

Chapter 12 - HUMAN RIGHTS^[1]

ARTICLE I. - IN GENERAL

Secs. 12-1—12-15. - Reserved.

ARTICLE II. - COMMISSION ON HUMAN RELATIONS^[2]

Sec. 12-16. - Establishment.

There is hereby established a commission on human relations.

(Code 1975, § 7.65)

Sec. 12-17. - Composition, appointment.

The commission on human relations shall consist of nine (9) members to be appointed by the mayor with the approval of the city council. Members of the commission shall be chosen from among residents of the city representing various segments of the community. In the making of appointments hereunder, the mayor may receive recommendations by civic groups.

(Code 1975, § 2.65; Ord. No. 9798-49, § 1, 10-6-97)

Sec. 12-18. - Terms of members.

The term of office of each person appointed to the commission on human relations shall be three (3) years and shall expire at midnight on the June thirtieth of the third year, except as provided herein. The terms of office of the members shall be staggered. When any person is appointed to the commission to fill a vacancy created by a resignation, the term shall expire on the same date as the term for the member whose resignation created the vacancy.

Whenever the conclusion of a public hearing conducted by the commission has not been reached on June thirtieth, any member whose term expires on that June thirtieth shall continue to serve on the commission until the conclusion of the hearing, solely for the purpose of concluding the pending hearing. Such members shall be referred to as "holdover" members. The existence of any holdover members shall not affect the beginning of the term of the new members appointed to replace such holdover members; the terms of the new members shall begin on July first. Holdover members shall not be counted for any quorum purposes other than those related to the pending hearing that causes the holdover status.

(Code 1975, § 2.65; Ord. No. 2003-03-033, § 1, 4-7-03)

Sec. 12-19. - Organization.

The commission on human relations shall elect from its members a chairperson and such other officers as it deems necessary, and may adopt such rules and regulations as may be necessary or appropriate to carry out its duties.

(Code 1975, § 2.65)

Sec. 12-20. - Quorum.

The lesser of a majority of members or any four (4) members of the commission on human relations shall constitute a quorum.

(Code 1975, § 2.65; Ord. No. 9798-49, § 1, 10-6-97)

Sec. 12-21. - Meetings; absence of member.

- (a) The commission on human relations shall meet from time to time, at least once each month, on call of the chairperson or of any four (4) members.
- (b) Any member who is absent from all meetings in three (3) consecutive months may be replaced as in the case of a vacancy.

(Code 1975, § 2.65)

Sec. 12-22. - Duties; cooperation with city offices.

- (a) The commission on human relations shall cooperate with the mayor, city council, city departments, agencies and officials in securing the furnishings of equal services to all residents, and where the need is greater, in meeting that need with added service; training city employees to use methods of dealing with intergroup relations which develop respect for equal rights and which result in equal treatment without regard to race, color, sex, religion, national origin, ancestry, disability, or sexual orientation; assuring fair and equal treatment under the law to all citizens; protecting the rights of all persons to enjoy public accommodations and facilities and to receive equal treatment from all holders of licenses, contracts or privileges from the city; and maintaining equality of opportunity for employment and advancement in the city government.
- (b) The purposes of the human relations commission shall be to:
 - (1) Promote and uphold the provisions of this chapter;
 - (2) To hear complaints of unlawful discrimination filed with the city, in accordance with the provisions of this chapter;
 - (3) Plan and carry out programs aimed at eliminating discrimination as defined in this chapter, as well as to all residents;
 - (4) Develop means of anticipation and relief of community tensions that arise from racial, ethnic, religious and social differences;
 - (5) Cooperate with the mayor, city council, city departments, agencies and officials in establishing and maintaining good community relations and securing the furnishings of equal services to all residents;
 - (6) Stimulate active involvement of business, religious and education sectors of the community to encourage full and equal opportunity for all persons;
 - (7) Receive and investigate complaints involving discrimination, as defined but not limited to, the protections of this chapter, in accordance with section 12-81.

- (8) Initiate investigations into areas of possible discrimination which might come to the attention of the cc although there is no individual complaint. These class based investigations, after the commission's fact issued as HRC reports and be distributed throughout the community. The human relations commissio action, including informal mediation and recommendations to the council for formal action, to end any it may find as a result of these investigations, in accordance with section 12-81.
- (c) The commission shall advise and consult with the mayor and city council on all matters involving racial, religious, gender, ethnic, disability or sexual orientation prejudice or discrimination and recommend such legislative action as it may deem appropriate to effectuate the policy of this chapter.
- (d) The commission will periodically review, with the personnel director and the mayor or his designee, the city's affirmative action program and report the results of the review to the city council.
- (e) The services of all city departments and agencies shall be made available by their respective heads to the commission at its request, and information in the hands of any department or agency shall be furnished to the commission upon written request to the mayor. Upon receipt of recommendations in writing from the commission, each department or agency shall submit a reply in writing indicating the disposition of, and action taken, with regard to such recommendations.
- (f) The commission shall render an annual report to the mayor and city council.

(Code 1975, § 2.66; Ord. No. 9798-49, § 1, 10-6-97; Ord. No. 2000-02-009, § 1, 2-7-00)

Sec. 12-23. - Cooperation with other agencies.

The commission on human relations shall invite and enlist the cooperation of racial, religious and ethnic groups, community organizations, labor and business organizations, professional and technical organizations, and other groups in the city in carrying on its work. The commission may aid in the formation of local community groups in such neighborhoods as it may deem necessary or desirable to carry out specific programs designed to lessen tensions or improve understanding in the community. The commission shall cooperate with state and federal agencies whenever it deems such action appropriate in effectuating the policy of this article.

(Code 1975, § 2.67)

Sec. 12-24. - Performance of duties delegated by mayor and council.

The commission shall perform such further duties as may be delegated to it by the mayor and city council.

(Code 1975, § 2.68; Ord. No. 7879-93, 4-24-79)

Sec. 12-25. - Budget.

The commission on human relations shall annually submit a budget to the mayor. Such budget shall show those funds that are deemed necessary by the commission to implement its duties under this article.

(Code 1975, § 2.69; Ord. No. 9798-49, § 1, 10-6-97)

Secs. 12-26—12-36. - Reserved.

ARTICLE III. - DISCRIMINATION^[3]

DIVISION 1. - GENERALLY

Sec. 12-37. - Intent and purpose.

It is the intent of the City of Urbana in adopting this article, to secure an end, in the city, to discrimination, including, but not limited to, discrimination by reason of race, color, creed, class, national origin, religion, sex, age, marital status, physical and mental disability, personal appearance, sexual preference, family responsibilities, matriculation, political affiliation, prior arrest or conviction record or source of income, or any other discrimination based upon categorizing or classifying a person rather than evaluating a person's unique qualifications relevant to an opportunity in housing, employment, credit or access to public accommodations.

(Ord. No. 7892-92, § 1(1), 4-24-79; Ord. No. 9596-66A, § 1, 2-5-96; Ord. No. 9798-49, § 1, 10-6-97)

Sec. 12-38. - Short title.

This article may be cited as the "Human Rights Ordinance."

(Ord. No. 7879-92, § 1(2), 4-24-79)

Sec. 12-39. - Definitions.

[For the purpose of this article, the following words and terms shall be defined as herein set forth:]

Bona fide occupational qualification. A qualification reasonably necessary to the normal operation of a particular business.

Commission. The City of Urbana's human relations commission.

Complainant. A person who believes that he/she has been aggrieved by a violation of a provision of this article and who files a complaint with the commission or officer.

Council. The council of the City of Urbana, Illinois.

Credit transaction. Any invitation to apply for credit, application for credit, extension of credit or credit sale.

Disability. The term "disability," with respect to an individual, means (a) a physical or mental impairment that substantially limits one (1) or more of the major life activities of an individual; (b) a record of such an impairment; or (c) being regarded as having such an impairment.

Discrimination. Any practice or act which is unlawfully based wholly or partially on the race, color, creed, class, national origin, religion, sex, age, marital status, physical or mental disability, personal appearance, sexual preference, family responsibilities, matriculation, political affiliation, prior arrest or conviction record or source of income of any individual, or any subclass of the above groups.

Employee. Any individual employed or seeking employment from an employer.

Employer. Any person who, for compensation, employs any individual except for the employer's parents, spouse or children; or who employs domestic servants engaged in and about the employer's household.

Employment agency. Any person regularly undertaking or attempting, with or without compensation, to procure employees for an employer or to procure for employees the opportunity to work for an employer, including any agent of such a person.

Family responsibilities. The state of being, or the potential to become, a contributor to the support of a person or persons in a dependent relationship, irrespective of their number, including single parents.

Labor organization. Any collective bargaining unit, committee, group, association or plan in which employees participate directly or indirectly and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours or other terms, conditions or privileges of employment.

Lease. This includes sublease, assignment, rental, or providing the use of real property for a fee, goods, services or anything of financial value, and includes any contract to do any of the foregoing.

Marital status. The state of being married, separated, divorced, widowed or single and the conditions associated therewith, including pregnancy or parenthood.

Matriculation. The condition of being enrolled in college or a university, whether as an undergraduate, graduate or professional student in any area of study, full-time or part-time, in either a degree or non-degree program, or in a business, nursing, professional, secretarial, technical or vocational school or an adult educational program.

Officer. The City of Urbana's human relations officer, or the officer's designee.

Owner. Any person who holds legal or equitable title to, or owns any beneficial interest in, any real property or who holds legal or equitable title to a share of, or holds any beneficial interest in, any real estate cooperative which owns any real property.

Person. One or more individuals, labor unions, employers, employment agencies, partnerships, associations, creditors, corporations, cooperatives, legal representatives, government agency, trustees, owner, or any agent or representative of any of the foregoing.

Personal appearance. The outward appearance of any person, irrespective of sex, with regard to bodily condition or characteristics, such as weight, height, facial features, or other aspects of appearance. It shall not relate, however, to the requirement of cleanliness, uniforms, or prescribed attire, if and when such requirement is uniformly applied for admittance to a public accommodation or to employees in a business establishment for a reasonable business purpose.

Political affiliation. The state of belonging to or endorsing any political party or organization or taking part in any activities of a political nature.

Public accommodations. All places, businesses or individuals offering goods, services or accommodations to the general public.

Real property. Any real estate, vacant land, building or structure, or any part thereof within the city limits of Urbana, Illinois.

Respondent. A person charged with a violation of a provision of this article.

Sex. The state of being or becoming male or female or transsexual, or pregnant, or the ability to become pregnant.

Sexual harassment. Any unwelcome sexual advances or requests for sexual favors or any conduct of a sexual nature when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, housing, or access to public accommodations, (2) submission to or rejection of such conduct by an individual is used as the basis for decisions in employment, housing, or access to public accommodations affecting such individual, or (3) such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive environment for working, housing, or use of public accommodations.

Sexual orientation. Male or female homosexuality, heterosexuality or bisexuality, by preference or practice.

Source of income. The point or form of the origination of legal gains of income accruing to a person in a stated period of time; from any occupation, profession or activity, from any contract, agreement or settlement, from federal, state or local payments, including Section 8 or any other rent subsidy or rent assistance program, from court ordered payments or from payments received as gifts, bequests, annuities or life insurance policies.

(Ord. No. 7879-92, § 1(3), 4-24-79; Ord. No. 9596-66, § 1, 1-22-96; Ord. No. 9798-49, § 1, 10-6-97; Ord. No. 2000-02-009, § 1, 2-7-00)

Secs. 12-40—12-60. - Reserved.

DIVISION 2. - PROHIBITED PRACTICES

Sec. 12-61. - Discrimination in opportunities, generally.

- (a) Every individual shall be afforded the opportunity to participate fully in the economic, cultural and intellectual life that is available in the city, which shall include but not be limited to opportunities in employment, housing, places of public accommodation and credit or commercial transactions.
- (b) It shall further be unlawful to discriminate in the provisions of any of the foregoing opportunities.
- (c) With respect to age, physical or mental disability, matriculation or source of income, it shall not be an unlawful practice to accord preferential treatment to any individual when such treatment is designed to promote the safety, health or welfare of such individuals because of their circumstances, relative to their age, physical or mental disability, matriculation or source of income, which would not normally allow them to enjoy, to the fullest extent, those benefits of our society which are generally available to others.

Notwithstanding the existence of separate or different programs or activities provided in accordance with this section, an individual shall not be denied the opportunity to participate in such programs or activities that are not separate or different.

(Ord. No. 7879-92, § 1(4), 4-24-79; Ord. No. 9798-49, § 1, 10-6-97)

Sec. 12-62. - Employment.

- (a) *By an employer.* It shall be an unlawful practice for an employer to do any of the following acts for a reason wholly or partially on discrimination:
- (1) To fail or refuse to hire, to discharge or to accord adverse, unlawful and unequal treatment to any person with respect to his/her application, hiring, training, compensation, tenure, upgrading, promotion, layoff or any other terms, conditions or privileges of employment;
 - (2) To limit, segregate or classify his/her employees in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his/her status as an employee; provided, that an employer who is discriminating with respect to compensation shall not, in order to comply with the provisions of this section, reduce the wage rate of any employee;
 - (3) To engage in, permit, or tolerate sexual harassment.
- (b) *By an employment agency.* It shall be an unlawful practice for an employment agency to do any of the following acts for a reason based wholly or partially on discrimination:
- (1) To fail or refuse to refer for employment any individual, or otherwise to discriminate against any individual in any way which would deprive or tend to deprive such individual of an employment opportunity;
 - (2) To engage in, permit, or tolerate sexual harassment.
- (c) *By an employer or employment agency.* It shall be an unlawful practice for an employer or employment agency to make or use a written or oral inquiry or form of application that elicits or attempts to elicit information for a reason based wholly or partially on discrimination; to make or keep a record of or disclose such information, except that the collection and reporting of such information shall not be unlawful if done for equal opportunity or affirmative action purposes pursuant to any local, state or federal government equal opportunity or affirmative action program.
- (d) *By a labor organization.* It shall be an unlawful practice for a labor organization to do any of the following acts for a reason based wholly or partially on discrimination:
- (1) To exclude or to expel from its membership, or otherwise discriminate against any individual;
 - (2) To limit, segregate or classify its membership;
 - (3) To classify or fail or refuse to refer for employment any individual in any way which would deprive or tend to deprive such individual of an employment opportunity, or otherwise adversely affect his/her status as an employee or an applicant for employment;
 - (4) To engage in, permit, or tolerate sexual harassment.
- (e) *By an employer, employment agency or labor organization.* It shall be an unlawful practice for an employer, employment agency or labor organization to do any of the following acts for a reason based wholly or partially on discrimination:
- (1) To exclude any individual in admission to, or employment in, any program established to provide apprenticeship or other training or retraining, including an on-the-job training program;
 - (2) To place or accept an order or request for referrals, to print or publish, or cause to be printed or published, any notice or advertisement, or use any publication form, relating to employment by such an employer, or to membership, or any classification or referral for employment by such a labor organization or employment agency, indicating any preference, limitation, specification or distinction based on discrimination.
- (f) *Exceptions:*

- (1) It shall not be an unlawful practice for an employer to observe the conditions of a bona fide seniority system such as retirement, pension or insurance plan which is not a subterfuge purposes of this article, except that no such employee seniority system or benefit plan shall excuse the any individual.
- (2) It shall not be an unlawful practice for a notice or advertisement to indicate a preference, limitation or specification where such factors are bona fide occupational qualifications necessary for employment. Nor shall it be unlawful for a person to request, accept an order for, refer or hire an individual based on such a preference, limitation or specification where such factors are bona fide occupational qualifications necessary for such employment.
- (3) It shall not be an unlawful practice for any person to develop a lawful affirmative action plan designed to overcome the effects of past discrimination and to take action not otherwise prohibited by this article or state or federal law to carry out any such affirmative action plan.

(Ord. No. 7879-92, § 1(5-10), 4-24-79; Ord. No. 9798-49, § 1, 10-6-97)

Sec. 12-63. - Public accommodations.

(a) *Generally.*

- (1) It shall be an unlawful practice to do any of the following acts wholly or partially for a reason based on discrimination: To deny, directly or indirectly, or charge a higher price than the regular rate, for the full and equal enjoyment of the goods, services, facilities, privileges, advantages and accommodations of any place of public accommodation; to print, circulate, post, mail, or otherwise cause, directly or indirectly, to be published a statement, advertisement or sign which indicates that the full and equal enjoyment of the goods, services, facilities, privileges, advantages or accommodations of a place of public accommodation will be refused, withheld from or denied an individual; or that an individual's patronage of, or presence at, a place of public accommodation is objectionable, unwelcome, unacceptable or undesirable.

It shall also be unlawful to fail to make reasonable modifications to policies, practices or procedures when such modifications are necessary to afford equal services or accommodations to individuals with disabilities; to fail to remove architectural barriers and communication barriers that are structural in nature in existing facilities, where such removal may be readily achievable; to fail to take such steps as may be necessary to ensure that no individual with a disability is excluded, segregated or otherwise treated differently than other individuals because of the absence of auxiliary aids and services. A party providing goods or services to the public shall not be required to take any action under this section that would fundamentally alter the nature of such goods and services being offered or would result in an undue burden.

(b) *Credit transactions:*

- (1) It shall be an unlawful practice for any person to deny, refuse or restrict the amount or use of credit that is extended; or to impose different terms or conditions with respect to extensions of credit based on discrimination.
- (2) It shall be an unlawful practice for any person to refuse, upon the written request of an unsuccessful applicant for credit, to provide within a reasonable period of time such an applicant with a written statement explaining the reason(s) for the denial, refusal or restriction of the amount

or use of credit.

- (3) It shall not be unlawful for any party to a credit transaction to consider the credit history of any individual applicant and to use accepted standards to determine an individual applicant's ability to fulfill the terms of the transaction if such methods are utilized in the same fashion to determine all applicant's eligibility for credit and are not designed to contravene, nor have the effect of contravening, the intent of this article.

(Ord. No. 7879-92, § 1(11, 12), 4-24-79; Ord. No. 9798-49, § 1, 10-6-97)

Sec. 12-64. - Housing and commercial space.

- (a) *Generally.* It shall be an unlawful practice to do any of the following acts for a reason wholly or partially based on discrimination:
- (1) To refuse to negotiate for, enter into, or perform any sale, exchange or lease of any real property; or to require different terms for such transaction or to represent falsely that an interest in real property is not available for inspection, purchase, sale, exchange, lease or occupancy when in fact it is so available.
 - (2) To include in the terms or conditions of a transaction in real property, any clause, condition or restriction.
 - (3) To refuse to lend money, guarantee a loan, accept a deed of trust or mortgage, or otherwise refuse to make funds available for the purchase, acquisition, construction, alteration, rehabilitation, repair or maintenance of real property; or impose different conditions on such financing; or refuse to provide title or other insurance, relating to the ownership or use of any interest in real property.
 - (4) To refuse or restrict facilities, service, repairs or improvements for a tenant or lessee.
 - (5) To make, print or publish, or to cause to be made, printed or published any notice, statement or advertisement, with respect to a transaction, or proposed transaction, in real property, or financing related thereto, which notice, statement or advertisement indicates or attempts to indicate any preference or limitation.
 - (6) To discriminate in any financial transaction involving real property on account of the location of the residence or business, a practice commonly referred to as "red lining."
 - (7) To refuse examination of copies of any listing of real property.
 - (8) To enter into a listing agreement which prohibits the inspection, sale, exchange, lease or occupancy of real property.
 - (9) To act or undertake to act, in any capacity, in a transaction in which a person knows that a violation of this article has occurred or will occur.
 - (10) To purchase, sell, exchange, lease or occupy real property, or authorize and direct one in his/her employment or on his/her behalf to do so, or solicit another person to do so, for the specific reason and intention of preventing another person or persons from transacting the same.
 - (11) To refuse to negotiate for, enter into or perform any sale, exchange or lease of any real property because of discrimination against any party to the transaction, any member of the family of any such party, any person using or occupying or intending to use or occupy the real property or any person using or occupying any real property in the area in which such real property is located.
 - (12) To refuse to permit, at the expense of a person with a disability, 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 modifications to the extent necessary for future reasonable use of persons without disabilities, reasonable wear and tear excepted. The landlord may not increase for disabled persons any customarily required security deposit. Where it is necessary in order to ensure with reasonable certainty that funds will be available to pay for the restorations at the end of the tenancy, the landlord may negotiate as a part of such a restoration agreement a provision requiring that the tenant pay a reasonable amount of money not to exceed that cost of the restoration. The landlord shall only collect restoration money for actual costs incurred in the restoration. The landlord may condition permission for a modification on the renter providing a reasonable description of the proposed modification as well as reasonable assurances that the work will be done in a workman-like manner and that any required building permits will be obtained;

- (13) To refuse to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford a person with a disability equal opportunity to use and enjoy a dwelling.
- (b) *Blockbusting and steering.* It shall be an unlawful practice for any person, whether or not acting for monetary gain, directly or indirectly to engage in the practice of "blockbusting" or "steering", including, but not limited to, the committing of any one or more of the following acts:
- (1) To promote, induce, influence, or attempt to promote, induce or influence a transaction in real property through any representation, means or device whatsoever calculated to induce a person to discriminate or to engage in such transaction wholly or partially in response to discrimination, prejudice, fear or unrest adduced by such means, device or representation.
 - (2) To place a sign or display any other device either purporting to offer or tending to lead to the belief that an offer is being made for a transaction in real property that is not in fact available or offered for transaction, or which purports that any transaction in real property has occurred that in fact has not.
 - (3) To represent that a change has occurred, will occur or may occur with respect to the composition of the owners or occupants in any block, neighborhood or area in which real property, which is the subject of a real estate transaction, is located if such representation is based on discrimination.
 - (4) To represent that a change with respect to the composition of the owners or occupants in any block, neighborhood or area will result in a lowering of property values, in an increase in criminal or anti-social behavior, or in a decline in the quality of schools in such block, neighborhood or area if such representation is based on discrimination.
- (c) *Signs, notices, publications.* It shall be an unlawful practice for any person to do any of the following acts for a reason wholly or partially based on discrimination:
- (1) To post or erect or cause or permit any person to post or erect any sign or notice upon any real property, managed by or in the custody, care or control of such person, indicating an intent to sell or lease any real property in a manner that is unlawful under this article.
 - (2) To publish or circulate, or cause or permit any person to publish or circulate, a statement, advertisement or notice of an intention to sell or lease any real property in a manner that is

unlawful under this article.

(d) *Exceptions:*

- (1) Nothing in this article shall require the owner to offer real property to the public at large before selling, exchanging or leasing it, provided that the owner complies with all other provisions of this article.
- (2) Nothing in this article shall be construed to apply to the rental or leasing of housing accommodations in that portion of a building in which the owner, or members of his or her family, occupy one of the living units and in which the owner-occupant anticipates the necessity of sharing a kitchen or bathroom with a prospective tenant, not related to the owner-occupant.
- (3) The provisions of this article shall not be so construed as to prohibit a person from inquiring into and reporting upon the qualifications of any prospective buyer or tenant with respect to limitations or exclusions other than those based on discrimination.
- (4) Nothing in this article is intended to prohibit any person from giving preference in renting or leasing housing, or any part thereof, to elderly and/or disabled persons, or both to elderly and to disabled when the building is either constructed or remodeled to make provision for the needs of elderly and/or disabled. Evidence of such provision includes but is not limited to, ramps; doorway provisions; bathroom equipment, such as shower seats; grab bars; hardware, such as door levers in place of doorknobs, adaptable kitchen appliances, and/or other services meeting the needs of its residents.

(Ord. No. 7879-92, § 1, (13-16), 4-24-79; Ord. No. 9798-49, § 1, 10-6-97)

Secs. 12-65—12-80. - Reserved.

DIVISION 3. - COMPLAINT PROCEDURES, INVESTIGATION AND MEDIATION

Sec. 12-81. - Filing of complaints.

- (a) Any individual who believes that he or she has been aggrieved by a violation of the provisions of this article may file a complaint with the commission or officer. An individual seeking compensatory damages must file a complaint with the human relations officer. The officer shall keep records of all complaints made to the human relations office, whether or not a formal complaint has been filed.
- (b) The officer may, in lieu of an individual complainant filing a written statement, on his or her initiative, file and process a written statement of alleged discrimination.
- (c) The complainant shall make a written statement that an unlawful practice has been committed, setting forth the facts upon which the complaint is based, and setting forth facts sufficient to enable the officer to identify the respondent. Such written statement shall be referred to herein as a "complaint."
- (d) All complaints shall be filed within ninety (90) days of the occurrence of the alleged violation, or ninety (90) days after the discovery thereof, but in no event shall a complaint be filed more than one (1) year after the occurrence of the violation.
- (e) Complaints filed may be voluntarily withdrawn at the request of the complainant at any time prior to the completion of the public hearing specified in section 12-84(b). The circumstances accompanying such

withdrawal may be fully investigated by the officer or the commission.

- (f) The officer may investigate individual instances and patterns of conduct which the commission or officer feels are in violation of the provisions of this article, and may file complaints in connection therewith.

(Ord. No. 7879-92, § 1(17), 4-24-79; Ord. No. 9798-49, § 1, 10-6-97; Ord. No. 2000-02-009, § 1, 2-7-00)

Sec. 12-82. - Notice and response to complaint, preliminary investigation, initial determination.

- (a) The officer shall promptly investigate allegations of discrimination set forth in any complaint and shall furnish the respondent with a copy of said complaint by certified mail or personal service within seven (7) days of filing of the complaint.
- (1) The respondent shall file a verified response to the allegations set forth in the complaint within twenty-eight (28) days of the date respondent receives the complaint. All allegations contained in the complaint not timely denied by the respondent shall be deemed admitted, unless the respondent states that it is without sufficient information to form a belief with respect to such allegation. The officer shall issue a notice of default directed to any respondent who fails to file a verified response to a complaint within twenty-eight (28) days of the date on which the complaint was received by the respondent, unless the respondent can demonstrate good cause as to why such notice should not be issued.
- (2) The respondent shall, at the request of the officer, permit the officer to inspect and copy such records as may be relevant to the investigation. Should the respondent refuse to permit such inspection and copying, the commission may issue a subpoena for such records.
- (b) An initial determination in writing shall be made by the investigator, stating whether or not there is probable cause to believe that this article has been violated, and on what facts such determination is based. Notice of the initial determination shall be furnished to the respondent and complainant within forty-two (42) days of the date the respondent files its verified response to the complaint.
- (c) If the officer finds, with respect to any respondent, that the commission lacks jurisdiction or that probable cause does not exist, the officer shall issue and cause to be served on the respondent and the complainant an order dismissing the allegations of the complaint, along with a copy of this section explaining the complainant's right to appeal.
- (d) An order dismissing the allegations of the complaint for lack of jurisdiction or lack of probable cause may be appealed to the commission by the complainant within twenty-eight (28) days of the date on which the order was served, by mailing to the chair of the commission a written request for an informal public hearing.
- (1) The chair shall appoint one (1) member of the commission and two (2) other persons familiar with this chapter to hear the appeal.
- (2) The informal hearing shall be held within twenty-eight (28) days of the date a written request is received by the chair of the commission.
- (3) Notice of the informal hearing date shall be served upon the complainant and the respondent no less than seven (7) days in advance of the hearing date.
- (4) The commissioner appointed to hear the appeal shall preside at the informal hearing at which time the officer will state the reasons for his/her initial determination of no probable cause and the complainant will state his/her objections to the determination. The respondent shall have the

opportunity, but shall be under no obligation, to comment in support of the officer's determination.

(e) After hearing from all parties, a decision shall be made by majority vote of the body hearing the appeal to either:

- (1) Issue an order in concurrence with the officer's finding of no probable cause; or
- (2) Issue an order determining probable cause, stating on what basis such determination is made.

Notice of the order determining probable cause shall be served upon the respondent within seven (7) days, after which the officer shall attempt conciliation in accordance with the procedures set forth herein.

(Ord. No. 7879-92, § 1(18), 4-24-79; Ord. No. 9798-49, § 1, 10-6-97; Ord. No. 2000-02-009, § 1, 2-7-00)

Sec. 12-83. - Informal conciliation; follow-up proceedings; confidentiality.

- (a) In the event of a determination of probable cause, an attempt shall be made by informal methods of conference, conciliation and persuasion to eliminate the alleged discriminatory practice and to compensate the complainant for damages suffered as a result of the practice.
- (b) If the respondent and complainant agree to a conciliation agreement in writing, such written agreement shall be reported to the commission and the commission shall issue an order stating the terms of the agreement and furnish a copy of the order to the complainant and respondent.
- (c) At any time within one (1) year from the date of a conciliation agreement, the commission, or the officer at the request of the commission, shall investigate whether the terms of the agreement are being complied with by the respondent. Upon finding that the terms of the agreement are not being complied with by the respondent, the commission shall certify the matter to the city attorney for enforcement proceedings.
- (d) If the respondent and complainant do not agree to a written conciliation agreement within forty-two (42) days of the determination of probable cause, either party shall have the right to a public hearing of the complaint before the commission in accordance with the procedures set forth in section 12-84. Said public hearing shall commence within one hundred five (105) days of the date that a written request for a hearing is received by the chair of the commission.
- (e) Except for the terms of the conciliation agreement and any information presented at public meetings or hearings, neither the commission, the officer, nor any officer or employee thereof shall make public, without the written consent of the involved parties, information concerning the complaint.
- (f) Nothing in this article shall be so construed as to contravene, or attempt to contravene, the provisions or intent of the Illinois Open Meeting Law.

(Ord. No. 7879-92, § 1(19), 4-24-79; Ord. No. 2000-02-009, § 1, 2-7-00)

Sec. 12-84. - Public hearing.

- (a) *Notice of hearing.* In case of failure of conciliation efforts, or in advance of such efforts, as determined by the officer, and after finding probable cause and after consulting and coordinating with the office of the city attorney, the officer shall cause to be issued and served in the name of the commission, a written notice of the time, date and place of hearing, together with a copy of the complaint, as the same may have been amended, requiring the respondent to answer the charges of such complaint at a public

hearing; such hearing to be scheduled not less than thirty (30) days nor more than ninety (90) days after such service. Notice shall be served by registered or certified mail, return receipt requested, or by personal service.

(b) *Conduct of hearing.*

- (1) After a complaint has been noticed for hearing, the commission shall conduct said hearing to make a determination concerning the complaint. The chair of the commission shall appoint a hearing officer, and the hearing officer shall rule on motions and all other matters and conduct the hearing according to rules as adopted by the commission. The city shall be responsible for paying the costs of such hearing officer provided that the city attorney has approved the form of the retention agreement form.
- (2) The office of the city attorney or the officer shall present the city's case before the commission. Efforts at conciliation and reconciliation shall not be received into evidence.
- (3) If the respondent fails to appear at the hearing after having been served with notice, the commission shall proceed with the hearing on the basis of the evidence in support of the complaint.
- (4) The respondent may appear at the hearing with or without representation, may examine and cross-examine the witnesses and the complainant, and may offer evidence.
- (5) At the conclusion of any hearing, the commission shall render a decision as to whether or not the respondent has engaged in an unlawful practice or has otherwise violated the provisions of this article. No such decision by the commission shall be by a vote of less than a majority of the commission members qualified to hear the case at the commencement of the hearing. If it is determined that a respondent has not engaged in an unlawful practice, the commission shall issue, and cause to be served on the respondent and the complainant, a decision and order dismissing the case. If it is determined that a respondent has engaged in an unlawful practice, the commission shall issue, and cause to be served on such respondent, a decision and order, accompanied by findings of fact and conclusions of law, requiring such respondent to cease and desist from such unlawful practice, and to take such action as in the judgement of the commission will carry out the purposes of this article. Such action may include, but shall not be limited to, the following acts on behalf of the complainant and other aggrieved individuals: Hiring, reinstating or upgrading, with or without back pay; restoring membership in any respondent labor organization, admitting to or allowing to participate in a program, apprenticeship training program, on-the-job training program or other occupational training or retraining program; the extension of full, equal and unsegregated accommodations, advantages, facilities and privileges; payment of compensatory damages; extending credit, referring for employment, selling, exchanging or leasing real property, or providing housing accommodations.
- (6) Nothing in this article shall be construed as to permit back pay and/or compensatory damages to equal more than the actual monetary losses or costs incurred by the complainant(s) as a result of the discrimination by the respondent(s).

(Ord. No. 7879-92, § 1(20, 21), 4-24-79; Ord. No. 9798-49, § 1, 10-6-97; Ord. No. 2003-03-033, § 1, 4-7-03)

Secs. 12-85—12-100. - Reserved.

DIVISION 4. - ADMINISTRATION AND ENFORCEMENT

Sec. 12-101. - Fines.

Any person found in violation of any provision of this article by the commission, or in subsequent judicial proceedings in a court of law, shall be fined not more than five hundred dollars (\$500.00) for each violation.

(Ord. No. 7879-92, § 1(22), 4-24-79)

Sec. 12-102. - Judicial review.

Any person suffering a legal wrong, or adversely affected or aggrieved by an order or decision of the commission in a matter, pursuant to the provisions of this article, is entitled to a judicial review thereof, upon filing a written petition for such a review with the circuit court of the Sixth Judicial Circuit or any court of competent jurisdiction.

(Ord. No. 7879-92, § 1(23), 4-24-79)

Sec. 12-103. - Enforcement powers of commission; institution of civil proceedings.

- (a) The chair of the commission, or the acting chair in the absence of the chair, shall issue subpoenas at the instance of the commission or the investigator, or at the instance of a respondent or complainant to the proceedings, whenever necessary to compel the attendance of a witness or to require the production for examination of any books, payrolls, records, correspondence, documents, papers or other evidence in any investigation or hearing of a discrimination complaint.
- (b) If the commission determines that the respondent(s) have not, after thirty (30) calendar days following service of its order, corrected the unlawful practice and complied with this article, the commission shall certify the matter to the city attorney for enforcement proceedings.
- (c) The city attorney shall institute, in the name of the City of Urbana, civil proceedings, including the seeking of such restraining orders and temporary or permanent injunctions, as are necessary to obtain complete compliance with the commission's orders.

(Ord. No. 7879-92, § 1(24), 4-24-79; Ord. No. 9798-49, § 1, 10-6-97)

Sec. 12-104. - Compliance with article provisions.

- (a) It shall be an unlawful practice for any person to refuse to hire, to discharge, to evict from housing or commercial space, to refuse to negotiate for, sell, exchange or lease any real property or to include terms or conditions for such property, to harass, intimidate or in any other way retaliate or discriminate against, or interfere with any individual because he/she has made a complaint, testified or assisted in any proceeding under this article, whether on his/her own behalf or for another individual, or because he or she has told, objected to, or commented upon any policy, rule, action, or barrier to that which he or she in good faith believes violates this article.
- (b) It shall be an unlawful practice for any person to aid, abet, compel or coerce another person to commit an act which is unlawful under the provisions of this article, or to attempt to do so.

(Ord. No. 7879-92, § 1(25), 4-24-79; Ord. No. 9798-49, § 1, 10-6-97)

Sec. 12-105. - Exceptions.

- (a) Any practice or act of discrimination which would otherwise be prohibited by this article shall not be deemed unlawful if it can be established that such practice or act can be justified on the basis of being reasonably necessary to the normal operation of the business or enterprise. However, a "business necessity" exception shall not be justified by the factors of increased cost to business, business efficiency, the comparative or stereotypical characteristics of one group as opposed to another or the preferences of co-workers, employers' customers or any other person.
- (b) Nothing contained in the provisions of this article shall be construed to bar any religious or political organization from giving preference to persons of the same political or religious persuasion in the conducting of the said organizations' activities.
- (c) Nothing contained in the provisions of this article shall be considered to be discriminatory on the basis of age if the act occurs with respect to a person under the age of eighteen (18).
- (d) The provisions of this article shall not apply to other units of government, including the Federal government or any of its agencies, the State of Illinois and any other political subdivision, municipal corporation or their agencies.

(Ord. No. 7879-92, § 1(26), 4-24-79; Ord. No. 9798-49, § 1, 10-6-97)

Sec. 12-106. - Severability of provisions.

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

(Ord. No. 7879-92, § 1(27), 4-24-79)

Sec. 12-107. - Posting of notice.

Every person subject to this article shall post and keep in a conspicuous location, where business or activity is customarily conducted or negotiated, a notice provided by the City of Urbana, whose form and language shall have been prepared by the officer setting forth excerpts from, or summaries of, the pertinent provisions of this article and information pertinent to the filing of a complaint.

(Ord. No. 7879-92, § 1(28), 4-24-79)

Sec. 12-108. - Records and reports.

When a complaint has been filed against a person pursuant to this article, the respondent shall preserve all records which may be relevant to the charge or action until a final disposition of the charge. Such records shall include, but not be limited to, application forms submitted by applicants, sales and rental records, credit and reference reports, personnel records, and any other records pertaining to the status of an individual's enjoyment of the rights and privileges protected or granted under this article.

(Ord. No. 7879-92, § 1(29), 4-24-79; Ord. No. 9798-49, § 1, 10-6-97)

Secs. 12-109—12-117. - Reserved.