



City of West Chicago Supplemental Fair Housing Action Plan

This Supplemental Fair Housing Action Plan was approved on December 16, 2024 by Ordinance 24-O-0051. The complete fair housing policies of the City of West Chicago's can be found in Chapter 7, Article IV of the Code of Ordinances of the City of West Chicago.

Declaration of Policy

It is hereby declared to be the policy of the City in the exercise by the City of its police and regulatory powers for the protection of the public health, safety and welfare and for the maintenance and promotion of commerce, industry and good government in the City, to secure to all persons living or desiring to live in the City, a fair opportunity to purchase, lease, rent or occupy housing or other real estate, to provide all persons desiring employment in the City fair and equal employment opportunities and to provide all persons full and equal access to all public places of accommodation, regardless of race, sex, religion, color, age, marital status, handicap or national origin.

Definitions

Age. The chronological age of a person who is at least forty (40) years old.

Commission. The human relations commission established pursuant to section 2-311.

Discriminate. To extend differential treatment on the basis of race, sex, religion, color, age, marital status, handicap or national origin.

Handicap. A determinable physical or dental characteristic of a person, including but not limited to, a determinable physical characteristic which necessitates the person's use of a guide, hearing or support dog, the history of such characteristic, or the perception of such characteristic by the person complained against, which may result from disease, injury, congenital condition of birth or function disorder and which characteristic:

- (1) For purposes of section 7-43(a) is unrelated to the person's ability to acquire, rent or maintain real estate;
- (2) For purposes of section 7-43(b) is unrelated to a person's ability to utilize and benefit from a place of public accommodation.

Investigator. An employee of the City designated by the City Administrator to investigate a complaint filed under this article.

Lending institution. Any bank, insurance company, savings and loan association or any other person in the business of lending money or guaranteeing loans, any person in the business of obtaining, arranging or negotiating loans or guarantees as agent or broker, and any person in the business of buying or selling loans or instruments for the payment of money which are secured by title to or a security interest in real estate.

Marital status. The legal status of being married, single, separated, divorced or widowed.

National origin. The place in which a person or one of his or her ancestors was born.

Operator. Any owner, lessee, proprietor, manager, superintendent, agent, or occupant of a place of public accommodation or an employee of any such person or persons.

Person. Includes one (1) or more individuals, partnerships, associations or organizations, corporations, the State of Illinois and its instrumentalities, political subdivisions, units of local government, legal representatives, trustees in bankruptcy or receivers.

Public official. Any officer or employee of the state or any agency thereof, including political subdivisions, municipal corporations, park districts, forest preserve districts, educational institutions and schools.

Public place of accommodation. A business, accommodation, refreshment, entertainment, recreation or transportation facility of any kind, whether licensed or not, whose goods, services, facilities, privileges, advantages or accommodations are extended, offered, sold or otherwise made available to the public. Such term includes, but is not limited to, restaurants, hotels, stores, taverns, soft drink or ice cream parlors, barber shops, beauty shops, theaters, places of amusement, taxicabs, funeral homes, public swimming pools, public golf courses, public driving ranges and other places of public accommodation and amusement.

Real estate. The term "real estate" shall be construed to include the following real property within the corporate limits of the City of West Chicago:

- (1) Multiple-family dwellings of three (3) or more units.
- (2) Multiple-family dwellings containing two (2) or fewer units, if the owner does not reside in one of the units.
- (3) Single-family houses not owned by private individuals.
- (4) Single-family houses owned by a private individual who owns more than three (3) such houses or who, in any two-year period, sells more than one (1) in which he was not the last resident.
- (5) Single-family houses owned by private individuals if they are sold or rented through a broker or other person in the business of selling or renting dwellings, or if a discriminatory written notice or advertisement is used in offering to sell or rent.

Real estate broker. The term "real estate broker" means any natural person, partnership, association or corporation, or agent thereof, who for a fee or other valuable consideration sells, purchases, exchanges

or rents real property of another, or offers or negotiates to do any of the foregoing, or manages and collects rental from the real property of another.

Sex. The status of being male or female.

Prohibited acts

- (a) *Real estate.* No contractor, developer, lessee, sublessee, real estate broker or salesman, lending institution, advertiser, or agent of any of the foregoing, shall discriminate against any person because of his race, sex, religion, color, age, marital status, handicap or national origin, or because of the race, sex, religion, color, age, marital status, handicap or national origin of his friends or associates in regard to the sale, leasing, rental, or other dealings concerning real estate. Any such discrimination shall be considered an unfair real estate practice. Without limiting the foregoing, it shall be an unfair real estate practice:
- (1) To publish, circulate, issue or display, or cause to be published, circulated, issued or displayed, any communication, notice, advertisement, sign or other writing of any kind relating to the sale, leasing or renting of any real estate which will indicate or express any such discrimination.
 - (2) To exploit or overcharge any person for real estate services because of that person's race, sex, religion, color, age, marital status, handicap or national origin.
 - (3) To solicit for sale, lease, or listing for sale or lease, any real estate on the ground of loss of value due to the present or prospective entry into any neighborhood of any person or person of any particular race, sex, religion, color, age, marital status, handicap or national origin.
 - (4) To make or distribute, or cause to be made or distributed, any written material or statements intended to induce any owner of real estate to sell or lease his property because of any present or prospective change in the race, sex, religion, color, age, marital status, handicap or national origin of persons in the neighborhood.
 - (5) To refuse examination of copies of any listing of real estate to any person because of race, sex, religion, color, age, marital status, handicap or national origin.
 - (6) To refuse to show, sell, lease, or rent, any real estate because of the race, sex, religion, color, age, marital status, handicap or national origin of the proposed buyer or tenant.
 - (7) To enter into an agreement which prohibits the sale, leasing or rental of real estate to any person because of race, sex, color, religion, age, marital status, handicap or national origin.
 - (8) To act or undertake to act with respect to any real estate, the disposition of which is prohibited to any person because of race, sex, color, religion age, marital status, handicap or national origin.
 - (9) For a lending institution to refuse to negotiate, enter into or perform any agreement to lend or guarantee the loan of funds because of race, sex, color, religion, age, marital status, handicap or national origin; or to discriminate because of race, sex, color, religion or national origin in making,

agreeing to make, arranging or negotiating any loan or guarantee of funds, for the purpose of financing the purchase or sale, construction, lease, rehabilitation, improvement, renovation or repair of any real estate; or to offer or agree to terms, conditions or privileges that discriminate against any party to such agreement because of race, sex, religion, color, age, marital status, handicap or national origin.

Nothing in this section shall require an owner to offer property to the public at large before selling or renting it, nor shall this section be deemed to prohibit owners from giving preference to prospective tenants or buyers for any other reason than race, sex, religion, color, age, marital status, handicap or national origin.

(b) Public accommodations.

(1) It shall be unlawful for any person to, on the basis of race, sex, religion, color, age, marital status, handicap or national origin:

- a. Deny or refuse to another the full and equal employment of the facilities and services of any public place of accommodation.
- b. Directly or indirectly, as the operator of a place of public accommodation, publish, circulate, display or mail any written communication, except a private communication sent in response to a specific inquiry, which the operator knows is to the effect that any of the facilities of the place of public accommodation will be denied to any person or that any person is unwelcome, objectionable or unacceptable.
- c. Deny or refuse to another, as a public official, the full and equal enjoyment of the accommodations, advantage, facilities or privileges of the official's office or services or of any property under the official's care.

(2) Nothing in this subsection shall apply to:

- a. A private club, or other establishment not in fact open to the public, except to the extent that the goods, services, facilities, privileges, advantages, or accommodations of the establishment are made available to the customers or patrons of another establishment that is a place of public accommodation.
- b. Any facility, as to discrimination based on sex, which is distinctly private in nature such as restrooms, shower rooms, bath houses, health clubs and other similar facilities.
- c. Any facility, as to discrimination based on sex, which restricts the rental of rooms to individuals of one sex.

Complaints and Procedures

(a) *Complaints.*

- (1) Any person aggrieved in any manner by a violation of any provision of this article may file a written complaint with the City Administrator. The complaint shall be under oath, addressed to the commission, and shall state:
 - a. The name and address of the complainant;
 - b. The name and address of the person or persons against whom the complaint is brought, if known to the complainant; and
 - c. The facts surrounding the alleged violation of this article.

Such complaint shall also include the name and address of all persons believed to have knowledge concerning the alleged violation. The commission shall provide a printed form of complaint for the use of aggrieved persons.

If the complaint is against the City of West Chicago; the complainant shall be referred to the Illinois Department of Human Rights and such complaint shall not be investigated, nor shall a hearing be held by the commission, under the provisions of this article.

- (2) No fee shall be charged for the filing of the complaint.
- (3) After the filing of the complaint, the City Administrator shall, within three (3) days, serve a copy of the complaint personally or by certified mail on the person or persons charged.
- (4) If the complaint alleges a violation of section 7-43(b) and the respondent has rules or policies in effect setting forth internal procedures to address the subject of the complaint, such complaint shall not be investigated by the investigator unless the complainant has followed such procedures through to their conclusion.
- (5) Any complaint shall be barred from consideration unless it is filed with the commission within six (6) months after the alleged discriminatory practice occurred. The commission may extend the time for filing the complaint for an additional sixty (60) days when conciliation efforts are pending or when procedures referred to in paragraph (4) above are pending.

(b) *Investigation.* The investigator designated by the City Administrator shall investigate the complaint. Upon completion of the investigation, the investigator shall prepare and submit a report to the commission summarizing the information gathered during the investigation, along with a recommendation as to whether probable cause exists in support of the allegations. No member of the commission shall participate in the investigation of a complaint.

(c) *Hearing.* Upon receipt of the investigator's report, the commission shall determine whether or not to hold a hearing on the complaint. If the commission determines that a hearing shall not be held, all parties shall be so notified in writing. If the commission determines that a hearing shall be held, it

shall set a hearing date, which shall be no later than sixty (60) days from receipt of such report. The investigator shall, if requested by any party, testify at such hearing. The chairperson of the commission shall preside at the hearing, and the commission shall hear testimony and accept relevant evidence. The strict rules of evidence applicable to judicial proceedings shall not apply to the hearings; rather, all evidence shall be admitted if it is the type commonly relied upon by reasonably prudent persons in the conduct of their affairs, so long as it is relevant and material to the subject matter of the complaint. The hearing shall be conducted upon notice by certified mail to all parties, at least forty-eight (48) hours prior to the hearing.

Hearings shall be held in front of the full commission; provided, however, that no commission member shall participate in a hearing in which his or her impartiality might reasonably be questioned, including, but not limited to, instances where such member has a personal bias or prejudice concerning a party to the complaint or in which such member or member's spouse or relatives are a party to the complaint.

The commission shall provide a court reporter to take a transcript of the hearing. All evidence shall be under oath, administered by an officer authorized to administer oaths. All parties may be represented by counsel at their election and shall have the right to call witnesses and to cross examine witnesses. The complainant or the person charged, or the commission on its own motion, may have subpoenas issued in the name of the commission for persons to appear at commission hearings and for the examination of documents. Subpoenas shall only be issued to persons or for documents which have a substantial evidentiary connection with a complaint. Service of such subpoenas shall be made in the same manner as in civil actions and shall be enforceable through the circuit court of DuPage County.

Hearings may be continued by the commission. At the conclusion of the hearing, the commission may hold a closed meeting to consider the evidence and testimony presented to the extent permitted by the Open Meetings Act. The commission shall also prepare:

- (1) A summary of the evidence taken;
- (2) Its findings of fact.

(d) *Action.* The commission shall take any one (1) or more of the following actions:

- (1) Resolve the complaint by conciliation. The commission is authorized to hold closed meetings for conciliation of complaints alleging a violation of section 7-43(a). The complainant and respondent and their advisors are entitled to attend such closed meetings. A written record shall be made of the result of such conciliation.
- (2) Dismiss the complaint.
- (3) Make findings and recommendations to the City Council. Such recommendations may include:
 - a. Filing a complaint for revocation of any applicable state license;

- b. Transferring or referring the matter to an appropriate state agency;
- c. Instructing the City's prosecutor to file a complaint to enjoin the violation or a complaint for any other appropriate relief. If the commission feels that immediate court action is necessary, it may request that the mayor, and the mayor, in his discretion may instruct, the City's prosecutor to file the complaint even though a hearing may be pending.

Such written findings and recommendations shall be served by mail upon the complainant and the party or parties charged within thirty (30) days of the conclusion of the hearing.

- (e) *Relief*. At any time after final action by the commission, or in the event of the refusal of the commission to act on a complaint within the time limits herein set forth, the complainant may file a complaint in the circuit court for appropriate relief for the alleged violation.

West Chicago's Commitment to Addressing Fair Housing Complaints

The City of West Chicago considers training to be an important priority to effectively provide quality services, which would include implementation of its Fair Housing Action Plan and policies. As such, the City dedicates significant resources to training initiatives each year. This includes, as opportunities present, attending seminars and conferences related to fair housing by responsible organizations or agencies.

In addition to formal training events, the City leverages its strong relationships, which provides City staff with ongoing Fair Housing knowledge and experience gained through continued working partnerships with agencies like the Hope Fair Housing Center (which is a HUD-Approved non-profit organization serving DuPage County Communities to provide opportunities for fair housing). Lastly, should a complaint arise, the City's legal counsel is also a valued, trained resource to assist City staff with any response.

West Chicago's Commitment to Maintaining Up-To-Date Information on Fair Housing

The City of West Chicago cares about Fair Housing policies and maintaining up-to-date information for our community on the topic of fair housing. Any updates to the Fair Housing Action Plan will be posted on this web page, and communicated through noticed agendas or postings at City Hall entrances, and as needed, other City communications. This Supplemental Fair Housing Action Plan can be found for public view on the City of West Chicago's website at <https://westchicago.org> and a copy may be obtained during regular business hours at the West Chicago Community Development Department at West Chicago City Hall, 475 Main Street, West Chicago, IL 60185.

Additional Resources:

- City of West Chicago Comprehensive Plan – West Chicago Forward
- City of West Chicago Strategic Plan