

CHAPTER 28  
FAIR HOUSING PRACTICES

<u>ORDINANCE</u>		<u>DATE PASSED</u>
74-103	Posting of Notice - Prohibiting Discrimination.	9.17.74
82-30	Repealing old Chapter 28 in its entirety and enacting new Chapter 28 - Fair Housing Practices.	5.25.82
84-69	Amending Chapter 28 in its entirety and enacting new Chapter 28 - Fair Housing Practices.	12.11.84
95-049	Amending Chapter 28 in its entirety	04.11.95
00-064	Amending Chapter 28 Re Identifying Commercial/ Industrial uses in residential areas	04.12.00
00-111	Amending Chapter 28 of the Municipal Code to Add A New Article 2 - Disclosures in Connection with Sale of Residential Real Estate	06.27.00

CHAPTER 28 -- FAIR HOUSING PRACTICES

		<u>Page</u>
<b><u>ARTICLE 1 -- GENERAL PROVISIONS</u></b>		
Sec. 28-101	DEFINITIONS	28-1
28-102	DISCRIMINATION IN REAL ESTATE TRANSACTIONS PROHIBITED	28-3
28-103	COMPLAINT PROCEDURES	28-5
28-104	SIGNAGE IDENTIFYING COMMERCIAL AND INDUSTRIAL USES IN RESIDENTIAL AREAS	28-5
<b><u>ARTICLE 2 -- RESIDENTIAL REAL ESTATE DISCLOSURE</u></b>		
Sec. 28-201	RESIDENTIAL TRANSFER INFORMATION AND DISCLOSURE FORM REQUIRED	28-7
Sec. 28-202	PROOF OF COMPLIANCE; EXEMPTIONS	28-8
Sec. 28-203	DEFINITIONS	28-8
Sec. 28-204	PENALTY	28-9

**CHAPTER 28 -- FAIR HOUSING PRACTICES**

**ARTICLE 1 -- GENERAL PROVISIONS**

**Section 28-101. DEFINITIONS.** For the purpose of this Chapter, the following words and phrases shall have the meaning respectively assigned to them:

- (A) **FAMILIAL STATUS** - One or more individuals (who have not attained the age of 18 years) being domiciled with:
- (1) A parent or other 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 Chapter 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.

- (B) **HOUSING ACCOMMODATIONS** - Includes any improved or unimproved real property, or part 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.
- (C) **LEASE** - Includes lease, assignment, and rent (or rental) and includes any contract to do any of the foregoing.
- (D) **LENDING INSTITUTION** - 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 loans or instruments for the payment of money which are secured by title to or a security interest in real property, 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 national origin and ancestors.

- (F) OWNER - Any person who holds legal or equitable title or owns any beneficial interest in, any real property or holds legal or equitable title to shares of, or holds any beneficial interest in, any real estate cooperative which owns any real property.
- (G) PURCHASE - Includes any contract to purchase.
- (H) REAL ESTATE BROKER OR SALESMAN - A person, whether licensed or not, who, for or with the expectation of receiving a consideration, lists, sells, purchases, exchanges, rents, or leases property, or who negotiates or attempts to negotiate any of these activities, or who holds himself or herself out as engaged in these.
- (I) REAL ESTATE TRANSACTION - Includes the sale, exchange, rental or lease of real property and also includes the brokering or appraising of residential real property and the making or purchasing of loans or providing other financial assistance:
  - (1) For purchasing, constructing, improving, repairing or maintaining a dwelling; or
  - (2) Secured by residential real estate.
- (J) REAL PROPERTY - Includes buildings, structures, real estate, lands, tenements, leaseholds, interests in real estate cooperatives, condominiums, and hereditaments, corporeal and incorporeal, or any interest therein.
- (K) SALE - Includes any contract to sell, exchange or convey, transfer or assign legal or equitable title to or beneficial interest in real property.
- (L) SOLICITATION - Any conduct designed or intended to induce the owner of any real property to sell, rent, exchange, convey, transfer or list for sale or rental such real property.

Section 28-102. DISCRIMINATION IN REAL ESTATE TRANSACTIONS PROHIBITED.

- (A) No owner, lessee, or sublessee of real property, real estate broker or salesman, lender, financial institution, advertiser, or agent of any of the foregoing, shall discriminate against any person because of that person's race, color, religion, sex, national origin, ancestry, age, marital status, physical or mental handicap, familial status, or unfavorable discharge from military service with respect to any real estate transaction.
- (B) Any act of discrimination in a real estate transaction shall be considered an unfair housing practice, including but not limited to the following:
- (1) Refusal to engage in a real estate transaction with a person or discriminate in making available such a transaction.
  - (2) Altering the terms, conditions or privileges of a real estate transaction or in the furnishing of facilities or services in connection therewith.
  - (3) Refusal to receive or failure to transmit a bona fide offer to engage in a real estate transaction from a person.
  - (4) Refusal to negotiate for a real estate transaction with a person.
  - (5) Representing to a person that real property is not available for inspection, sale, rental, or lease when in fact it is so available, or failure to bring a property listing to his or her attention, or refusal to permit him or her to inspect real property.
  - (6) Printing, circulating, posting, mailing, publishing or causing to be published a written or oral statement, advertisement or sign, or using a form of application for a real estate transaction, or making a record in inquiry in connection with a prospective real estate transaction, which expresses any limitation founded upon, or indicating, directly or indirectly an intent to engage in unlawful discrimination.
  - (7) Offering, soliciting, accepting, using or retaining a listing of real property with knowledge that unlawful discrimination or discrimination on the basis of familial status in a real estate transaction is intended.

- (8) Soliciting for sale, leasing, listing or purchasing any residential real estate within the Village on the grounds of loss of value due to the present or prospective entry into the vicinity of the property involved of any person or persons of any particular race, color, religion, national origin, ancestry, age, sex, marital status, familial status, or handicap.
  
- (9) Distributing or causing to be distributed, written material or statements designed to induce any owner of residential real estate in this Village to sell or lease his or her property because of any present or prospective changes in the race, color, religion, national origin, ancestry, age, sex, marital status, familial status or handicap of residents in the vicinity of the property involved.
  
- (10) Intentionally creating alarm, among residents of any community, by transmitting communications in any manner, including a telephone call whether or not conversation thereby ensues, with a design to induce any owner of residential real estate in this Village to sell or lease his or her property because of any present or prospective entry into the vicinity of the property involved of any person or persons of any particular race, color, religion, national origin, ancestry, age, sex, marital status, familial status or handicap.
  
- (11) Discriminating or participating 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, repairs or maintenance of any real property in the Village.

For the purpose of this subsection, discrimination in lending shall include:

- (a) Refusal to make loans; or
  
- (b) Differentiation in the type of loans, including interest rates, charges to buyer or seller, duration and amount of loan; or
  
- (c) Influencing appraisals in connection with loans; or
  
- (d) Delaying processing loan applications.

**Section 28-103. COMPLAINT PROCEDURES.**

- (A) The Village shall act as a local source for assistance and information for persons who have complaints related to unfair housing practices.
- (B) The Village shall provide assistance and information to any such person, which shall include but is not limited to:
  - (1) The rights and remedies available to a person who has been discriminated against by virtue of an unfair housing practice;
  - (2) The types of discrimination which are considered to be unfair housing practices;
  - (3) The names, addresses and phone numbers of county, state and federal agencies where such person may file formal complaints; and
  - (4) Such other relevant information or assistance as the Village may have available to assist such person.
- (C) The Village Administrator shall be responsible for coordinating and directing the Village's fair housing procedures.

**Section 28-104. SIGNAGE IDENTIFYING COMMERCIAL AND INDUSTRIAL USES IN RESIDENTIAL AREAS:** (Added in its entirety by Ordinance No. 00-064, 04.11.00)

(A) Definitions: As used in this Section, the following words and phrases shall have the meanings ascribed to them herein:

- (1) "Commercial/industrial property" shall mean any property that is zoned in such a manner that either a commercial use (or uses) or an industrial use (or uses) is permitted thereon by virtue of the codes and ordinances of the Village.
- (2) "Residential property" shall mean any property which is zoned in such a manner that a residential use is permitted thereon by virtue of the codes and ordinances of the Village.

(B) Sign Requirements: The owner of any vacant or undeveloped commercial/industrial property that is located within one hundred feet of residential property shall install and maintain a sign or signs thereon which identify the owner's property as commercial or industrial property. The sign(s) shall conform to the following minimum requirements:

- (1) The face of the sign shall be at least 4 feet high and at least 8 feet in length.
- (2) The sign shall read as follows:

PUBLIC NOTICE

This land is zoned \_\_\_\_\_ [identify zoning district and any special use designations]. The property may be developed and used for [identify whether commercial or industrial] use under the codes and ordinances of the Village of Bolingbrook. The [commercial or industrial] uses permitted on the property include the following:

[List of potential uses as identified by Director of Community Development]

- (3) The sign shall have a white background with 3" high black letters, except that the words "Public Notice" shall be in red 6" high capital letters.
- (4) One sign shall be located adjacent to each collector, minor arterial or major arterial street that abuts the commercial/industrial property.
- (5) The sign(s) shall be maintained on the commercial/industrial property until a certificate of occupancy has been issued by the Village, at which time the sign(s) shall be removed by the owner.

(C) Penalty. Any person, firm or corporation that has an ownership interest in commercial/industrial property who violates any of the provisions of this Section 28-104 shall be subject to fine of not less than 500.00 nor more than \$1,000.00 for each such offense. Each day that such violation is committed or permitted to continue shall be deemed a separate offense and shall be punishable as such.

**ARTICLE 2 - RESIDENTIAL REAL ESTATE DISCLOSURE**

(Ordinance No. 00-111, 06.27.00)

**Section 28-201. RESIDENTIAL TRANSFER INFORMATION AND DISCLOSURE FORM REQUIRED.** The seller of residential real estate shall disclose to the buyer, prior to the time a contract for sale of such property is entered into, the following information pertaining to the property:

- (1) The complete mailing address of the property, including the street name and post office branch serving the property, and the legal name of the subdivision, including the subdivision unit and lot number of the property;
- (2) The name of the municipality, county, township, school district, public libraries, park district, police, fire, public ambulance, and municipal solid waste collection service provider in which the property is located;
- (3) The zoning classification of the property; the zoning classification of all property situated within the subdivision; all land uses proposed by the seller within the subdivision that have been approved by or are pending before the Village, and the zoning classifications and current land uses of all real estate located within one hundred feet of any boundary line of the subdivision;
- (4) The name or proposed name of any homeowners association having jurisdiction within the subdivision; the improvements and areas that the association maintains or is required to maintain;
- (5) The entity responsible for maintaining the streets within the subdivision, including both public and private streets;
- (6) A statement as to whether any portion of the subdivision or the property to be purchased is located in the "floodplain", as defined in the Village codes and ordinances, as amended; and
- (7) Other information reasonably related to the subjects set forth herein as may be required by regulations or forms issued by the Village Administrator from time to time.

The disclosure required by this Section shall be made by the seller to the buyer, on a form approved and issued by the Village, prior to the execution by the buyer of a contract for sale of a residential property. A disclosure shall not be considered complete or in compliance with this Article unless it is signed by both the buyer and seller or their duly authorized personal representatives. The disclosures made by the seller shall be based on the actual knowledge of the seller after reasonable inquiry.

**Section 28-202. PROOF OF COMPLIANCE; EXEMPTIONS.**

- (A) The seller shall be responsible for establishing compliance with this Article. A substantially complete and duly executed **Residential Transfer Information and Disclosure Form** shall be presented to the Finance Director or his designee at the time a transfer tax declaration is filed with the Village for the purpose of paying transfer taxes and obtaining transfer tax stamps. The Finance Director or his designee shall not issue transfer tax stamps unless proof of disclosure is made as required by this Article. A **Residential Transfer Information and Disclosure Form** shall be considered duly executed if it is signed by at least one of the buyers and at least one of the sellers.
- (B) The transfer of real estate other than residential real estate shall not be subject to this Article, and the Filing of a **Residential Transfer Information and Disclosure Form** shall not be required.

**Section 28-203. DEFINITIONS.** Unless the context requires otherwise, the following terms as used in this Article shall have the following meanings:

- A. BUYER - Any person or entity who purchases residential real estate for value.
- B. DISCLOSURE - The presentation by a seller prior to the execution by the buyer of a real estate sales contract of a substantially complete and duly executed **Residential Transfer Information and Disclosure Form** that contains no material inaccuracies or misrepresentations.
- C. HOMEOWNERS ASSOCIATION - An entity created by a declaration which requires the owner of residential property to pay regular or special assessments or fees for the common expenses of the association or for the maintenance or repair of common areas owned in common by the owners of similar properties of the subdivision or by the homeowners association and maintained for the use of the owners.
- D. RESIDENTIAL REAL ESTATE - Real estate improved with an attached or detached single family residence, townhome or condominium or an unimproved lot which is zoned for residential uses. Multifamily dwellings and other buildings, other than condominiums and townhomes in which the dwelling units cannot be separately conveyed by deed do not constitute residential real estate for the purposes of this Article.
- E. RESIDENTIAL TRANSFER INFORMATION AND DISCLOSURE FORM - The form approved and issued by the Village in accordance with this Article.

- F. SELLER - Any person who holds a legal or equitable ownership interest in residential real estate and who offers all or a part of such residential real estate for sale.
- G. SUBDIVISION - A tract of land in common ownership that has been divided by plat or planned unit development into lots, blocks, units or other parcels of record that can be conveyed by deed. Land which has been subdivided in phases or units and in which the various phases or units share a common or substantially similar name or are derived from the same preliminary plat of subdivision shall be considered a single subdivision for the purposes of this Article.

**Section 28-204. PENALTY.** Any person, firm or corporation that violates any of the provisions of this Article shall be subject to a fine of not less than \$100.00 nor more than \$500.00 for each such offense.