

CHAPTER 37 – FAIR HOUSING

Article I – Title I

37-1-1 Title. This Ordinance shall be known and may be cited as the Fair Housing Ordinance of the County of Jefferson, Illinois.

37-1-2 Purpose and Declaration of Policy. It is hereby declared to be the policy of the County of Jefferson and the purpose of this Ordinance, in the exercise by the County of its police and regulatory powers for the protection of the public safety, for the health, morals, safety, and welfare of the persons in and residing in the County, and for the maintenance and promotion of commerce, industry, and good government in the County, to secure all persons living or desiring to live in the County a fair opportunity to purchase, lease, rent, or occupy housing without discrimination based on race, color, religion, disability, or national origin.

37-1-3 Construction. 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 and the special purposes of the particular provision involved.

37-1-4 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.

37-1-5 Definitions. For purposes of this Ordinance:

- (a) “Dwelling” means any building or structure, or portion thereof, within the County of Jefferson, which is arranged, designed or used as a home, residence or living quarters of one or more individuals.
- (b) “Housing” includes any building or structure, or portion thereof, within the County of Jefferson, which is used or occupied or is intended, arranged or designed to be 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 individuals, groups, or families, and includes any vacant land within the County of Jefferson which is zoned and intended to be used for the construction of any such building or structure.
- (c) “Lease” includes sublease, assignment, and rent (or rental), and includes any contract to do any of the foregoing.
- (d) “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 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.
- (e) "National Origin" includes the national origin of an ancestor.
 - (f) "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.
 - (g) "Person" includes one or more individuals, corporations, partnerships, associations, legal representatives, mutual companies, unincorporated organizations, trusts, trustees, trustees in bankruptcy, receivers and fiduciaries.
 - (h) "Purchase" includes any contract to purchase.
 - (i) "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.
 - (j) "Real Estate Broker" means any person licensed as a real estate broker in accordance with the Illinois Compiled Statutes, or required thereby to be so licensed.
 - (k) "Real Estate Salesman" means any person licensed as a real estate salesman in accordance with the Illinois Compiled Statutes, or required thereby to be licensed.
 - (l) "Real Estate Transaction" means the purchase, sale, exchange, or lease of any Dwelling or Housing, and an option to do any of the foregoing.
 - (m) "Sale" includes any contract to sell, exchange, or to convey, transfer or assign legal or equitable title to or a beneficial interest in real estate.

Article II – Title II

37-2-1 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, disability, or national origin.

37-2-2 Refusal 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, disability, or national origin of any party to such sale or lease, or of any member of the family of any such party, or of any such party, or any person using or 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.

37-2-3 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 which in fact it is so available, or otherwise to withhold Housing from any person because of race, color, religion, disability, or national origin.

37-2-4 Advertisements. It shall be an unlawful housing practice and a violation of this Ordinance for any Owner or other person to publish or circulated a statement, advertisement or notice of an intention to sell or lease any Dwelling or Housing in a manner that is unlawful under this Title II.

37-2-5 Advertisement, Causing or Permitting. It shall be 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 Title II, or to consent thereto.

37-2-6 Signs and Notices. It shall be 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 an intent to sell or lease any Dwelling or Housing in a manner that is unlawful under this Title II.

37-2-7 Limitations. Nothing in this Ordinance shall require an owner to offer property to the public at large before selling or renting it, providing he/she 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 religion, race, color, disability, or national origin. Nothing in this Ordinance shall require an owner to offer property for sale or lease or to show the property to any person if such person is not negotiating for the purchase or lease of such property in good faith.

Article III – Title III

37-3-1 Withholding Housing. It shall be an unlawful housing practice and a violation of this Ordinance for any real estate agent or other person to represent to any person that any Dwelling or Housing is not available for inspection, sale, lease, or occupancy when in fact it is so available, or otherwise to withhold Housing from any person because of race, color, religion, disability, or national origin.

37-3-2 Refusal of Offers. 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 bona fide offer for the purchase, sale, exchange, or lease of any Dwelling or Housing because of the race, color, religion, disability, or national origin of the person making such offer.

37-3-3 Advertisements. It shall be an unlawful housing practice and a violation of this Ordinance for any Real Estate Agent 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 Title II of this Ordinance.

37-3-4 Signs and Notices. It shall be an unlawful housing practice and a violation of this Ordinance for any real estate agent or other person to post or erect, or cause or permit any person to post or erect, any sign or notice upon any Dwelling or Housing, managed by or in the custody, care, or control of such real estate agent or other person, indicating an intent to sell or lease any Dwelling or Housing in a manner that is unlawful under Title II or this Title III.

37-3-5 Discrimination 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 or 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, disability, or national origin.

37-3-6 Refusals 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, disability, or national origin of any party to such agreement or of the residents of the area in which such Dwelling or Housing is located.

37-3-7 Coverage. This Title III shall apply, respectively, to every real estate agent who, within the County of Jefferson, performs any function as such real estate agent but does not

maintain an office or place of doing business within the County of Jefferson, and this Title III applies to every real estate agent and lending institution who maintains an office or place of doing business within the County of Jefferson; provided, however, that the provision 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, disability, or national origin.

Article IV – Title IV

37-4-1 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, his principal, or his agent.

- (a) To represent that a change has occurred, will occur, or may occur with respect to the race, color, religion, disability, or national origin 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 solicit, for sale, lease, or list for sale or lease, residential real property within the County of Jefferson 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, religion, disability or national origin, or
- (c) To distribute or cause to be distributed written material or statements designed to induce any owner of residential real property in the County of Jefferson to sell or lease his, her, or its property because of any prospective change in the race, color, religion, disability or national origin of individuals in the neighborhood, or
- (d) To intentionally create alarm among residents of any community within the County of Jefferson by transmitting communication in any manner, including a telephone call whether or not conversation thereby ensues, with a design to induce any person within the County of Jefferson to sell or lease his or her residential real property within the County of Jefferson because of the present or prospective entry into the vicinity of the property of any individual or individuals of any particular race, color, religion, disability or national origin.

This Ordinance shall be in full force and effect from and after its passage and approval and publication, as required by law.

This ordinance was called for approval and passage at the regularly scheduled meeting of the County Board of the County of Jefferson on October 27, 2008 and was considered after a motion and second and was passed by a roll call vote of a quorum lawfully convened and the vote is recorded in the minutes thereof and, except as determined otherwise herein, this Fair Housing Ordinance replaces and supersedes any and all earlier Fair Housing Ordinances of the County of Jefferson and the State of Illinois.

(Fair Housing Ordinance)

Passed by the County Board of the County of Jefferson, State of Illinois, this 27th day of October, 2008