whether the allegations of the complaint, if true, constitute a violation of this Ordinance. If the Commission decides that the allegations do not constitute a violation, it shall order that the complaint be dismissed. If the Commission decides that the allegations do constitute a violation, it shall order that a hearing be held on the merits of the complaint.

### **Section 17.03 Board Decision on Allegation**

The Commission shall render its decision in writing, setting forth its reasons, therefore, and shall immediately serve a copy of its decision on the complainant and respondent, either personally or by certified mail, return receipt requested.

#### **Section 17.04 Notice of Hearing**

If the Commission orders that a hearing should be held on the merits of the complaint, the complainant and respondent shall also be served, either personally or by certified mail, return receipt requested, with a notice of hearing, setting forth the date, time and place of such hearing. This hearing shall be held within 60 calendar days after the complaint is filed.

#### **Section 17.05 Conciliation Conference**

Prior to the hearing, the Commission shall set a time and place for a conciliation conference and shall notify complainant and respondent of same. At the conciliation conference, the Commission or appointed individual, if designated by the Commission, shall attempt to resolve the dispute between the parties.

#### **Section 17.06 Hold Hearing**

If it is not possible to conciliate the complaint before the date set for the hearing or, if the respondent fails to appear at the conciliation conference, the Commission shall proceed to hold its hearing at the date and time designated. This hearing shall be open to the public and the parties may be represented by counsel. The Commission shall receive oral and written evidence presented by the parties. All proceedings shall be transcribed to maintain an official record.

#### **Section 17.07 Extension of Time Limits; Withdrawal of Complaint**

Time limitations in this section may be extended by consent of all parties. Nothing in this section shall preclude a complainant from withdrawing a complaint, or shall preclude the parties from entering into conciliation proceedings at any time.

#### **Section 17.09 Immediate Action**



If, in the discretion of the Commission, immediate court action is advisable, the Commission may at any time direct the Village Attorney to file a complaint in a court of competent jurisdiction requesting injunctive or other appropriate relief. Such action may be taken although administration action is pending before the Board.

**Section 17.10 Due Notice; Commission Members**

At hearings conducted by the Commission, all parties shall be given due notice to appear. A panel of not less than three of the same members of the Commission must be present at all times. Only those members who have attended all hearings on a matter shall participate in the determination of the complaint.

**Section 17.11 Commission Decision at Hearing**

At the conclusion of the hearings, the Commission shall render its decision in writing with findings of fact and shall issue appropriate orders, which shall be served upon the complainant and the respondent by certified mail, return receipt requested. Such decision of the Commission must receive the affirmative consent of a majority of those members of the Commission who have been present at all the hearings above referred to.

**Section 17.12 Dismissal**

If the Commission determines that a respondent has not violated Section 11.00, 12.00 and 13.00 of this Ordinance the complaint shall be dismissed.

**Section 17.12 Imposition of Fines and Penalties**

If the Commission determines that the respondent has violated Section 11.00, 12.00 and 13.00 of this Ordinance, it may impose such fines and penalties as provided for in this Ordinance.

**Section 17.13 Noncompliance**

In the event of noncompliance with orders of the Commission, the Commission shall direct the Village Attorney to apply to a court of competent jurisdiction for the imposition of fines or for other appropriate relief.

**Section 17.14 Notice to State Agency**

In addition to the penalties provided elsewhere in this Ordinance, the Commission may direct the Village Attorney to file with the appropriate state agency a complaint against any person found to have violated any provision of this Ordinance, seeking suspension or revocation of the license issued to such person or other appropriate sanctions.

**Section 17.15 Availability**

The procedures and remedies provided in this Ordinance shall be available to a complainant in addition to his or her right to immediately seeking redress in the courts.

**ARTICLE X  
COUNSELING**

**Section 18.00 Counseling**

In order to promote stable, integrated and balanced living patterns, nothing in this Ordinance shall be construed to prohibit any person from referring a prospective tenant or purchaser to the Commission and/or a counseling agency recognized and approved by the Village for counseling.

Counseling may consist of furnishing:

- (1) Information regarding the policy of the Village to promote stable, integrated and balanced living patterns.

- (2) Statistical data regarding the racial composition of blocks, neighborhoods and school districts.
- (3) Information on local, state and federal equal opportunity programs and regulations.

## **ARTICLE XI PENALTY**

### **Section 19.00 Penalty**

Any person found to have violated any provision this Ordinance shall be subject to a fine of not less than Two Hundred Fifty Dollars and 00/100 (\$250.00) nor more than Seven Hundred Fifty Dollars and 00/100 (\$750.00) for each violation in addition to other penalties or relief which may be provided for herein. A violation of any provision of this Ordinance shall constitute a separate offense for each day such violation continues.

## **ARTICLE XII APPEAL PROCEDURES**

### **Section 20.00 Appeal**

Any persons aggrieved by the decision of the Commission shall have the right to appeal in accordance with the following procedure:

- (a) Appeal to the President and Board of Trustees of the Village of Melrose Park. The appeal shall be initiated within 7 calendar days of the initial decision. After reviewing the statement and hearing record, the President and Trustees shall –
  - (1) render a revised decision notifying all parties of the filing of the appeal statement; or

- (2) issue and serve on all parties a written order for rehearing the case, citing the cause and additional evidence; or
- (3) uphold the decision of the Commission.

The decision of the President and Trustees on such appeals shall be final.

- (b) After a decision by the President and Trustees the aggrieved person may apply for judicial review under writ of certiorari.

**ARTICLE XIII  
SAVINGS CLAUSES,  
PUBLICATION, EFFECTIVE DATE**

**Section 21.00 Headings.**

The headings for the articles, sections, paragraphs and sub-paragraphs of this Ordinance are inserted solely for the convenience of reference and form no substantive part of this Ordinance nor should they be used in any interpretation or construction of any substantive provisions of this Ordinance.

**Section 22.00 Superseder.**

All code provisions, ordinances, resolutions and orders, or parts thereof, in conflict herewith, are to the extent of such conflict hereby superseded.

**Section 23.00 Publication.**

A full, true and complete copy of this Ordinance shall be published in pamphlet form or in a newspaper published and of general circulation within the Village as provided by the Illinois Municipal Code, as amended.

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**Section 24.00 Effective date**

This Ordinance shall be in full force and effect upon passage, approval and publication, as provided by law.

On The Individual Poll And Voice Vote Of The Board Of Trustees:

AYE VOTES: Trustee Conteduca, Trustee Klein, Trustee Lomeli,  
Trustee Mota, Trustee Prignano

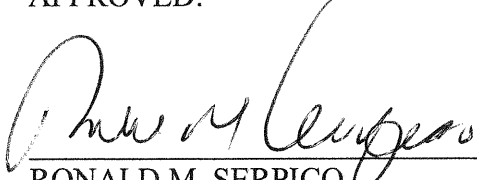
NAY VOTES:

ABSTAIN:

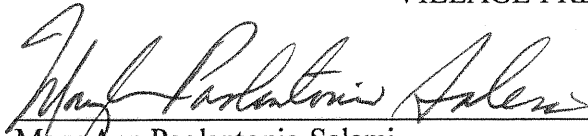
ABSENT: Trustee Italia

SO PASSED, ADOPTED, APPROVED AND ENACTED IN AND AT THE  
VILLAGE OF MELROSE PARK, COUNTY OF COOK, STATE OF ILLINOIS, THIS  
EIGHTH DAY OF AUGUST, 2005 A.D.

APPROVED:

  
\_\_\_\_\_  
RONALD M. SERPICO,  
VILLAGE PRESIDENT

ATTEST:

  
\_\_\_\_\_  
Mary Ann Paolantonio Salemi  
Village Clerk

(SEAL)

Recorded in the Municipal Records: August 8, 2005  
Published in pamphlet form: August 9, 2005