

CITY OF NOKOMIS

ORDINANCE NO. 731

ORDINANCE PROVIDING FOR FAIR HOUSING PRACTICES
WITHIN THE CITY OF NOKOMIS, ILLINOIS

ADOPTED BY THE
BOARD OF COMMISSIONERS
OF THE
CITY OF NOKOMIS

THIS 13th DAY OF Feburary, 1984

Published in pamphlet form by the authority of the
Board of Commissioners of the City of Nokomis,
Montgomery County, Illinois

this 13th day of February, 1984

ORDINANCE NO. 731
CITY OF NOKOMIS, ILLINOIS
DATE: 2-13-1984

ORDINANCE PROVIDING FOR FAIR HOUSING PRACTICES WITHIN THE CITY OF NOKOMIS,
ILLINOIS

WHEREAS, denial of fair housing opportunities because of race, color, religion, sex, or national origin could deny a portion of the population of the City of Nokomis, Illinois, safe and adequate housing, thereby causing possible harm to the public health, safety, and welfare; and

WHEREAS, there is a need for a procedure for local mediation of alleged discriminatory actions regarding fair housing, in order to resolve any such problems at the local level; NOW

THEREFORE BE IT ORDAINED by the Mayor and the City Council of the City of Nokomis, Montgomery County, Illinois:

Section 1 - In General

1.1: Purpose and Declaration of Policy - It is hereby declared to be the policy of the City and the purpose of this ordinance, in the exercise by the City of its police and regulatory powers for the protection of the public safety, for the health, morals, safety and welfare of persons residing in the City 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 without discrimination based on race, color, religion, sex, national origin, creed or ancestry.

1.2: Construction of Ordinance - This ordinance shall be construed according to the fair import of its terms and shall be liberally construed to further the purposes and policy stated in Section 1.1 above and the special purposes of the particular provision involved.

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

1.4: Definitions - For purposes of this ordinance:

- A) City of Nokomis - means the City as a body corporate and politic, unless a different meaning appears clearly from the context.
- B) Dwelling - means any building or structure, or portion thereof, within the City which is arranged, designed or used as a home, residence or living quarters for one or more individuals.
- C) Housing - includes any building or structure, or portion thereof, within the City which is used or occupied as the home, residence or living quarters for one or more individuals, groups or families, and includes any vacant land within the City which is zoned and intended to be used for the construction of any such building or structure.

- D) Commission - means the City of Nokomis Human Relations Commission.
- E) City Council - means the City Council of the City of Nokomis.
- F) Lease - includes sublease, assignment, and rent (or rental), and includes any contract to do any of the foregoing.
- G) Lending Institution - means any bank, insurance company, savings and loan association or other 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.
- H) National Origin - includes the national origin of an ancestor.
- I) Owner - means any person who holds legal or equitable title to, or owns any beneficial interest in, any dwelling or housing, or who holds legal or equitable title to shares of, or holds any beneficial interest in, any real estate cooperative which owns any dwelling or housing.
- J) Person - includes one or more individuals, corporations, partnerships, associations, legal representative, mutual companies, unincorporated organizations, trusts, trustees, trustees in bankruptcy, receivers and fiduciaries.
- K) Purchase - includes any contract to purchase.
- L) Real Estate Agent - means any real estate broker, any real estate salesman, and any other person who, as employee or agent or otherwise, engages in the management or operation of any dwelling or housing.
- M) Real Estate Broker - means any person licensed as a real estate salesman in accordance with the provisions of Chapter 114½, Illinois Revised Statutes.
- N) Real Estate Transaction - means the purchase, sale, exchange or lease of any dwelling or housing, or an option to do any of the foregoing.
- O) Sale - includes any contract to sell or exchange or to convey, transfer or assign legal or equitable title to, or a beneficial interest in, real estate.

Section 2 - Unlawful Housing Practices

Division I. Owners

2.1: Discriminatory Terms - It shall be an unlawful housing practice and a violation of this ordinance for any owner or other person to sell or

lease a dwelling or housing on terms, conditions or privileges that discriminate between persons because of race, color, religion, sex, national origin, creed or ancestry.

2.2: Refusals to Deal - It shall be an unlawful housing practice and a violation of this ordinance for any owner or other person to refuse to negotiate for, enter into, or perform any sale or lease of any dwelling or housing because of the race, color, religion, sex, national origin, creed or ancestry of any party to such sale or lease, or of any family member of any such party, or of any person using, occupying, or intending to use or occupy such dwelling or housing, or of any person using or occupying any dwelling or housing in the area in which such dwelling or housing is located.

2.3: Withholding Housing - It shall be an unlawful housing practice and a violation of this ordinance for any owner or other person to represent to any person that any dwelling or housing is not available for inspection, purchase, sale, lease or occupancy when in fact it is so available, or otherwise to withhold housing from any person because of race, color, religion, sex, national origin, creed or ancestry.

2.4: Advertisements - It shall be an unlawful housing practice and a violation of this ordinance for any owner or other person to publish or circulate a statement, advertisement or notice of an intention to sell or lease any dwelling or housing in a manner that is unlawful under this ordinance.

2.5: Advertisements; Causing or Permitting - It shall be an unlawful housing practice and a violation of this ordinance for any owner or other person to cause any person to circulate or publish a statement, advertisement or notice that such owner or other person intends to sell or lease any dwelling or housing in a manner that is unlawful under this ordinance, or to consent thereto.

2.6: Signs and Notices - It shall be an unlawful housing practice and a violation of this ordinance for any owner or other person to post or erect, or cause any person to post or erect, any sign or notice upon any dwelling or housing indicating intent to sell or lease any dwelling or housing in a manner that is unlawful under this ordinance.

2.7: Limitations - Nothing in this ordinance shall require an owner to offer property to the public at large before selling or renting it, providing he complies with all other provisions of this ordinance. Nor shall this ordinance be deemed to prohibit owners from giving preference to prospective tenants or buyers for any reason other than race, color, religion, sex, national origin, creed or ancestry. Nothing in this ordinance shall require an owner to offer property for sale or lease or to show his property to any person if such person is not negotiating for the purchase or lease of such property in good faith.

Division II. Real Estate Agents and Lending Institutions

2.8: Refusal of Offer - It shall be an unlawful housing practice and a

violation of this ordinance for any real estate agent or other person to refuse to receive or to fail to transmit a bonafide offer for the purchase, sale, exchange or lease of any dwelling or housing because of race, color, religion, sex, national origin, creed or ancestry of the person making such offer.

2.9: Licensing - Every real estate broker shall apply for and obtain a license from the State in accordance with the provisions of Chapter 114½, Illinois Revised Statutes, prior to transacting any business involving real estate in the City as a real estate broker and prior to advertising or assuming to act as such real estate broker. The commission, by any real estate broker or any other person acting without such license, of any act herein made unlawful for persons duly licensed shall nevertheless constitute a violation of this ordinance.

2.10: Discriminating in Lending - It shall be an unlawful housing practice and a violation of this ordinance for any lending institution, in making, agreeing to make, arranging or negotiating any loan or guarantee of funds for the purpose of financing the purchase, sale, construction, lease, rehabilitation, improvement, renovation or repair of any dwelling or housing, to offer, seek or agree to terms, conditions or privileges that discriminate between persons because of race, color, religion, sex, national origin, creed or ancestry.

2.11: Refusal to Deal in Lending - It shall be an unlawful housing practice and a violation of this ordinance for any lending institution to refuse to negotiate for, enter into or perform any agreement to lend or guarantee the loan of funds for the purchase, sale, construction, lease, rehabilitation, improvement, renovation or repair of any dwelling or housing because of the race, color, religion, sex, national origin, creed or ancestry of any party to such agreement or of family member of any such party, or of the residents of the area in which such dwelling or housing is located.

2.12: Coverage - Division II of this Section shall apply respectively to every real estate agent who, within the City, performs any function such as real estate agent, but does not maintain an office or place of doing business within the City, as well as to every real estate agent and lending institution who maintains an office or place of doing business within the City, provided, however, that the provisions of this ordinance shall not be so construed as to prohibit a real estate broker or real estate agent, on behalf of the owner, from inquiring into and reporting upon qualifications of any prospective buyer or tenant with respect to limitations or exclusions other than those of race, color, religion, sex, national origin, creed, or ancestry.

Division III. In General

2.13: Representation - It shall be an unlawful housing practice and a violation of this ordinance for any person, for the purpose of inducing any other person to enter into a real estate transaction with such person or his principal or agent.

- (A) To represent that a change has occurred, will occur or may occur with respect to the race, color, religion, sex, national origin, creed or ancestry in the composition of the owners or occupants in any block, neighborhood or area in which the dwelling or housing (which is the subject of the real estate transaction) is located, or
- (B) To represent that a change with respect to race, color, religion, sex, national origin, creed or ancestry in the composition of the owners or occupants in any block, neighborhood or area will result in lowering of property values, or in an increase in criminal or anti-social behavior, or in a decline in the quality of schools, in such block, neighborhood or area.

2.14: Miscellaneous Conduct - It shall be an unlawful housing practice and a violation of this ordinance for any person:

- (A) To aid, abet, incite or coerce a person to engage in unlawful housing practice, or
- (B) Willfully to interfere with the performance of a duty or the exercise of a power by the Human Relations Commission or one of its members or representatives, or
- (C) Willfully to obstruct or prevent a person from complying with the provisions of this ordinance or an order issued thereunder.

Section 3 - Enforcement

3.1: Human Relations Commission Powers - The Human Relations Commission shall have and exercise, with respect to all dwellings and housing and with respect to all persons subject to this ordinance, the power to:

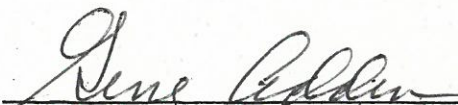
- (A) Act to eliminate unlawful housing practices through procedures outlined in City Ordinance No. 731, "Human Relations Commission".
- (B) Make recommendations to the City Council with respect to possible discriminating actions by real estate brokers regarding fair housing. Such alleged actions to be reported to the proper State authorities for possible proceedings against the real estate broker.
- (C) Recommend to the City Council, upon the conclusion of proceedings held under City Ordinance No. 731, Section 4.4, that the Board direct the City Attorney to petition or institute proceedings with the Illinois Department of Registration and Education for the purpose of causing the Department to revoke, suspend or refuse to renew the license granted by such Department to any real estate broker or real estate salesman found to have violated any provision of this ordinance.

3.2: Fines - Any person who violates any provision of this ordinance, upon conviction thereof, shall be subject to a fine of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00).

BE IT FURTHER UNDERSTOOD that this ordinance will be in full force and effect from and after its passage and publication in accordance to law.

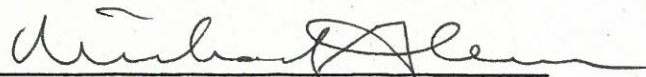
ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NOKOMIS, MONTGOMERY COUNTY, ILLINOIS, THIS 13th DAY OF February, 1984, A.D.

APPROVED:




Gene Adden, Mayor
City of Nokomis, Illinois

EXAMINED AND APPROVED:



Michael Glenn, City Attorney

CERTIFIED:



Mary Jean Scheller, City Clerk

STATE OF ILLINOIS)
) ss
COUNTY OF MONTGOMERY)

CERTIFICATE

I, Mary Jean Scheller, certify that I am the duly elected and acting municipal clerk of the City of Nokomis, Montgomery County, Illinois.

I further certify that on February 13, 1984, the Board of Commissioners of such municipality passed and approved Ordinance No. 731, entitled Ordinance Providing for Fair Housing Practices within the City of Nokomis, Illinois, which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 731, including the Ordinance and a cover sheet thereof was prepared, and a copy of such Ordinance was posted in the municipal building, commencing on February 13, 1984, and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the municipal clerk.

DATED at Nokomis, Illinois this 13th day of February, 1984.

(SEAL)

Mary Jean Scheller
CLERK