

Chapter 13A

HOUSING

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Section 13A.1SEC. through 13A-4. Reserved.

Section 13A.4ART. Article II. Fair Housing

NOTE: For state law authorizing village to prescribe fair housing practices and prohibit unfair housing practices, see Ill. Comp. Stat., ch. 65, § 5/11-11-1-1.

Section 13A.4DIV. Division 1. Generally

Section 13A.5. Definitions.

For the purposes of this article, the following words and phrases shall have the meanings

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respectively ascribed to them by this section:

Dwelling. Any building, structure or portion thereof which is located within the Village and which is occupied as, or designed or intended for occupancy as, a residence by one or more families, including any vacant land which is offered for sale, lease or rent for the construction or location thereon of any such building, structure or portion thereof.

Lending institution. Any bank, insurance company, savings and loan association or other person customarily engaged in the business of lending money for profit, and any person normally and customarily in the business of obtaining, arranging or negotiating loans as agent or broker.

Offer. Every attempt, by means of written or oral communications, to enter into a real estate transaction, and every solicitation of an offer.

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 shares of or any beneficial interest in any corporation, partnership or unincorporated association which holds any such title or interest.

Real estate broker. Any person who customarily, as a business and for consideration, on behalf of himself or others, sells or offers for sale, or buys or offers to buy, or negotiates the purchase or sale or exchange of, real property, including dwellings, or leases or rents, or offers to lease or rent, real property, or who negotiates the lease or rental thereof, or who employs any person to act as a real estate salesman to perform any one or more of the foregoing acts.

Real estate salesman. Any person licensed or required to be licensed as a real estate salesman in accordance with the provisions of Chapter 114 1/2 of the Illinois Revised statutes or any Acts supplementing, amending or superseding such provisions.

Real estate transaction. The purchase, sale, exchange, lease or rental of any dwelling, and any legally enforceable option or contract to do any of the foregoing, except the lease or rental of rooms in a dwelling designed for single-family occupancy, provided the owner of such dwelling maintains such dwelling as his/her principal place of residence. (Ord. No. 1349, § 2.1; Ord. No. 2544, § 6.)
(Ord. 4852, Amended, 02/20/2007, his to his/her(s))

Section 13A.6. Declaration of policy.

It is the policy of the Village to provide, within legal and constitutional limitations, for fair housing practices throughout the Village, with the intention that such practices will protect the interests of buyers and sellers, lessors and lessees, landlords and tenants, in accordance with the provisions of this Article. (Ord. No. 1349, § 1.1.)

Section 13A.7. Public offer to sell or offer to particular person to sell not required.

Nothing in this Article shall require an owner of a dwelling to make a public offer or an offer to any particular person or persons before selling, leasing or renting such dwelling. (Ord. No. 1349, § 7.4.)

Section 13A.8. Owner may refuse to entertain offer while other offers pending.

Nothing in this Article shall be deemed to prohibit any owner from refusing to entertain offers for the purchase, lease or rental of a dwelling, or to negotiate with respect thereto, on the ground that another offer or offers may then be pending. (Ord. No. 1349, § 7.4.)

Section 13A.9. Owner may give nondiscriminatory preference to buyers, tenants, etc.

Nothing in this article shall be deemed to prohibit any owner from giving preference to any prospective purchaser, lessee or tenant for any reason other than race, color, religion or national origin of such prospective purchaser, lessee or tenant or of any other person. (Ord. No. 1349, § 7.4.)

Section 13A.10. Negotiations with persons not negotiating for own account not required.

Nothing in this Article shall require an owner to negotiate respecting a real estate transaction with any person who does not reasonably appear to be negotiating the same in good faith for his/her own account. (Ord. No. 1349, § 7.4.)
(Ord. 4852, Amended, 02/20/2007, his to his/her(s))

Section 13A.11. Persons filing complaints liable to defendant for costs in unsuccessful prosecutions.

In the event that any defendant against whom a complaint is filed alleging a violation of any provision of this Article shall be found not guilty, or if such complaint shall be dismissed for want of prosecution, or if a conviction under this Article shall be reversed on appeal, then the person or persons signing such complaint shall be liable to such defendant in an amount equal to all reasonable costs and expenses, including attorneys' fees, incurred by such defendant by reason of the filing of such complaint, but not in excess of two hundred fifty dollars; provided, that no liability under this section shall be imposed upon any officer or employee of the Village or any member of the Human Service Commission acting in the course of his/her official duty on behalf of the Village. (Ord. No. 1349, § 7.5; Ord. No. 2544, § 7.)
(Ord. 4852, Amended, 02/20/2007, his to his/her(s); Ord. 4533, Amended, 09/16/2003)

Section 13A.12. Property rights neither created nor affected by article.

This Article is not intended to create any interest in or lien or charge upon any real property or rights therein, and neither the pendency of any complaint under this Article nor the finding of the violation of any of the provisions of this Article shall invalidate, encumber, impair or affect in any manner any title to or interest in real property which has otherwise been created, transferred or perfected in accordance with applicable law, or the legal power of any person to enter into or consummate any real estate transaction which is otherwise in accordance with the applicable law. (Ord. No. 1349, § 7.6.)

Section 13A.13. Penalty for violation of article.

Any person convicted of a violation of any provision of this Article shall be subject to a fine of not to exceed two hundred fifty dollars for each such violation; provided, that all actions of any one person with respect to any one real estate transaction shall not be deemed to constitute more than one offense under this Article. (Ord. No. 1349, § 6.1.)

Section 13A.13DIV. Division 2. Real Estate Brokers' Licenses

Section 13A.14. through 13A-18. Reserved.

Section 13A.18DIV. Division 3. Discriminatory Acts Prohibited

Section 13A.19. Prohibited acts of brokers and salesmen.

It shall be unlawful for any real estate broker or real estate salesman:

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(a) To make to any party to a real estate transaction any material misrepresentation with respect thereto.

(b) To act on behalf of more than one party in any real estate transaction without the knowledge and consent of all parties thereto.

(c) To fail or refuse, within a reasonable time after request, to furnish to any party to a real estate transaction a copy of any document signed by such party and in the possession of such broker or salesman.

(d) To fail or refuse, upon request, to permit any person to examine copies of any listing or descriptive materials respecting any dwelling which has been publicly offered for sale, lease or rental because of the race, color, religion, national origin, ancestry, age, sex, marital status, or handicap of such person. (Ord. No. 1349, § 4.1.)

Section 13A.20. Employment of salesmen having two convictions of Sections 13A-19 or 13A-22 prohibited.

It shall be unlawful for any real estate broker to employ or continue to employ any real estate salesman who is found by a court of competent jurisdiction to have violated any of the provisions of Section 13A-19 or Section 13A-22 more than twice in any period of six consecutive months if such finding is sustained on appeal or if no appeal is taken from such finding within the period of time permitted for such appeal. (Ord. No. 1349, § 4.2.)

Section 13A.21. Prohibited acts of owners and lessees.

It shall be unlawful for any owner or lessee to fail or refuse:

(1) To sell a dwelling which is then being publicly offered for sale; or

(2) To lease or rent a dwelling which is then being publicly offered for lease or rent, to a person who is ready, willing and able to purchase, lease or rent the same, as the case may be, and who has made or who tenders a bona fide offer therefor which is at least as favorable to such owner or lessee as the terms on which such dwelling is then being publicly offered, or to fail or refuse to negotiate in good faith with any such person for such sale, lease or rental, but only in each case if such failure or refusal is because of the race, color, religion, national origin, ancestry, age, sex, marital status, or handicap of such person. (Ord. No. 1349, § 4.3.)

Section 13A.22. Prohibited acts of owners, lessees, brokers and salesmen.

It shall be unlawful for any owner, lessee, real estate broker or real estate salesman:

(a) To refuse to extend to any person, because of the race, color, religion, national origin, ancestry, age, sex, marital status, or handicap of such person, terms, conditions or privileges in connection with the sale, leasing or rental of a dwelling, or in the provision of services or facilities in connection therewith, which are substantially identical to the terms, conditions, privileges and provisions previously extended or offered to any other person in connection with the sale, leasing or rental of such dwelling.

(b) To publish or cause to be published any notice, statement or advertisement with respect to the sale, leasing or rental of a dwelling which states any priority, preference, limitation or restriction based on race, color, religion, national origin, ancestry, age, sex, marital status, or handicap or which is calculated to disclose an intention to make any such priority, preference, limitation or restriction.

(c) To misrepresent to any person, because of the race, color, religion, national origin, ancestry, age, sex, marital status, or handicap of such person, that any particular dwelling is not being offered for sale, lease or rental, or is not available for inspection for such purpose.

(d) For profit, to induce or attempt to induce any person to sell, lease or rent any dwelling by means of written or oral representations or misrepresentations regarding the residence or prospective residence within one thousand five hundred feet of such dwelling of, any person or persons of a stated race, color,

religion, national origin, ancestry, age, sex, marital status, or handicap.

(e) To enter into any real estate brokerage or listing agreement which prohibits the sale, leasing or rental of a dwelling to any person because of race, color, creed, religion or national origin. (Ord. No. 1349, § 4.4.)

Section 13A.23. Prohibited acts of lending institutions.

It shall be unlawful for any lending institution to refuse to lend money or extend credit to any person, or to refuse to negotiate with such person with respect to any such loan or extension of credit, because of the race, color, religion, national origin, ancestry, age, sex, marital status, or handicap of such person. (Ord. No. 1349, §§ 4, 5.)

Section 13A.23DIV. Division 4. Reference of Complaints for Conciliation

Section 13A.24. Reference of complaints to human service commission by court; procedure to be followed by commission.

At any time after a complaint alleging a violation of any provision of this article has been filed with a court of competent jurisdiction, if the court concludes that the matter in controversy may be resolved by conciliation or determines for any other reason that an informal investigation of the matter in controversy is desirable or appropriate, the human service commission shall, upon written reference of such complaint to the commission by such court, conduct an investigation in connection with such complaint in accordance with such rules, regulations and procedures as the commission may adopt. Without limitation, the commission may take any one or more of the following actions or any combination thereof in connection with any such complaint:

(a) The commission may require the complainant to state (i) his/her name, address and telephone number, (ii) the name, and if known to the complainant, the address and telephone number of each person against whom the complaint is brought, (iii) the names, and if known to the complainant, the addresses and telephone numbers, of all persons believed by the complainant to have direct knowledge concerning the facts on which the alleged violation of this article is based, and (iv) such other information as the commission may deem necessary or appropriate in the circumstances.

(b) The chairman of the commission may appoint and designate a panel of not less than three nor more than five members of the commission to make a preliminary investigation in connection with such complaint, and such panel shall promptly set a date, time and place for a conference and shall notify all such parties and witnesses by certified mail. At such conference, such panel shall interview the complainant and the person against whom the complaint has been directed, and shall endeavor to resolve the complaint by all lawful and proper methods of conciliation and persuasion. If such complaint shall not be resolved by conciliation or persuasion within forty-five days (or such other period as may be directed by such court) after the date of such reference, or if at any time prior to the expiration of such period, such panel shall find that further conferences or attempts at conciliation and persuasion are unlikely to be effective, the panel shall so notify the commission in writing.

(c) In connection with any such conference, the commission may, in its discretion, apply to the court for an appropriate order compelling the attendance of any party or witness at such conference or the production of any documents related to the subject matter of such complaint. (Ord. No. 1349, § 5.1; Ord. No. 2058, § 4; Ord. No. 2900, § 5.)

(Ord. 4852, Amended, 02/20/2007, his to his/her(s))

Section 13A.25. Report by human service commission to court.

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In the event that a complaint is referred to the human service commission pursuant to Section 13A-24, the commission shall deliver to the court a written report respecting such complaint and the proceedings of the commission thereon within sixty days after the date of such reference, or such other period as may be specified by the court. (Ord. No. 1349, § 5.2; Ord. No. 2058, § 4; Ord. No. 2900, § 5.)