

Chapter 17- HUMAN RELATIONS, HOUSING AND EMPLOYMENT

ARTICLE I. ~~IN GENERAL~~ FAIR HOUSING COMMISSION

Sec. 17-1. - Declaration of policy.

It is hereby found that prejudice and discrimination against any individual or group because of race, color, religion, national origin, ancestry, sex, age, physical or mental disability, sexual orientation, or having one or more children under the age of 18 years residing in his family, is inimical to our American tradition of equality of opportunity for all, and menaces peace and public welfare; that to eliminate such prejudice and discrimination, an instrumentality of government should be established through which the citizens of the city may be provided the opportunity for equality of treatment and of opportunity regardless of race, color, religion, national origin, sex, sexual harassment, age, physical or mental disability, sexual orientation, or having one or more children under the age of 18 years residing in their home.

(Ord. No. 10288, § 1, 7-18-78; Ord. No. 10885, § 1, 10-13-81; Ord. No. 11321, § 1, 12-4-84; Ord. No. 15014, § 1, 10-17-00; Ord. No. 15466, § 1, 4-22-03)

Sec. 17-2. - Establishment, composition, appointment and terms of members.

- (a) In order to accomplish the policy set forth in section 17-1, there is hereby established a commission known as the Fair Housing Commission consisting of seven members who are broadly representative of the religious, national, ethnic and economic groups in the city, to be appointed by the Mayor with the advice and consent of the City Council. The members of the Fair Housing Commission shall serve for a term as set forth in section 2-162 of this Code. The commission shall choose its own chairperson and vice-chairperson.
- (b) Any member of the commission who fails to attend three consecutive meetings of the commission, whether for the conduct of administrative matters or hearing complaints, without prior notice to some other member of the commission, shall be considered to have resigned. Thereupon, the Chairperson of the Commission shall notify the mayor so that he may make an appointment to fill the vacancy for the remainder of the unexpired term.

(Ord. No. 11321, § 1, 12-4-84; Ord. No. 13381, § 1, 4-28-92)

Sec. 17-3. - Duties of Fair Housing Commission.

The Commission shall have the power and it shall be its duty:

- (1) The complainant and the respondent, or their designated representative, shall have the right to request that one member of the Commission not participate in the hearing or, if the matter is to be heard by a three-member hearing board, to request that one of the remaining members replace one of the three members on the hearing board. The administration shall also have the right to remove an individual from hearing the matter or, if the matter is to be heard by three-member hearing board, to replace an individual on the hearing board with one of the remaining members of the commission.

- (2) To cause a complaint received by the Fair Housing to be served upon a Respondent within its jurisdiction and to fix a reasonable time and place for hearing such complaint when necessary.
- (3) To render an annual written report of its activities and recommendations to the Mayor and City Council.
- (4) To adopt such rules and regulations as may be necessary to carry out the purpose and intent of sections 17-1 through 17-7.
- (5) To designate from its membership persons to serve on a three-member hearing board, one person to be designated chairperson to hear complaints as provided for in section 17-32. No member is to be permitted to serve on the board for more than three consecutive complaints within a one-year period.
- (6) To review, monitor and make recommendations to the city manager and city council on the hiring and employment practices of the city and the city council concerning the city's affirmative action efforts in connection with contracts which the city enters into.

(Ord. No. 10288, § 1, 7-18-78; Ord. No. 10885, § 1, 10-13-81; Ord. No. 10966, § 1, 5-11-82; Ord. No. 11321, § 1, 12-4-84; Ord. 15889, § 1, 2-14-06; Ord. No. 15996, § 2, 9-19-06; Ord. No. 16480, § 1, 10-13-09)

Sec. 17-4. - Reserved.

**Editor's note**— Ord. No. 15889, § 2, adopted Feb. 14, 2006, repealed § 17-29, which pertained to powers of subpoena and investigation. See also the Code Comparative Table.

Sec. 17-5. - Professional and clerical services.

The professional and clerical services for the function of the Fair Housing Commission will be provided through the office of the city manager.

(Ord. No. 11321, § 1, 12-4-84)

Sec. 17-6. - Duties and powers of the hearing board.

- (a) The hearing board shall conduct all hearings with regard to complaints filed pursuant to section 17-32. The findings and decisions of the hearing board shall be final and shall be deemed to be the findings and decisions of the fair employment and housing commission.
- (b) Any finding of fact or decision of the hearing board must be concurred in by a majority of the members thereof.
- (c) The hearing board shall have the same powers of subpoena and investigations as the Commission.

(Ord. No. 16480, § 2, 10-13-09)

Sec. 17-7. - Procedures for filing complaint.

- (a) Whenever it is charged in writing and under oath, or affirmation, by a person, referred to as the complainant, that any person referred to as the respondent, has engaged or is engaging in any unlawful discriminatory practices as defined in Divisions 2 through 5 of Article III of this chapter, in matters relating to such discriminatory practices, the equal opportunity office shall conduct a preliminary investigation. Such charge shall be in such detail as to substantially apprise any party properly concerned as to the time, place and facts with respect to such alleged unlawful discriminatory practices and shall be filed with the equal opportunity office within 180 days after the alleged unlawful discriminatory practices are committed or be barred.
- (b) The Diversity and Inclusion Department shall serve a copy of the charge upon the respondent within ten days of its receipt. After filing the charges shall not be made public by the commission, the Diversity and Inclusion Department or the complainant exempt as required by law.
- (c) If the Diversity and Inclusion Department determines after such preliminary investigation that there is a lack of substantial evidence showing that unlawful discriminatory practices have been or are being engaged in, the equal opportunity office shall notify the complainant and respondent that it has so determined that it will not issue a complaint in this matter.
- (d) The commission and hearing board shall not process any complaint filed with it if a similar complaint is filed before the state department of human rights or the federal equal employment opportunity commission, except that this prohibition shall not apply to a complaint if the similar complaint is filed before one of the aforesaid agencies has contracted to refer all complaints arising within the purpose of this article to the Fair Housing Commission of the city.

(Ord. No. 16480, § 3, 10-13-09)

Sec. 17-8. - Conciliation.

- (a) If the Diversity and Inclusion Department determines, after such preliminary investigation, that it is probable that unlawful discriminatory practice have been or are being engaged in, it shall endeavor to eliminate such practices by informal methods of conference, conciliation and persuasion. If after such investigation and conference the equal opportunity office is satisfied that any unlawful discriminatory practice of the respondent will be eliminated, it may treat the charge as conciliated. In the course of such investigation and conference, if the respondent offers and the complainant declines to accept terms of settlement which the equal opportunity office finds are sufficient to eliminate the effects of the civil rights violation charged and prevent its repetition, the equal opportunity direct, may dismiss the charge. An entry of such disposition shall be made on the records of the fair employment and housing commission.
- (b) When the Diversity and Inclusion Department dismisses a charge under this section, it shall notify the Complainant that he or she may seek review of the dismissal order before the Fair Housing Commission. The Complainant shall have 30 days from receipt of notice to file a request for review by the Fair Housing Commission.

(Ord. No. 16480, § 4, 10-13-09)

Sec. 17-9. - Hearing procedure.

- (a) If the Diversity and Inclusion Department fails to effect the elimination of such probable unlawful discriminatory practices and to obtain voluntary compliance, it shall issue and cause to be served upon any person or respondent a complaint stating the charges in that respect and containing a notice of hearing before the hearing board, at a place therein fixed to be held not less than 30 nor more than 90 days following the service of such complaint. The complainant shall have the right to be represented by counsel of his/her choice at such hearing, and said counsel shall present the evidence in support of the complaint. Any complaint issued pursuant to the provisions of this section must be so issued within 270 days after the charge is filed in the Diversity and Inclusion Department or be barred. In the event the Diversity and Inclusion Department fails to issue such a complaint or otherwise resolve the subject of the complaint within 270 days, it shall issue a written investigative report and provide same to complainant on or before the 240th day after the alleged discriminatory practice was committed. Said report shall provide that complainant may file his/her own complaint before the Fair Housing Commission's hearing panel within 30 days of receipt of the investigative report. Failure of the complainant to file such report within the time frame provided shall bar the complaint.
- (b) Any such complaint may be amended at any time prior to or during the hearing based thereon. The respondent shall have the right to file an answer or to amend an answer to the original or amended complaint, and to appear at such hearing in person, or by attorney, or otherwise to examine and cross examine witnesses.
- (c) The complainant shall be a party to the proceeding, and any person who is an indispensable party to a complete determination or settlement of the question involved in a proceeding shall be joined. Any person who has or claims to have information bearing on the subject of the hearing may, in the discretion of the Fair Housing Commission or the hearing board, be permitted to appear for the presentation of any oral testimony or written evidence.
- (d) In any proceeding, the Fair Housing Commission or the hearing board shall, in ascertaining the practices followed by the respondent, take into account all reliable, probative and substantial evidence, statistical or otherwise, produced at the hearing, which may tend to provide or disprove the existence of a discriminatory practice.
- (e) The testimony taken in the hearing shall be recorded.

(Ord. No. 16480, § 5, 10-13-09)

Sec. 17-10. - Reserved.

Sec. 17-11. - Penalties and other remedies of the commission.

- (a) If a respondent has been found guilty of a violation of Articles II and III of this chapter in accordance with the procedures specified in section 17-7, the determination of the nature and extent of the penalty shall be vested in the entire commission considering any recommendations of the hearing board.

- (b) The Fair Housing Commission shall have the power to impose a penalty upon any person, firm or corporation violating the provisions of Articles II and III of this chapter in an amount no less than \$100.00 nor more than as provided in section 1-5 of this Code for each such offense. Any penalty imposed by the commission pursuant to this subsection shall be based upon the evidence presented at a hearing pursuant to section 17-7 and upon a specific finding of such violation. The commission may order a respondent found guilty of a violation of Articles II and III of this chapter to pay all or a portion of the legal costs incurred by the complainant as a result of prosecution of such violations; including reasonable attorney fees, transcription fees, and expert witness fees.
- (1) The commission shall have the power to order the respondent to pay to the complainant an amount for specific pecuniary loss such as, but not limited to, higher paid rents for comparable facilities occasioned upon the Complainant by the actions of the Respondent. Any such award made by the commission pursuant to this subsection (b)(1) shall be based upon evidence adduced during and upon a specific finding after a hearing pursuant to section 17-7.
- (2) The commission shall have the power to enter an order directing the respondent to cease and desist from unlawful discrimination and to take such action as necessary to make the individual complainant whole, and to report back to the commission as to the manner of compliance. The Fair Housing Commission shall retain jurisdiction of the case until it is satisfied that the respondent has complied with its order.
- (c) Any person who fails to comply with an order issued by the Fair Housing Commission as provided in this article shall, upon conviction in circuit court thereof, be assessed a penalty of not less than \$100.00 nor more than as provided in section 1-5 of this Code for each such offense. The offense defined by this subsection is separate and distinct and in addition to any penalties provided for and imposed pursuant to any other subsections of this section.
- (d) Any decision of the Fair Housing Commission may be appealed to a court of competent jurisdiction within 35 days from the date the decision is entered.

(Ord. No. 16480, § 6, 10-13-09)

Sec. 17-12. - Review of city practices.

- (a) The Fair Housing Commission shall have the authority and duty to review and monitor the housing practices of entities in the city.

(Ord. No. 9535, § 12, 10-1-74)

## ARTICLE II. FAIR EMPLOYMENT AND HOUSING COMMISSION

### Sec. 17-26. - Declaration of policy.

It is hereby found that prejudice and discrimination against any individual or group because of race, color, religion, national origin, ancestry, sex, age, physical or mental disability, or sexual orientation is inimical to our American tradition of equality of opportunity for all, and menaces peace and public welfare; that to eliminate such prejudice and discrimination, an instrumentality of government should be established through which the citizens of the city may be provided the opportunity for equality of treatment and of opportunity regardless of race, color, religion, national origin, sex, sexual harassment, age, physical or mental disability, or sexual orientation.

(Ord. No. 10288, § 1, 7-18-78; Ord. No. 10885, § 1, 10-13-81; Ord. No. 11321, § 1, 12-4-84; Ord. No. 15014, § 1, 10-17-00; Ord. No. 15466, § 1, 4-22-03)

### Sec. 17-27. - Establishment, composition, appointment and terms of members.

- (a) In order to accomplish the policy set forth in section 17-26, there is hereby established a commission known as the Fair Employment ~~and Housing~~ Commission consisting of seven members who are broadly representative of the religious, national, ethnic and economic groups in the city, to be appointed by the Mayor with the advice and consent of the City Council. The members of the Fair Employment ~~and Housing~~ Commission shall serve for a term as set forth in section 2-162 of this Code. The commission shall choose its own chairperson and vice-chairperson.
- (b) Any member of the Commission who fails to attend three consecutive meetings of the commission, whether for the conduct of administrative matters or hearing complaints, without prior notice to some other member of the commission, shall be considered to have resigned. Thereupon, the Chairperson of the Commission shall notify the mayor so that he/she may make an appointment to fill the vacancy for the remainder of the unexpired term.

(Ord. No. 11321, § 1, 12-4-84; Ord. No. 13381, § 1, 4-28-92)

### Sec. 17-28. - Duties of Fair Employment ~~and housing~~ Commission.

The Commission shall have the power and it shall be its duty:

- (1) To sit as a body, either in its entirety or as a three-member hearing board, to hear appeals of any employee in the classified service, other than department or division heads and temporary or probationary employees, who has been demoted or dismissed from the classified service. The employee, or his designated representative, shall have the right to request that one member of the commission not participate in the hearing or, if the matter is to be heard by a three-member hearing board, to request that one of the remaining members replace one of the three members on the hearing board. The administration shall also have the right to remove an individual from hearing the matter or, if the matter is to be heard by the three-member hearing board, to replace an individual on the hearing board with one of the remaining members of the commission.

(2) To cause a complaint received by the Diversity and Inclusion Department to be served upon an employer within its jurisdiction and to fix a reasonable time and place for hearing such complaint when necessary.

(3) To render an annual written report of its activities and recommendations to the mayor and city council.

(4) To adopt such rules and regulations as may be necessary to carry out the purpose and intent of sections 17-26 through 17-32.

(5) To designate from its membership persons to serve on a three-member hearing board, one person to be designated chairperson to hear complaints as provided for in section 17-32. No member is to be permitted to serve on the board for more than three consecutive complaints within a one-year period.

(6) To review, monitor and make recommendations to the city manager and city council on the hiring and employment practices of the city and the city council concerning the city's affirmative action efforts in connection with contracts which the city enters into.

(Ord. No. 10288, § 1, 7-18-78; Ord. No. 10885, § 1, 10-13-81; Ord. No. 10966, § 1, 5-11-82; Ord. No. 11321, § 1, 12-4-84; Ord. 15889, § 1, 2-14-06; Ord. No. 15996, § 2, 9-19-06; Ord. No. 16480, § 1, 10-13-09)

Sec. 17-29. - Reserved.

**Editor's note**— Ord. No. 15889, § 2, adopted Feb. 14, 2006, repealed § 17-29, which pertained to powers of subpoena and investigation. See also the Code Comparative Table.

Sec. 17-30. - Professional and clerical services.

The professional and clerical services for the function of the Fair Employment ~~and Housing~~ Commission will be provided through the office of the city manager.

(Ord. No. 11321, § 1, 12-4-84)

Sec. 17-31. - Duties and powers of the hearing board.

(a) The hearing board shall conduct all hearings with regard to complaints filed pursuant to section 17-32. The findings and decisions of the hearing board shall be final and shall be deemed to be the findings and decisions of the fair employment commission.

(b) Any finding of fact or decision of the hearing board must be concurred in by a majority of the members thereof.

(c) The hearing board shall have the same powers of subpoena and investigations as the Commission.

(Ord. No. 16480, § 2, 10-13-09)

Sec. 17-32. - Procedures for filing complaint.

- (a) Whenever it is charged in writing and under oath, or affirmation, by a person, referred to as the complainant, that any person referred to as the respondent, has engaged or is engaging in any unlawful discriminatory practices as defined in Divisions 2 through 5 of Article III of this chapter, in matters relating to such discriminatory practices, the Diversity and Inclusion Department shall conduct a preliminary investigation. Such charge shall be in such detail as to substantially apprise any party properly concerned as to the time, place and facts with respect to such alleged unlawful discriminatory practices and shall be filed with the Diversity and Inclusions Department within 180 days after the alleged unlawful discriminatory practices are committed or be barred.
- (b) The Diversity and Inclusion Department shall serve a copy of the charge upon the respondent within ten days of its receipt. After filing the charges shall not be made public by the Commission, the Diversity and Inclusions Department, or the complainant except as required by law.
- (c) If the Diversity and Inclusion Department determines after such preliminary investigation that there is a lack of substantial evidence showing that unlawful discriminatory practices have been or are being engaged in, the Diversity and Inclusion Department shall notify the complainant and respondent that it has so determined that it will not issue a complaint in this matter.
- (d) The Commission and hearing board shall not process any complaint filed with it if a similar complaint is filed before the state Department of Human Rights or the federal Equal Employment Opportunity Commission, except that this prohibition shall not apply to a complaint if the similar complaint is filed before one of the aforesaid agencies has contracted to refer all complaints arising within the purpose of this article to the Fair Employment Commission of the city.

(Ord. No. 16480, § 3, 10-13-09)

Sec. 17-33. - Conciliation.

- (a) If the Diversity and Inclusion Department determined, after such preliminary investigation, that it is probable that unlawful discriminatory practice have been or are being engaged in, it shall endeavor to eliminate such practices by informal methods of conference, conciliation and persuasion. If, after such investigation and conference the Diversity and Inclusion Department is satisfied that any unlawful discriminatory practice of the respondent will be eliminated, it may treat the charge as conciliated. In the course of such investigation and conference, if the respondent offers and the complainant declines to accept terms of settlement which the Diversity and Inclusion Department finds are sufficient to eliminate the effects of the civil rights violation charged and prevent its repetition, the Diversity and Inclusion Department may dismiss the charge. An entry of such disposition shall be made on the records of the Fair Employment Commission.
- (b) When the Diversity and Inclusion Department dismisses a charge under this section, it shall notify the Complainant that he or she may seek review of the dismissal order before the Fair



Employment and Housing Commission. The Complainant shall have 30 days from receipt of notice to file a request for review by the Fair Employment and Housing Commission.

(Ord. No. 16480, § 4, 10-13-09)

Sec. 17-34. - Hearing procedure.

- (a) If the Diversity and Inclusion Department fails to effect the elimination of such probable unlawful discriminatory practices and to obtain voluntary compliance, the Diversity and Inclusion Department shall issue and cause to be served upon any person or respondent a complaint stating the charges in that respect and containing a notice of hearing before the hearing board, at a place therein fixed to be held not less than 30 nor more than 90 days following the service of such complaint. The complainant shall have the right to be represented by counsel of his/her choice at such hearing, and said counsel shall present the evidence in support of the complainant. Any complaint issued pursuant to the provisions of this section must be so issued within 270 days after the charge is filed in the Diversity and Inclusion Department or be barred. In the event the Diversity and Inclusion Department fails to issue such a complaint or otherwise resolve the subject of the complaint within 270 days, it shall issue a written investigative report and provide same to complainant on or before the 240th day after the alleged discriminatory practice was committed. Said report shall provide that complainant may file his/her own complaint before the Fair Employment Commission's hearing panel within 30 days of receipt of the investigative report. Failure of the complainant to file such report within the time frame provided shall bar the complaint.
- (b) Any such complaint may be amended at any time prior to or during the hearing based thereon. The respondent shall have the right to file an answer or to amend an answer to the original or amended complaint, and to appear at such hearing in person, or by attorney, or otherwise to examine and cross examine witnesses.
- (c) The complainant shall be a party to the proceeding, and any person who is an indispensable party to a complete determination or settlement of the question involved in a proceeding shall be joined. Any person who has or claims to have information bearing on the subject of the hearing may, in the discretion of the Fair Employment Commission or the hearing board, be permitted to appear for the presentation of any oral testimony or written evidence.
- (d) In any proceeding, the Fair Employment Commission or the hearing board shall, in ascertaining the practices followed by the respondent, take into account all reliable, probative and substantial evidence, statistical or otherwise, produced at the hearing, which may tend to provide or disprove the existence of a discriminatory practice.
- (e) The testimony taken in the hearing shall be recorded.

(Ord. No. 16480, § 5, 10-13-09)

Sec. 17-35. - Reserved.

Sec. 17-36. - Penalties and other remedies of the commission.

- (a) If a respondent has been found guilty of a violation of Articles II and III of this chapter in accordance with the procedures specified in section 17-34, the determination of the nature and extent of the penalty shall be vested in the entire commission considering any recommendations of the hearing board.
- (b) The Fair Employment ~~and Housing~~ Commission shall have the power to impose a penalty upon any person, firm or corporation violating the provisions of Articles II and III of this chapter in an amount no less than \$100.00 nor more than as provided in section 1-5 of this Code for each such offense. Any penalty imposed by the commission pursuant to this subsection shall be based upon the evidence presented at a hearing pursuant to section 17-34 and upon a specific finding of such violation. The commission may order a respondent found guilty of a violation of Articles II and III of this chapter to pay all or a portion of the legal costs incurred by the complainant as a result of prosecution of such violations; including reasonable attorney fees, transcription fees, and expert witness fees.
  - (1) The Commission shall have the power to enter an order directing the respondent to cease and desist from unlawful discrimination and to take such action as necessary to make the individual complainant whole, and to report back to the Commission as to the manner of compliance. The Fair Employment Commission shall retain jurisdiction of the case until it is satisfied that the respondent has complied with its order.
- (c) Any person who fails to comply with an order issued by the Fair Employment Commission as provided in this article shall, upon conviction in circuit court thereof, be assessed a penalty of not less than \$100.00 nor more than as provided in section 1-5 of this Code for each such offense. The offense defined by this subsection is separate and distinct and in addition to any penalties provided for and imposed pursuant to any other subsections of this section.
- (d) Any decision of the Fair Employment ~~and Housing~~ Commission may be appealed to a court of competent jurisdiction within 35 days from the date the decision is entered.

(Ord. No. 16480, § 6, 10-13-09)

Sec. 17-37. - Review of city practices.

- (a) The Fair Employment ~~and Housing~~ Commission shall have the authority and duty to review and monitor the hiring, promotional and employment practices of the city and the affirmative action efforts of the city with regard to contracts which the city may enter into.
- (b) The Commission shall be notified by the appropriate city officers of each and every position opening, and at their request may have one or more of its members interview any prospective candidate for any position with the city. The Commission may make recommendations or comments to the city manager concerning the qualifications of all or any candidates interviewed.
- (c) The Fair Employment ~~and Housing~~ Commission shall have the power and it shall be its duty to investigate and examine the hiring, promotional and employment practices of the city to determine whether unlawful discriminatory practices exist. The commission shall make recommendations to the city manager and city council concerning the findings of such investigations and propose changes or improvements in the hiring, promotional or

employment practices of the city in order to eliminate any discriminatory effects of such hiring, promotional or employment practices.

- (d) The commission shall review the city's affirmative action efforts with regard to contracts which the city enters into with a contractor or vendor. It may make recommendations to the city manager and the city council concerning the procedures and actions which the city might take in order to assure compliance with the affirmative action requirements of this Code and such other state and federal requirements as may apply.

### ARTICLE III. - DISCRIMINATORY PRACTICES

#### DIVISION 1. - GENERALLY

Secs. 17-56—17-70. - Reserved.

#### DIVISION 2. - HOUSING ACCOMMODATION PRACTICES BY REAL ESTATE BROKERS

Sec. 17-71. - Declaration of policy.

It is hereby declared to be the policy of the city, in the exercise of its police power for the protection of the public safety, public health, public morals, and its power to license and regulate brokers for the maintenance of business and good government and for the promotion of the city's trade, commerce and manufacturers, to assure equal opportunity to all persons to live in decent housing facilities, regardless of race, color, religion, ancestry, national origin, age, sex, marital status, sexual orientation, handicap or unfavorable discharge from military service, or familial status, and to that end to prohibit discrimination in housing by real estate brokers, real estate salesmen and agents.

(Ord. No. 10887, § 1, 10-13-81; Ord. No. 15466, § 1, 4-22-03)

Sec. 17-72. - Definitions.

As used in this division, unless a different meaning clearly appears from the context, the following terms shall have the meanings ascribed to them in this section:

*Discriminate* includes difference in treatment in the sale, lease, rental or financing of housing accommodations because of any factor specified in section 17-71.

*Familial status* means one or more individuals (who have not attained the age of 18 years) being domiciled with:

- (1) A parent or person having legal custody of such individual or individuals; or
- (2) The designee of such parent or other person having such custody, with the written permission of such parent or other person.

The protections afforded by this division against discrimination on the basis of familial status apply to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of 18 years.

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

*Real estate broker or salesman* means a person, whether licensed or not, who, for or with the expectation of receiving a consideration, lists, sells, purchases, exchanges, rents or leases real property; or who negotiates or attempts to negotiate any of these activities; or who holds himself out as engaged in these.

*Sexual orientation* means having, or being perceived as having, an emotional, physical or sexual attraction to another person, without regard to the gender of that person; or having, or being perceived as having, an orientation for such attraction; or having, or being perceived as having, a self image or identity not traditionally associated with one's biological maleness or femaleness. Sexual orientation does not include a physical or sexual attraction to a minor by an adult.

(Ord. No. 8223, § 1; Ord. No. 10887, § 1, 10-13-81; Ord. No. 11318, § 1, 12-4-84; Ord. No. 15466, § 1, 4-22-03)

**Cross reference**— Definitions and rules of construction generally, § 1-2.

Sec. 17-73. - Prohibited acts.

It shall be an unfair housing practice and unlawful for any real estate broker licensed as such by the city to:

- (1) 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, rental or leasing of any housing accommodation within the city which will indicate or express any limitation or discrimination in the sale, rental or leasing of such housing accommodation, predicated upon any prospective buyer, lessee or renter's status with reference to any factor specified in section 17-71.
- (2) Discriminate or to participate in discrimination in connection with borrowing or lending money, guaranteeing loans, accepting mortgages or otherwise obtaining or making available funds for the purchase, acquisition, construction, rehabilitation, repair or maintenance of any housing accommodation in the city on the basis of any factor specified by section 17-71.
- (3) In their capacity as brokers, exploit or overcharge any person for housing accommodations in the city on the basis of any factor specified in section 17-71.
- (4) Solicit for sale, lease or listing for sale or lease, of any housing accommodation within the city on the ground of loss of value due to the present or prospective entry into any neighborhood of any person with respect to any factor specified in section 17-71.
- (5) Distribute or cause to be distributed written material or statements designed to induce any owner of any housing accommodation in the city to sell or lease his property because of any present or prospective change in the neighborhood with respect to any factor specified in section 17-71.

- (6) Make any misrepresentations concerning the listing for sale or the anticipated listing for sale or the sale of any housing accommodation for the purpose of inducing or attempting to induce the sale or listing for sale of any housing accommodation by representing that the presence or anticipated presence of persons with respect to such persons' status based on any factor specified in section 17-71 in the area will or may result in the lowering of property values in the block, neighborhood or area in which the property is located.
- (7) Make any distinction, discrimination or restriction against any person in the price, terms, conditions or privileges of any kind relating to the sale, rental, lease or occupancy of any real estate used for residential purposes in the city or in the furnishing of any facilities or services in connection therewith, predicated upon any factor described in section 17-71.
- (8) Refuse to sell, lease or rent, any real estate for residential purposes within the city on the basis of any factor specified in section 17-71.
- (9) Deliberately and knowingly refuse examination of copies of any listing of residential real estate within the city to any person on the basis of any factor specified in section 17-71.
- (10) Enter into a listing agreement which prohibits the sale or rental of real estate to any person on the basis of any factor specified in section 17-71.
- (11) Act or undertake to act with respect to any property, the disposition of which is prohibited to any person on the basis of any factor specified in section 17-71.
- (12) Require, as a condition precedent to the rental of a housing accommodation, that the prospective tenant shall not have, at the time the application for rental is made, one or more children under the age of 18 years residing in his family or to insert in any lease or agreement for the rental of any housing accommodation a condition terminating the lease if there shall be one or more children under the age of 18 in the family of any person holding the lease and occupying the housing accommodation.

(Ord. No. 8223, § 2; Ord. No. 10887, § 1, 10-13-81; Ord. No. 11318, § 1, 12-4-84)

#### Sec. 17-74. - Exceptions.

The provisions contained in this division shall not apply to persons or transactions exempted by section 3-106 of the Illinois Human Rights Act (775 ILCS 5/3-106).

(Ord. No. 11318, § 1, 12-4-84)

#### Sec. 17-75. - Procedures for filing charges.

Any person aggrieved in any manner by a violation of the provisions of this division shall file a written charge setting forth his grievance with the city equal opportunity office as provided in section 17-32.

(Ord. No. 8223, § 5; Ord. No. 9537, § 1, 10-1-74; Ord. No. 11318, § 1, 12-4-84)

Sec. 17-76. - Penalty.

- (a) ~~If, upon all of the evidence at the hearing provided for in article II of this chapter, the fair employment or housing commission finds that the broker has engaged in, or is engaging in, an unfair housing practice as defined in this division the fair employment and housing commission shall state its findings of fact and shall issue and cause to be served upon such broker an order requiring such broker to cease and desist from such unfair housing practice, and to take such affirmative or other action, as, in the judgment of the fair employment and housing commission, will effectuate the purposes of this division, including a requirement of a report of the manner of compliance. The fair employment and housing commission shall retain jurisdiction of the case until it is satisfied that the broker has complied with the order. The commission may also impose such penalties and provide the remedies set forth in section 17-36.~~
- (b) ~~In addition thereto, the city manager shall direct the corporation counsel to file with the department of registration and education of the state a complaint against any real estate broker found guilty of violating any provision of this division, seeking suspension or revocation of the license issued to such broker by the state.~~

(Ord. No. 8223, § 5; Ord. No. 9537, § 1, 10-1-74; Ord. No. 11318, § 1, 12-4-84)

Secs. 17-77—17-95. - Reserved.

~~DIVISION 3. - HOUSING ACCOMMODATION PRACTICES BY PERSONS OTHER THAN REAL ESTATE BROKERS~~

Sec. 17-96. - Definitions.

As used in this division, unless a different meaning clearly appears from the context, the following terms shall have the meanings ascribed to them in this section:

*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 of one or more individuals.

*Familial status* means one or more individuals (who have not attained the age of 18 years) being domiciled with:

- (1) A parent or person having legal custody of such individual or individuals; or
- (2) The designee of such parent or other person having such custody, with the written permission of such parent or other person.

The protections afforded by this division against discrimination on the basis of familial status apply to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of 18 years.

*Housing* includes any building or structure, or portion thereof, within the city, which is used or occupied or is intended, arranged or designed to be used or occupied as the home, residence or living quarters of one or more individual 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.

*Lending institution* means any bank, insurance company, savings and loan association, 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; but shall not include any religious institution or organization nor any charitable or educational organization operated, supervised or controlled by a religious institution or organization.

*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.

*Person* includes one or more individuals, corporations, partnerships, associations, legal representatives, mutual companies, unincorporated organizations, trusts, trustees, trustees in bankruptcy, receivers and fiduciaries.

*Sexual orientation* means having, or being perceived as having, an emotional, physical or sexual attraction to another person, without regard to the gender of that person; or having, or being perceived as having, an orientation for such attraction; or having, or being perceived as having, a self image or identity not traditionally associated with one's biological maleness or femaleness. Sexual orientation does not include a physical or sexual attraction to a minor by an adult.

(Ord. No. 11319, § 1, 12-4-84; Ord. No. 15466, § 1, 4-22-03)

**Cross reference**— Definitions and rules of construction generally, § 1-2.

Sec. 17-97. - Prohibited acts.

- (a) It shall be an unfair housing practice and unlawful for any person engaged in selling or renting real property to:
- (1) Refuse to show, sell, lease or rent any dwelling or housing solely because of any factor specified in section 17-71.
  - (2) Make any distinction, discrimination or restriction against a purchaser or lessee in the showing, price, terms, conditions or privileges relating to the sale, rental, lease or occupancy of any dwelling or housing or in the furnishing of any facilities or services in connection therewith solely because of any factor specified in section 17-71.
  - (3) Cause to be made any written or oral inquiry or record concerning any factor specified in section 17-71 relating to a person seeking to purchase, rent or lease any dwelling or housing.
  - (4) 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, rental or leasing of any housing accommodation within the city which will indicate or express any limitation or discrimination in the sale, rental or

leasing of such housing accommodation, predicated upon any factor described in section 17-71 relating to any prospective buyer, lessee or renter of such property.

- (5) Solicit for sale, lease, or listing for sale or lease, of any housing accommodations within the city on the ground of loss of value due to the present or prospective entry into any neighborhood of any person on the basis of such person's status relative to any factor specified in section 17-71.
  - (6) Distribute or cause to be distributed written material or statements designed to induce any owner of any housing accommodation in the city to sell or lease his property because of any present or prospective change in the persons in the neighborhood, based on any factor specified in section 17-71.
- (b) It shall be an unfair housing practice and unlawful 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 of sale, construction, lease, rehabilitation, improvement, renovation or repair of any dwelling or housing, to offer, seek or agree to terms, condition or privileges that discriminate between persons because of any factor specified in section 17-71.
  - (c) It shall be an unfair housing practice and unlawful for any person engaged in renting real property to require, as a condition precedent to the rental of a housing accommodation, that the prospective tenant shall not have, at the time the application for rental is made, one or more children under the age of 18 years residing in his family; or insert in any lease or agreement for the rental of any housing accommodations a condition terminating the lease if there shall be one or more children under the age of 18 in the family of any person holding the lease and occupying the housing accommodation.

(Ord. No. 10886, § 1, 10-13-81; Ord. No. 11319, § 1, 12-4-84)

#### Sec. 17-98. - Exemptions.

The provisions contained in this division shall not apply to persons or transactions exempted by section 3-106 of the Illinois Human Rights Act (775 ILCS 5/3-106).

(Ord. No. 11319, § 1, 12-4-84)

#### Sec. 17-99. - Procedure for filing charges.

Any persons aggrieved in any manner by a violation of provisions of this division shall file a written charge setting forth his grievance with the Fair Housing Commission as provided for in section 17-17

(Ord. No. 9538, § 1, 10-1-74; Ord. No. 11319, § 1, 12-4-84)

#### Sec. 17-100. - Penalty.

- (a) If, upon all of the evidence at the hearing, the Housing Commission finds that a person has engaged in, or is engaging in, an unfair housing practice, the Housing Commission shall state its findings of fact and shall issue and cause to be served upon such person, an order



requiring such person to cease and desist from such unfair housing practice, and to take such affirmative or other action, as in the judgment of the fair employment and housing commission shall retain jurisdiction of the case until it is satisfied that the person has complied with the order. The commission may also impose such penalties and provide the remedies set forth in section 17-11

- (b) In addition thereto, the city manager shall direct the corporation counsel to file with the department of registration and education of the state a complaint against any real estate broker found guilty of violating any provision of this division, seeking suspension or revocation of the license issued to such broker by the state.

(Ord. No. 11319, § 3, 12-4-84)

Secs. 17-101—17-115. - Reserved.

#### DIVISION 4. - EMPLOYMENT

Sec. 17-116. - Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Age* means the chronological age of a person who is at least 40 years old, except with regard to any practice described in section 17-118, insofar as that practice concerns training or apprenticeship programs. In the case of training or apprenticeship programs, for the purposes of such section, "age" means the chronological age of a person who is 18 but not yet 40 years old.

*Construction* means either new construction work or repair work on any roads, bridges, sewers, streets, alleys, buildings, or any other public works.

*Contractor* means persons who contract with the city in a total amount greater than \$1,000.00 for any single contract in the current or preceding fiscal year.

*Discriminate* and *discrimination* include any difference in treatment based on any factor specified in section 17-117.

*Employ* means to use or be entitled to the use and benefit of the services of a person as an employee.

*Employee* means:

- (1) Any individual performing services for remuneration within this city for an employer.
- (2) An apprentice.
- (3) An applicant for any apprenticeship.

"Employee" does not include:

- (1) Domestic servants in private homes.
- (2) Individuals employed by persons who are not "employers" as defined by this division.
- (3) Elected public officials or the members of their immediate personal staffs.

- (4) Principal administrative officers of the state or of any political subdivision, municipal corporation or other governmental unit or agency.
- (5) A person in a vocational rehabilitation facility certified under federal law who has been designated an evaluatee, trainee or work activity client.

*Employer* includes:

- (1) Any person employing not less than one nor more than 14 employees within the city during 20 or more calendar weeks within the calendar year of or preceding the alleged violation.
- (2) Any person employing one or more employees when a complainant alleges civil rights violation due to unlawful discrimination based upon his physical or mental handicap unrelated to ability.
- (3) The state and any political subdivision, municipal corporation or other governmental unit or agency, without regard to the number of employees.
- (4) Any party to a public contract without regard to the number of employees.
- (5) A joint apprenticeship or training committee without regard to the number of employees.

"Employer" does not include any religious corporation, association, educational institution, society, or nonprofit nursing institution conducted by and for those who rely upon treatment by prayer through spiritual means in accordance with the tenets of a recognized church or religious denomination with respect to the employment of individuals of a particular religion to perform work connected with the carrying on by such corporation, association, educational institution, society or nonprofit nursing institution of its activities.

*Employment* means the state of being employed as an employee by an employer, but excluding the employment of individuals in domestic service.

*Employment agency* means both public and private employment agencies and any person, labor organization, or labor union having a hiring hall or hiring office regularly undertaking, with or without compensation, to procure opportunities to work, or to procure, recruit, refer or place employees.

*Goal* is a numerical figure expressed in percentage terms that indicates (1) the dollar amount of a construction project the City of Peoria reasonably expects a contractor to make a good faith effort to award to a minority or women business enterprise; and (2) the number of certified payroll hours that the City of Peoria reasonably expects a contractor to achieve using minority and woman skilled trade professionals.

*Good faith effort* is specific actions taken by a contractor to provide subcontracting opportunities to minority/women business enterprises and to encourage utilization of minority/female skilled trade professionals.

*Handicap* means a determinable physical or mental 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 functional disorder and which characteristic is unrelated to the person's ability to perform the duties of a particular job or position.

*Hire* means to engage or contract for, or attempt to engage or contract for the services of any person as an employee.

*Labor organization* means any organization, labor union, craft union or any voluntary unincorporated association designed to further the cause of the rights of union labor which is constituted for the purpose, in whole or in part, of collective bargaining or of dealing with employers concerning grievances, terms or conditions of employment, or apprenticeships or applications for apprenticeships, or of other mutual aid or protection in connection with employment, including apprenticeships or applications for apprenticeships.

*Minority* is a person who is a citizen or lawful permanent resident of the United States and who is either one or a combination of:

- (1) African American (a person having origins in any of the black racial groups of Africa).
- (2) Alaskan Native and/or American Indian (a person having origins in any of the original peoples of North America).
- (3) Asian American (a person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands).
- (4) Hispanic (a person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race).

*Minority business enterprise* is a business concern that is (1) at least 51 percent owned by one or more minority individuals, or in the case of a publicly owned business, at least 51 percent of the stock is owned by one or more minority individuals; and (2) whose daily business operations are managed and directed by one or more of the minority owners.

*Person* includes one or more individuals, labor organizations, partnerships, associations, corporations, legal representatives, agents, mutual companies, joint stock companies, trusts, unincorporated organizations, public bodies or public corporations including but not limited to the city or any department or unit thereof.

*Religion* with respect to employers includes all aspects of religious observance and practice, as well as belief, unless an employer demonstrates that he is unable to reasonably accommodate an employee's or prospective employee's religious observance or practice without undue hardship on the conduct of the employer's business.

*Sexual harassment* means 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;
- (2) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions 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 working environment.

*Sexual orientation* means having, or being perceived as having, an emotional, physical or sexual attraction to another person, without regard to the gender of that person; or having, or being perceived as having, an orientation for such attraction; or having, or being perceived as having, a self image or identity not traditionally associated with one's biological maleness or femaleness. Sexual orientation does not include a physical or sexual attraction to a minor by an adult.

*Unfavorable military discharge* includes discharges from the Armed Forces of the United States, their Reserve components or any National Guard or Naval Militia which are classified as RE-3 or the equivalent thereof, but does not include those characterized as RE-4 or "dishonorable."

*Unlawful discrimination* means discrimination against a person because of his race, color, religion, national origin, ancestry, age, sex, marital status, handicap, unfavorable discharge from military service, or sexual orientation as those are defined in this section.

*Vendors* shall mean persons who have sold more than \$1,000.00 in worth of goods or services to the city in the current or preceding fiscal year.

*Women business enterprise* is a business concern that is (1) at least 51 percent owned by one or more women, or in the case of a publicly owned business, at least 51 percent of the stock is owned by one or more women; and (2) whose daily business operations are managed and directed by one or more of the women owners.

(Ord. No. 10287, § 1, 7-18-78; Ord. No. 10635, § 1, 4-15-80; Ord. No. 10884, § 1, 10-13-81; Ord. No. 11320, § 1, 12-4-84; Ord. No. 11752, § 1, 3-15-88; Ord. No. 15466, § 1, 4-22-03; Ord. No. 15931, § 1, 5-2-06; Ord. No. 16480, § 7, 10-13-09)

**Cross reference**— Definitions and rules of construction generally, § 1-2.

Sec. 17-117. - Declaration of policy.

It is hereby declared to be the public policy of the city, without in any way precluding any employer from selecting between persons of equal merit, ability and capabilities, to encourage equal employment opportunity or apprenticeship opportunity without unlawful discrimination as defined in this division; and to concurrently protect employers, labor organizations and employment agencies from unfounded charges of discrimination.

(Ord. No. 10287, § 1, 7-18-78; Ord. No. 10635, § 1, 4-15-80; Ord. No. 11320, § 1, 12-4-84)

Sec. 17-118. - Unlawful employment practices.

It is an unlawful employment practice:

- (1) *Employers*. For any employer to refuse to hire, to segregate, or to act with respect to recruitment, hiring, promotion, renewal of employment, selection for training or apprenticeship, discharge, discipline, tenure or terms, privileges or conditions of employment on the basis of unlawful discrimination.

- (2) *Employment agency.* For any employment agency to fail or refuse to classify properly, accept applications and register for employment referral or apprenticeship referral, refer for employment, or refer for apprenticeship on the basis of unlawful discrimination or to accept from any person any job order, requisition or request for referral of applicants for employment or apprenticeship which makes or has the effect of making unlawful discrimination a condition of referral.
- (3) *Labor organization.* For any labor organization to limit, segregate or classify its membership, or to limit employment opportunities, selection and training for apprenticeship in any trade or craft, or otherwise to take, or fail to take, any action which affects adversely any person's status as an employee or as an applicant for employment or as an apprentice, or as an applicant for apprenticeships, or wages, tenure, hours of employment or apprenticeship conditions on the basis of unlawful discrimination.
- (4) *Sexual harassment.* For any employer, employee, agent of any employer, employment agency or labor organization to engage in sexual harassment; provided, that an employer shall be responsible for sexual harassment of the employer's employees by nonemployees or nonmanagerial and nonsupervisory employees only if the employer becomes aware of the conduct and fails to take reasonable corrective measures.
- (5) *Public employers.* For any public employer to refuse to permit a public employee under its jurisdiction who takes time off from work in order to practice his religious beliefs to engage in work, during hours other than such employee's regular working hours, consistent with the operational needs of the employer and in order to compensate for work time lost for such religious reasons. Any employee who elects such deferred work shall be compensated at the wage rate which he would have earned during the originally scheduled work period. The employer may require that an employee who plans to take time off from work in order to practice his religious beliefs provide the employer with a notice of his intention to be absent from work not exceeding five days prior to the date of absence.
- (6) *Training and apprenticeship programs.* For any employer, employment agency or labor organization to discriminate against a person on the basis of age in the selection, referral for or conduct of apprenticeship or training programs.

(Ord. No. 10287, § 1, 7-18-78; Ord. No. 10635, § 1, 4-15-80; Ord. No. 11320, § 1, 12-4-84)

Sec. 17-119. - Charges of discrimination.

Any person aggrieved in any manner by a violation of the provisions of this division may file a written charge setting out his grievance with the city Diversity and Inclusion Department established by article II of this chapter. In addition, the Chief Diversity and Inclusion Officer may, on its own initiative, file a charge against any employer whenever it has already made a determination that it is probable that discriminatory practices have been or are being engaged in and the original complainant is unable or unwilling to pursue the charge.

In the event the Chief Diversity and Inclusion Officer determines that a charge is appropriate, said charge shall be filed with the Fair Employment or Housing Commission within

60 days of the date the employer was notified of the charge. Upon said filing, the Fair Employment or Housing Commission shall set a date, time and location appropriate for a hearing and shall instruct the Diversity and Inclusion Department to notify all necessary parties of said date, time and location. The Diversity and Inclusion Department shall also be instructed to provide the parties with any and all rules and/or procedures regarding the hearing process.

(Ord. No. 11320, § 1, 12-4-84; Ord. No. 16480, § 8, 10-13-09)

Sec. 17-120. - Affirmative action requirement for contracts with city.

- (a) The city shall not contract with any contractor, purchase goods or services from any vendor, maintain any financial relations with any financial institution, or use the services of any labor organization or member thereof, which is found to be in violation of the provisions of section 17-118 by the fair employment or housing commission, except where such contractor, vendor or financial institution is the sole source of the particular product or service being sought by the city and such product or service is essential for the governmental operations of the city.
- (b) The city shall not contract with any contractor or vendor, maintain any financial relation with any financial institution, or use the services of any labor organization or member thereof, which does not first submit to the city a written commitment to provide equal employment opportunity, and a \$50.00 fee to offset the cost of administration of the city's program; provided, however, that neighborhood associations shall be exempt from the aforementioned fee. Such commitment must:
  - (1) Set out and agree to maintain specific employment or membership practices and policies sufficient to achieve equal opportunity.
  - (2) Agree to make a good faith effort to meet the goals established for the award of subcontracts and for the participation of skilled trade professionals on construction projects involving city funds or funds administered by the city. Subcontracting goals will be established annually by the city manager or designee. Goals for skilled trade professionals will be established annually by the fair employment and housing commission.

The following criteria will be used to determine to count M/WBE participation towards subcontracting goals:

- a. When an M/WBE participates in a contract, count only the value of the work actually performed by the M/WBE toward M/WBE goals.
- b. When an M/WBE performs as a participant in a joint venture, count a portion of the total dollar value of the contract equal to the distinct, clearly defined portion of the work of the contract that the M/WBE performs with its own forces toward M/WBE goals.
- c. Count expenditures to a M/WBE contractor or trucking firm toward M/WBE goals only if the M/WBE is performing a commercially useful function on that contract.
- d. Count expenditures with M/WBEs for materials and supplies toward M/WBE goals in one of the following ways:

1. Count 100 percent of the expenditure towards the M/WBE goal if the M/WBE supplier is also the manufacturer.
2. Count 60 percent of the expenditure towards the M/WBE goal if the M/WBE supplier is a regular dealer.
3. Count five percent of the expenditure towards the M/WBE goal if the M/WBE supplier is neither a manufacturer nor a regular dealer of the materials supplied.

(For the specific process for administering the above mentioned criteria consult the City of Peoria's Specifications for Evaluating Good Faith Efforts.)

- (3) Agree to submit to the city upon request written evidence of the effectiveness of the above required practices, policies and goals.
- (4) Agree to submit to the city upon request statistical data concerning employee composition or membership composition on race, color, sex and job description.
- (5) Agree to distribute copies of the above commitment to all persons who participate in recruitment, screening, referral and selection of job applicants, prospective job applicants or members.
- (6) Agree to require any subcontractor to submit to the city a written commitment which contains the provisions required by subsections (1) through (5) of this subsection.

(c) All contracts by and between the city and contractors and vendors for the purchase by the city of goods and/or services shall contain the following clauses:

"The contractor/vendor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, sexual harassment, ancestry, national origin, place of birth, age or a physical or mental handicap which would not interfere with the efficient performance of the job in question. The contractor/vendor will take affirmative action to comply with the provisions of this division and will require any subcontractor to submit to the city written commitment to comply with this division. The contractor/vendor will distribute copies of this commitment to all persons who participate in recruitment, screening, referral and selection of job applicants, prospective job applicants, members or prospective subcontractors."

"The contractor/vendor agrees that the provisions of division 4 of article III of chapter 17 of the Code of the City of Peoria is hereby incorporated by reference, as if set out verbatim."

(d) Any contractor, vendor, financial institution or labor organization contracting with the city will be required to submit to the city, upon written request by the city, compliance reports containing such information as to the practices, policies, programs and statistics of employee or membership composition on race, color, sex, age and job description, as may be prescribed by the city and will require any subcontractor to submit a compliance report upon written request by the city.

(e) If any contractor, vendor, financial institution or labor organization contracting with the city fails to comply with the fair employment and affirmative action provisions of this division, the city, at its option, may do any or all of the following:

- (1) Cancel, terminate or suspend the contract in whole or in part.

- (2) Declare the contractor, vendor, financial institution or labor organization ineligible for further contracts for one calendar year.
- (3) The fair employment ~~and housing~~ commission, in accordance with its rules and regulations, shall have the power to impose a penalty upon any contractor or vendor failing to comply with this division of the contract in an amount not less than \$50.00 nor more than as provided in section 1-5 of this Code for each day that the contractor or vendor shall fail to comply, upon a specific finding of such violation. The commission may order a contractor or vendor found guilty of failure to comply with this division to pay all or a portion of the legal costs incurred by the city as a result of prosecution of such violations. Penalties assessed under this section may be recovered from the contractor or vendor by setoff against the unpaid portion of the contract price.
- (4) Such other sanctions as may be imposed by the fair employment and housing commission pursuant to this division and other ordinances.

(Ord. No. 10287, § 1, 7-18-78; Ord. No. 10635, § 1, 4-15-80; Ord. No. 11320, § 1, 12-4-84; Ord. No. 11752, § 2, 3-15-88; Ord. No. 15865, § 1, 12-13-05; Ord. No. 15931, § 2, 5-2-06)

Sec. 17-121. - City affirmative action program.

It shall be the duty of the city manager to develop and maintain an affirmative action program to achieve in city employment practices the fair employment policy described in section 17-117.

(Ord. No. 11320, § 1, 12-4-84)

Sec. 17-122. - Exceptions.

This article does not apply to a religious corporation, association, educational institution or society whose primary purpose and function is religious with respect to the employment of individuals of a particular religion to perform work connected with the carrying on by such corporation, association, educational institution, or society of its activities.

(Ord. No. 15466, § 1, 4-22-03)

Secs. 17-123—17-140. - Reserved.

## DIVISION 5. - PUBLIC ACCOMMODATIONS

Sec. 17-141. - Declaration of policy.

It is hereby declared to be public policy of the city that it shall be unlawful practice to discriminate against any individual or group because of race, color, religion, national origin, ancestry, sex, marital status, age, sexual orientation, handicap or unfavorable discharge from military service relating to public accommodations.

(Ord. No. 11453, § 1-1, 1-21-86; Ord. No. 15466, § 1, 4-22-03)



Sec. 17-142. - Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Age* means the chronological age of a person who is 40 but not yet 70 years old.

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

*Place of public accommodation* means 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. By way of example, but not of limitation, "a place of public accommodation" includes facilities of the following types: inns, restaurants, eating houses, hotels, soda fountains, soft drink parlors, taverns, roadhouses, barbershops, department stores, clothing stores, hat stores, shoe stores, bathrooms, restrooms, theaters, skating rinks, public golf courses, public golf driving ranges, concerts, cafes, bicycle rinks, elevators, ice cream parlors, railroads, buses, stages, airplanes, streetcars, boats, funeral hearses, crematories, cemeteries, and public conveyances on land or water or air, public swimming pools and other places of public accommodation and amusement.

*Sexual orientation* means having, or being perceived as having, an emotional, physical or sexual attraction to another person, without regard to the gender of that person; or having, or being perceived as having, an orientation for such attraction; or having, or being perceived as having, a self image or identity not traditionally associated with one's biological maleness or femaleness. Sexual orientation does not include a physical or sexual attraction to a minor by an adult.

*Unlawful discrimination* means discrimination against a person because of his race, color, religion, national origin, ancestry, age, sex, marital status, handicap, unfavorable discharge from military service, or sexual orientation as those are defined in this section.

(Ord. No. 11453, § 1-2, 1-21-86; Ord. No. 15466, § 1, 4-22-03)

**Cross reference**— Definitions and rules of construction generally, § 1-2.

Sec. 17-143. - Unlawful public accommodation practice.

It is an unlawful practice for any operator on the basis of unlawful discrimination to:

- (1) Deny or refuse the full and equal enjoyment of the facilities and services of any public place of accommodation.
- (2) Directly or indirectly, as the operator of a place of public accommodation, publish, circulate, display or mail any written communication 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 because of unlawful discrimination.

- (3) Deny or refuse to another, as a public official, the full and equal enjoyment of the accommodations, advantages, facilities or privileges of the official's office or services or of any property under the official's care because of unlawful discrimination.
- (4) Retaliate against a person because he has opposed that which he reasonably and in good faith believes to be unlawful discrimination or has made a charge, filed a complaint, testified, assisted or participated in an investigation, proceeding, or hearing under this division.
- (5) Aid, abet, compel or coerce a person to commit unlawful discrimination.
- (6) Willfully interfere with the performance of a duty or the exercise of a power by the inclusivity and diversity officer or one of its members or representatives in the investigation of a charge under this division.
- (7) Charge different rates or to set different standards for admission to a place of public accommodation.

(Ord. No. 11453, § 1-3, 1-21-86)

Sec. 17-144. - Exemption.

Nothing in this division shall apply to:

- (1) *Private club.* 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 accommodations.
- (2) *Facilities distinctly private.* Any facilities, as to discrimination based on sex, which is distinctly private in nature such as restrooms, shower rooms, bathhouses, health clubs and other similar facilities for which the city, in its ordinances, may grant exemptions based on bona fide consideration of public policy.
- (3) *Inn, hotel, roominghouse.* Any facility, as to discrimination based on sex, which restricts the rental of rooms to individuals of one sex.

(Ord. No. 11453, § 1-4, 1-21-86)

Sec. 17-145. - Procedures for filing charges; conciliation; hearing; penalties.

- (a) Any person aggrieved in any manner by a violation of the provisions of this division shall file a written charge setting forth his grievance with the city inclusivity and diversity officer as provided in section 17-32. In addition, the city equal opportunity office may, on its own initiative, file a charge against any establishment or operator whenever it has made a determination after an investigation that it is probable that discriminatory practices have or are being engaged in, if the original complainant is unable or unwilling to pursue the charge.
- (b) Conciliation efforts shall be conducted in accordance with section 17-33.
- (c) A hearing, if required, shall be held in accordance with section 17-34.

- (d) The violation of any provision of this division shall be punished by a penalty or penalties in accordance with section 17-36, with the exception that subsection (b)(2) of section 17-36 shall not apply to violations of this division.
- (e) As to charges filed against persons licensed to sell alcoholic liquor pursuant to chapter 3 of this Code for alleged violation of this division on the licensed premises, a charge filed pursuant to this division (other than a charge against a class "D" licensee that it has denied the renting of a room to the complainant or a charge against a class "I" or "J" licensee that it has denied entrance to the facility or any part thereof to the complainant) will also be considered a complaint to the police department concerning an alleged violation of section 3-22. After a copy of the charge is sent to the respondent pursuant to section 17-32, the primary responsibility for the investigation of the charge shall be with the police department, which shall keep the equal opportunity office fully advised as to its progress and the results of its investigation. Nothing in this division or in chapter 3 of this Code shall be construed as depriving the mayor, as liquor commissioner, or the fair employment and housing commission from hearing a complaint that section 3-22 or this division has been violated; provided, however, that no such licensee shall be subjected to a hearing before both the mayor and the fair employment and housing commission on the same factual situation.

(Ord. No. 11453, § 1-4, 1-21-86)

PASSED BY THE CITY COUNCIL OF THE CITY OF PEORIA, ILLINOIS

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2019.

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

EXAMINED AND APPROVED:

\_\_\_\_\_  
Corporation Counsel