

**13-O-26
ORDINANCE**

Sponsored by

**THE HONORABLE TONI PRECKWINKLE, PRESIDENT, JESUS G. GARCIA,
AND LARRY SUFFREDIN, COUNTY COMMISSIONERS**

**AFFIRMATIVELY FURTHERING FAIR HOUSING
BY EXTENDING SOURCE OF INCOME PROTECTION
TO HOUSING CHOICE VOUCHER HOLDERS**

NOW, THEREFORE, BE IT ORDAINED, by the Board of Commissioners of Cook County that Chapter 42 Human Relations, Sections 42-37 and 42-38 of the Cook County Code shall be amended as follows:

Sec. 42-37. Public Accommodations.

(a) *Prohibition.* No person that owns, leases, rents, operates, manages, or in any manner controls a public accommodation in Cook County shall withhold, deny, curtail, limit, or discriminate concerning the full use of such public accommodation by any individual on the basis of unlawful discrimination.

(b) *Exceptions.*

(1) The prohibition contained in this section shall not apply to sex discrimination in any of the following:

a. *Distinctly private facility.* Any facility that is distinctly private in nature, such as rest rooms, shower rooms, bath houses, dressing rooms, or health clubs.

b. *Sleeping rooms.* Any facility that restricts rental of residential or sleeping rooms to individuals of one sex.

c. *Educational institutions.* Any educational institution that restricts enrollment of students to individuals of one sex.

d. *Determination of sex or gender.* For the purposes of the exceptions set forth in Section 42-37(b)(1)a through c, the determination of an individual's sex or gender shall be based upon the sex or gender of that individual as reflected on any official identification of that individual recognized by the State of Illinois, including a driver's license or state identification card.

(2) The Cook County Commission on Human Rights ("Commission") as defined in Section 42-34 shall adopt rules specifying any additional exceptions to the prohibition contained in this section based on bona fide considerations of public policy.

(c) *Sexual harassment.*

- (1) No person who owns, leases, rents, operates, manages, or in any manner controls a public accommodation shall engage in sexual harassment affecting access to, participation in, or the full use of such public accommodation.
- (2) When used in this subsection, the term "sexual harassment" means any unwelcome sexual advance, request for sexual favors, or conduct of a sexual nature when:
 - a. Submission to such conduct is an explicit or implicit term or condition of an individual's access to, participation in, or full use of a public accommodation;
 - b. Submission to or rejection of such conduct by an individual is used as the basis for any decision affecting the individual's access to, participation in, or full use of a public accommodation; or
 - c. Such conduct has the purpose or effect of substantially interfering with an individual's access to, participation in, or full use of any public accommodation or creating an intimidating, hostile, or offensive environment with respect thereto.

Sec. 42-38. Housing.

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

Person shall mean any person as defined in Section 46-31(15) of this article that is also an owner, lessor, sublessor, assignor, managing agent, or other individual, firm, or corporation having the right to sell, rent, lease, or sublease any housing unit within Cook County, or any agent, broker, or other individual working on behalf of any such individual, firm, or corporation.

Real estate transaction means the sale, exchange, rental, occupancy, lease, sublease, or lease renewal of real property for residential purposes in Cook County or the provision of services or utilities in connection with such sale, exchange, rental, occupancy, lease, sublease, or lease renewal. The term "real estate transaction" also means with respect to activity conducted or property located in Cook County, the brokering or appraising of residential real property in Cook County and the making, purchasing, or guaranteeing of loans or mortgages or providing any other financial assistance either:

- (1) For purchasing, constructing, improving, repairing, or maintaining a dwelling; or
- (2) Secured by residential real property.

(b) *Prohibitions.*

- (1) *Terms and conditions.* No person shall make any distinction, discrimination, or restriction in the price, terms, conditions, or privileges of any real estate transaction, including the decision to engage in or renew any real estate transaction, on the basis of unlawful discrimination.
- (2) *Discriminatory communications.* No person shall 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 a real estate transaction which

will indicate or express any unlawful limitation or discrimination on the basis of unlawful discrimination.

- (3) *Listings.* No person shall deliberately and knowingly refuse examination of any listing of residential real property within Cook County to any individual because of unlawful discrimination.
 - (4) *Representations.* No person shall deliberately and knowingly represent to an individual that residential real property is not available for inspection, sale, rental, or lease in Cook County when in fact it is available, or fail to bring a residential real estate listing in Cook County to an individual's attention, or refuse to permit a person to inspect residential real property in Cook County because of unlawful discrimination.
 - (5) *Blockbusting.* No person shall solicit, for sale, lease, or listing for sale or lease, residential real property within Cook County on the grounds of loss of value due to the present or prospective entry into any neighborhood of any individual or individuals of any particular race, color, sex, age, religion, disability, national origin, ancestry, sexual orientation, marital status, parental status, military discharge status, source of income, gender identity, or housing status.
 - (6) *Encouragement of blockbusting.* No person shall distribute or cause to be distributed written material or statements designed to induce any owner of residential real property in Cook County to sell or lease such owner's property because of any prospective change in the race, color, sex, age, religion, disability, national origin, ancestry, sexual orientation, marital status, parental status, military discharge status, source of income, gender identity, or housing status of individuals in the neighborhood.
 - (7) *Creating alarm.* No person shall intentionally create alarm among residents of any community within Cook County by transmitting communication in any manner, including a telephone call whether or not conversation thereby ensues, with a design to induce any person within Cook County to sell or lease the person's residential real property within Cook County because of the present or prospective entry into the vicinity of the property of any individual or individuals of any particular race, color, sex, age, religion, disability, national origin, ancestry, sexual orientation, marital status, parental status, military discharge status, source of income, gender identity, or housing status.
- (c) *Exceptions.* The prohibitions in this section shall not apply to any of the following:
- (1) *Age.* Restricting rental or sale of a housing accommodation to an individual of a certain age group:
 - a. When such housing accommodation is authorized, approved, financed, or subsidized in whole or in part for the benefit of that age group by a unit of State, local, or Federal government; or
 - b. When the duly recorded initial declaration of a condominium or community association limits such housing accommodations to individuals 50 years of age or older, provided that an individual or members of the household of an individual owning or renting a unit in such housing accommodation prior to the recording of the initial declaration shall not be deemed to be in violation of the age restriction

as long as the individual or household member continues to own or reside in the housing accommodation.

- (2) *Religion.* Limitation by a religious organization, association, or society, or any not-for-profit institution or organization operated, supervised, or controlled by or in conjunction with a religious organization, association, or society, of the sale, rental, or occupancy of a dwelling which it owns or operates for other than a commercial purpose to individuals of the same religion, or from giving preference to such individuals.
 - (3) *Single sex.* Restricting the rental of rooms in a housing accommodation to individuals of one sex. The determination of an individual's sex or gender shall be based upon the sex or gender of that individual as reflected on any official identification of that individual recognized by the State, including a driver's license or State identification card.
 - (4) *Private rooms.* Rental of a room or rooms in a private home by an owner if the owner or a member of the owner's family resides therein or, while absent for a period of not more than 12 months, if the owner or a member of the owner's family intends to return to reside therein.
- (d) *Sexual harassment.*
- (1) No person shall engage in sexual harassment in any real estate transaction.
 - (2) When used in this subsection, the term "sexual harassment" means any unwelcome sexual advance, request for sexual favors, or conduct of a sexual nature when:
 - a. Submission to such conduct is an explicit or implicit term or condition of an individual's real estate transaction;
 - b. Submission to or rejection of such conduct by an individual is used as the basis for any decision affecting the individual's real estate transaction; or
 - c. Such conduct has the purpose or effect of substantially interfering with an individual's real estate transaction or creating an intimidating, hostile, or offensive environment with respect thereto.

Effective Date: This Ordinance Amendment shall be in effect 90 days following adoption and signature by the President of the Cook County Board of Commissioners.

Approved and adopted this 8th day of May 2013.

TONI PRECKWINKLE, President
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk