



ORDINANCES

administered by the

City of Chicago COMMISSION ON HUMAN RELATIONS

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| States the structure, powers, and duties of the Commission on Human Relations, including how the Commission addresses discrimination and hate crimes in Chicago. | |
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COMMISSION ON HUMAN RELATIONS

ENABLING ORDINANCE

2-120-480 Purpose and intent.

The city council finds that prejudice and the practice of discrimination against any individual or group because of race, color, sex, gender identity, age, religion, disability, national origin, ancestry, sexual orientation, marital status, parental status, military status, source of income, credit history (as to employment only), or criminal history (as to employment only) menace peace and public welfare. The city council further finds that it is necessary to promote peace and good order and to eliminate such prejudice and discrimination by establishing an agency that will investigate complaints of discrimination, enforce civil rights ordinances, and promote harmony and understanding among various segments of society by gathering information on matters of human relations and providing education and counseling thereon to the various agencies of city government and to interested groups and individuals. The city council further finds that the function of such an agency can be enhanced by the creation of advisory councils on matters of special concern to groups that historically have been the subject of discrimination and bias, and provide a point of contact between such groups and the city government.

(Prior code § 21-49; Added Coun. J. 3-21-90, p. 13523; Amend Coun. J. 11-6-02, p. 96031, § 2); Amend Coun. J. 3-14-2012, p. 22749, § 1)

2-120-485 Definitions.

Wherever used in this Article XIV, the terms “age”, “religion”, “disability”, “sexual orientation”, “marital status”, “parental status”, “military status”, “gender identity,” “source of income,” and “credit history” shall have the same meanings as described in Chapter [2-160](#) of this Code.

(Added Coun. J. 11-6-02, p. 96031, § 2)

2-120-490 Establishment and composition.

A commission on human relations is hereby established. The commission shall consist of the chairs of the advisory councils described in Section [2-120-500](#), and 15 additional members appointed by the mayor with approval of the city council. One-third of the initial appointees shall be appointed for terms expiring on July 1st of the year following their appointment, one-third shall be appointed for terms expiring July 1st of the second year following their appointment, and one-third shall be appointed for terms ending on July 1st of the third year following their appointment. Thereafter members shall be appointed for three-year terms. The mayor shall designate one member to serve as chairperson at the pleasure of the mayor. Members other than the chairperson shall serve without compensation, but may be reimbursed for their reasonable expenses incurred in the performance of their duties. The chairperson shall be compensated and shall appoint such assistants as are provided in the annual appropriation ordinance, and shall be responsible for the day to day operation of the commission and its staff. A majority of the members of the commission shall constitute a quorum for the purpose of transacting business.

(Prior code § 21-50; Added Coun. J. 3-21-90, p. 13523)

2-120-500 Advisory councils.

The following advisory councils of the commission on human relations are hereby established:

- (a) Advisory Council on Equity;
- (b) Advisory Council on Women and LGBT issues;
- (c) Advisory Council on Veterans; and
- (d) Advisory Council on new Americans.

The mayor shall appoint 21 members to each advisory council, subject to approval of the city council. Of the initial appointments to each advisory council, one-third shall be appointed for a term of one year, one-third shall be appointed for terms of two years, and one-third shall be appointed for terms of three years. Succeeding appointments to these advisory councils shall be for terms of three years. The mayor shall designate a member of each advisory council to serve as its chairperson. The chairperson of each advisory council shall be a member ex officio of the commission on human relations. The mayor shall also appoint a director for each advisory council. Each director must be a member of the respective advisory council's affected community and shall receive such compensation as provided by the annual appropriation ordinance.

Each advisory council shall have the following powers and duties, relating specifically to the segment of the population of Chicago described in the council's name:

(a) to assist the commission on human relations in designing educational and enforcement programs for the implementation of the policies embodied in Chapters [2-160](#) and [5-8](#) of the Municipal Code;

(b) to act as a liaison between the city government and community organizations, in order to promote cooperation between the government and these organizations and among these organizations in order to enhance services to the population of Chicago;

(c) to cooperate, through the commission on human relations, with the other advisory councils in the identification of practices and actions having a common discriminatory impact on the advisory council's target population and other segments of society, and in the design of programs for the elimination of such practices and actions;

(d) to develop a procedure, primarily through solicitation of advice from members of the affected community, for recommending appointments of successor members to their respective advisory council to the mayor;

(e) to devise rules of procedure for its meetings, subject to the approval of the commission on human relations; and

(f) to assist the commission on human relations by recommending policies and programs, reviewing existing programs, conducting legislative research and reporting to the commission on its findings with regard to the specific needs of its community.

(Prior code § 21-51; Added Coun. J. 3-21-90, p. 13523; Amend Coun. J. 11-6-02, p. 96031, § 2; Amend Coun. J. 11-16-11, p. 13793, § 3; Amend Coun. J. 11-16-11, p. 13798, Art. VI, § 1)

2-120-510 Powers and duties.

The commission shall have the following powers and duties, in addition to those assigned by other provisions of the Municipal Code:

(a) to advise and consult with the mayor and the city council on all matters involving prejudice or discrimination based on race, color, sex, gender identity, age, religion, disability, national origin, ancestry, sexual orientation, marital status, parental status, military status, source of income, credit history (as to employment only), criminal history (as to employment only), or professional training or education from an accredited institution and recommend such legislative action as it may deem appropriate to effectuate the policy of this ordinance;

(b) to cooperate with the mayor, the city council, officials, departments and agencies of the city government in securing equality of services to all citizens, and where the need is greater, in meeting that need with additional services;

(c) to develop and implement programs to train city employees in methods of dealing with intergroup relations, in order to develop respect for equal rights and to achieve equality of treatment regardless of race, color, sex, gender identity, age, religion, disability, national origin, ancestry, sexual orientation, marital status, parental status, military status, source of income, credit history (as to employment only), or criminal history (as to employment only);

(d) to require the assistance of the various departments and agencies of the city government in identifying and eliminating discriminatory activities. The head of every city department and agency shall provide to the commission, at its request, information under control of the department or agency and relating to a pending complaint or matter under review by the commission. Upon receipt of a recommendation from the commission, the head of every department or agency shall submit to the commission a written report indicating action on and disposition of the recommendation;

(e) to initiate, receive and investigate complaints of alleged violations of Chapters [2-160](#) and [5-8](#) of the Municipal Code. A complaint must be filed no later than 300 days after the alleged violation. The person against whom a complaint is made shall be given a copy thereof within 10 days after it is filed, and shall be allowed to be present and offer a defense at any hearing thereon. Any person who files a complaint or against whom a complaint is made may be represented by counsel at any stage of conciliation, investigation or hearing on the complaint. The filing of a complaint pursuant to this section does not bar any person from seeking any other remedy that may be provided by law, except that in certain instances one or more intergovernmental agreements may specify before which governmental agency or court a person may pursue his or her complaint. If the commission concludes, based on objective facts, that a complaint filed pursuant to this section is clearly frivolous, clearly vexatious, or brought primarily for the purposes of harassment, the commission is authorized to impose a fine on the complaint of not less than \$250.00 and up to \$1,000.00 for each such filing;

(f) to investigate complaints in order to determine whether there is substantial evidence that a violation of Chapter [2-160](#) or [5-8](#) has occurred, except where such complaints are handled by another governmental agency pursuant to an intergovernmental agreement, as authorized in subsection (q) below. The investigation shall be completed within 180 days after receipt of the complaint, unless it is impractical to do so within that time. Within 30 days after completion of the investigation, the commission shall issue a written determination whether there is substantial evidence that a violation has occurred. If the commission determines that there is not substantial evidence, it shall give written notification of the determination to the charging party and the person against whom the complaint was made. Neither the commission nor its staff shall disclose, other than at a hearing as provided in subsection (g), any information obtained in the course of investigation or conciliation, except where otherwise required by law or intergovernmental agreement;

(g) to conduct hearings on complaints under subsection (e) of this section, if the commission determines that there is substantial evidence that a violation has occurred. Hearings may be conducted by the commission, a member thereof, or a hearing officer appointed for that purpose. A hearing must be commenced within 90 days after the determination of substantial evidence that a violation has occurred. All testimony shall be under oath, and shall be either recorded or transcribed;

(h) to appoint one or more hearing officers to conduct hearings authorized by subsection (g) of this section;

(i) to expedite proceedings under this section under the following circumstances. The commission at the request of the complainant may at any time consider a request for expedited proceedings. If the commission determines that the complainant is likely to die before the termination of the proceedings established in this section, it may order the proceedings expedited. When an order for expedited proceedings is issued, the processing of the complainant's charge by the commission shall take precedence over all matters except other matters of the same expedite character. Where such order is issued, the commission, or any hearing officer shall be authorized to shorten any time period, other than the 180 day charge filing period set by this act or by rule;

(j) to attempt to settle or adjust any complaint by conciliation at any time that the complaint is pending;

(k) to issue subpoena for the appearance of witnesses, the production of evidence, or both, in the course of investigations and hearings authorized under this section, if there is reason to believe that a violation has occurred and the testimony of the witness or the documents or items sought by the subpoena are relevant to the investigation. A subpoena shall be served in the same manner as subpoenas issued under the Rules of the Illinois Supreme Court to compel appearance of a deponent, and subject to the same witness and mileage fees fixed by law for such subpoenas. A subpoena issued under this section shall identify the person to whom it is directed and the documents or other items sought thereby, if any, and the date, time and place for the appearance of the witness and production of the documents or other items described in the subpoena. In no event shall the date for examination or production be less than seven days after service of the subpoena. No later than the time for appearance or production required by the subpoena, the person to whom the subpoena is directed may object to the subpoena, in whole or in part. The objection shall be in writing, delivered to the commission, and shall specify the grounds for the objection. For seven

days after receipt of a timely objection to a subpoena, the commission shall take no action to enforce the subpoena or to initiate prosecution of the person to whom the subpoena is directed. During this seven-day period the commission, or the member or hearing officer conducting the hearing or investigation, shall consider the grounds for the objection and may attempt to resolve the objection through negotiation with the person to whom the subpoena is directed. The seven-day period may be extended by the commission, the member or hearing officer conducting the hearing or investigation, in order to allow completion of any negotiations. The extension shall be in writing addressed to the person to whom the subpoena is directed, and shall specify the date on which the negotiation period will end. Negotiations may include such matters as the scope of the subpoena and the time, place and manner of response thereto. The filing of an objection to a subpoena, and negotiations pursuant to an objection, shall not constitute refusal to comply with the subpoena, or interference with or obstruction of an investigation. Notwithstanding anything to the contrary contained herein, the commission on human relations shall have no power or authority over any member of the city council, any employee or staff person of any member of the city council or any employee or staff person of any city council committee, including, but not limited to the power of subpoena;

(l) to render a decision upon the conclusion of a hearing, or upon receipt of a hearing officer's recommendation at the conclusion of a hearing, including findings of fact relating to the complaint, and to order such relief as may be appropriate under the circumstances determined in the hearing. Relief may include but is not limited to an order: to cease the illegal conduct complained of; to pay actual damages, as reasonably determined by the Commission, for injury or loss suffered by the complainant; to pay appropriate punitive damages when the respondent acted with actual malice, willfully, or with such gross negligence as to indicate a wanton disregard of the complainant's rights, as reasonably determined by the Commission; to hire, reinstate or upgrade the complainant with or without back pay or provide such fringe benefits as the complainant may have been denied; to admit the complainant to a public accommodation; to extend to the complainant the full and equal enjoyment of the goods, services, facilities, privileges, advantages or accommodations of the respondent; to pay to the complainant all or a portion of the costs, including reasonable attorney fees, expert witness fees, witness fees and duplicating costs, incurred in pursuing the complaint before the commission or at any stage of judicial review; to take such action as may be necessary to make the individual complainant whole, including, but not limited to, awards of interest on the complainant's actual damages and backpay from the date of the civil rights violation. These remedies shall be cumulative, and in addition to any fines imposed for violation of provisions of Chapters [2-160](#) and [5-8](#). If the hearing was conducted by a member of the commission or by a hearing officer, the member or hearing officer shall submit written recommendations to the commission, including recommended findings of fact and recommended relief. The commission may adopt, reject or modify the recommendations, in whole or in part, or may remand for additional hearing on some or all of the issues presented. The commission shall adopt the findings of fact recommended by a hearing officer or commission member if the recommended findings are not contrary to the evidence presented at the hearing. Decisions of the commission shall be in writing, and must be approved by a majority of the quorum of the commission. Decisions of the commission shall be subject to review in accordance with applicable law;

(m) to seek judicial enforcement of its subpoenas, orders and decisions;

(n) to render an annual report of the activities of the commission and its advisory councils and make recommendations to the mayor and city council. The report shall be published;

(o) to assist and advise the advisory councils in preparation of their respective rules of procedure for their meetings. Such procedural rules of the advisory councils shall be uniform to the extent practicable;

(p) to issue such other rules and regulations as may be necessary to implement its powers, including rules for briefing and oral argument in conjunction with hearings, defaulting of parties and dismissal of complaints for failure of a party to cooperate with the commission;

(q) to enter into intergovernmental agreements with any or all of the Cook County, State of Illinois and United States governmental entities which administer and enforce laws similar to the Chicago Human Rights Ordinance and the Chicago Fair Housing Ordinance, for the purpose of more efficiently and effectively carrying out the goals of those ordinances. Such agreements may allow the commission to transfer or coordinate the investigation of complaints filed with the commission, and/or to decline jurisdiction, to defer the exercise of jurisdiction, or to dismiss a case which is proceeding in an alternate forum. The rights of persons to proceed under the Chicago Human Rights Ordinance and the Chicago Fair Housing Ordinance shall be governed by any such intergovernmental agreements, but in no event may the commission refuse to exercise jurisdiction where the complaint cannot be redressed in an alternate forum.

(Prior code § 21-52; Added Coun. J. 3-21-90, p. 13523; Amend Coun. 7-8-98, p. 72891; Amend Coun. J. 11-6-02, p. 96031, § 2; Amend Coun. J. 3-14-12, p. 22749, § 1)

2-120-515 Investigations, research and publications.

The commission may also conduct research, public forums and educational programs on tensions between various groups within society, practices of discrimination based on race, color, sex, gender identity, age, religion, disability, national origin, ancestry, sexual orientation, marital status, parental status, military status, source of income, credit history (as to employment only), or criminal history (as to employment only); conduct public hearings to ascertain the status and treatment of various racial, ethnic, religious, cultural and social groups within society; means of alleviation discrimination and bias, and of improving human relations within the city; and issue such publications as may assist in the performance of its function.

(Prior code § 21-53; Added Coun. J. 3-21-90, p. 13523; Amend Coun. J. 11-6-02, p. 96031, § 2)

2-120-518 Hate crimes.

(a) As used in this section, “hate crime” means any action in violation of Section [8-4-020](#) or [8-4-085](#) of this Code.

(b) Whenever any Chicago police officer has identified a victim of a possible hate crime committed within the city, the Chicago Police Department shall, to the extent known, supply the name, address and telephone number of the alleged victim to the chair of the Chicago commission on human relations, together with other relevant information concerning the alleged crime.

The police department shall also, on at least a monthly basis, prepare a statistical summary concerning all criminal acts and ordinance violations committed within the City of Chicago during the previous month that are believed to be hate crimes. A copy of this summary shall be forwarded to the Chicago commission on human relations. This summary shall be in a form approved by the police department and the chair of the Chicago commission on human relations.

1. Whenever the Chicago Police Department has provided information concerning a victim of a possible hate crime to the chair of the Chicago commission on human relations, either the chair or a person designated by him shall make reasonable efforts to contact the victim for the purpose of offering to help the victim with the police department, prosecutors and any other interested agencies.

(d) The Chicago Police Department shall train both full-time and part-time new recruits and veteran personnel on an ongoing basis on the subject of hate crimes.

(e) The chair of the Chicago commission on human relations shall keep statistics on hate crimes to determine if such crimes are part of a pattern or if, due to hate or hate-based tensions in the area where the crime was committed, further hate crimes or escalations of tensions are likely to occur if remedial action is not taken. The chair shall present the findings of his report to the Chicago Police Department.

(f) Upon recommendation of the chair, the Chicago commission on human relations may call a hearing to address only perceived patterns of hate crimes or hate-based tensions. The commission may employ a hearing examiner and other employees necessary for such purpose. For the purpose of such hearing, the commission on human relations may:

(1) Receive evidence and hear testimony related to patterns of hate crimes and hate-based tensions; provided, however, that the commission will not invite or suggest the attendance of a victim of or a witness to any matter in which there is an ongoing criminal investigation or prosecution, including any appeal or retrial;

(2) Issue and enforce subpoenas pursuant to Section [2-120-510](#) of this Code to compel the attendance of witnesses and the production of evidence relevant to the matter in question; provided, however, that no subpoena shall be issued to compel the attendance of a victim of or witness to any matter in which there is an ongoing criminal investigation or prosecution, including any appeal or retrial;

(3) Issue findings and recommendations concerning ways in which hate crimes and hate-based tensions can be reduced in the affected area.

The commission on human relations shall conduct such a hearing, and issue and enforce any subpoena, in a manner that will avoid interference with any ongoing criminal investigation or prosecution.

(g) The Chicago commission on human relations is hereby authorized to develop and initiate educational and other programs designed to reduce hate-based tensions and the incidence of hate crimes, either in particular areas or on a citywide basis.

(Added Coun. J. 12-19-90, p. 27888)

CHICAGO HUMAN RIGHTS ORDINANCE

2-160-010 Declaration of city policy.

It is the policy of the City of Chicago to assure that all persons within its jurisdiction shall have equal access to public services and shall be protected in the enjoyment of civil rights, and to promote mutual understanding and respect among all who live and work within this city.

The city council of the City of Chicago hereby declares and affirms:

that prejudice, intolerance, bigotry and the discrimination occasioned thereby, and sexual harassment, threaten the rights and proper privileges of the city's inhabitants and menace the institutions and foundation of a free and democratic society; and

that behavior which denies equal treatment to any individual because of his or her race, color, sex, gender identity, age, religion, disability, national origin, ancestry, sexual orientation, marital status, parental status, military status, source of income, credit history (as to employment only), or criminal history (as to employment only) undermines civil order and deprives persons of the benefits of a free and open society.

Nothing in this ordinance shall be construed as supporting or advocating any particular lifestyle or religious view. To the contrary, it is the intention of this ordinance that all persons be treated fairly and equally and it is the express intent of this ordinance to guarantee to all of our citizens fair and equal treatment under law.

(Prior code § 199-1; Added Coun. J. 12-21-88, p. 23526; Amend Coun. J. 11-6-02, p. 96031, § 3; Amend Coun. J. 3-14-12, p. 22749, § 1)

2-160-020 Definitions.

Whenever used in this chapter:

(a) "Age" means chronological age of not less than 40 years.

(aa) "Credit history" means a record of an individual's past borrowing and repaying, including information about late payments and bankruptcy.

(aaa) "Credit report" means any written or other communication of any information by a consumer reporting agency that bears on a consumer's creditworthiness, credit standing, credit capacity, or credit history.

(b) "Credit transaction" means the grant, denial, extension or termination of credit to an individual.

(c) "Disability" means:

(i) a determinable physical or mental characteristic which may result from disease, injury, congenital condition of birth or functional disorder including, but not limited to, a determinable physical characteristic which necessitates a person's use of a guide, hearing or support dog; or

(ii) the history of such a characteristic; or

(iii) the perception of such a characteristic by the person complained against.

(d) "Employee" means an individual who is engaged to work in the City of Chicago for or under the direction and control of another for monetary or other valuable consideration.

(dd) “Employer” means any individual, partnership, association, corporation, limited liability company, business trust, or any person or group of persons that provides employment for one or more employees in the current or preceding calendar year, and any agent of such an entity or person. To qualify as an employer for purposes of this chapter, such individual, group, or entity must: (1) be subject to one or more of the license requirements in Title 4 of this Code; and/or (2) maintain a business facility within the geographic boundaries of the City. The City of Chicago and its sister agencies qualify as employers for purposes of this chapter.

(ddd) “Employment” means any occupation of vocation

(e) “Employment agency” means a person that undertakes to procure employees or opportunities to work for potential employees, either through interviews, referrals, advertising or any combination thereof.

(f) “Gender identity” means the actual or perceived appearance, expression, identity or behavior, of a person as being male or female, whether or not that appearance, expression, identity or behavior is different from that traditionally associated with the person’s designated sex at birth.

(g) “Marital status” means the legal status of being single, married, divorced, separated or widowed.

(h) “Military status” means (1) being on active duty in, or any reserve component of, any branch of the armed forces of the United States, the State of Illinois, or any other state; (2) being a veteran of any such branch of the armed forces; or (3) the fact of discharge from any such branch of the armed forces and the reasons for such discharge.

(i) “Parental status” means the status of living with one or more dependent minor or disabled children.

(j) “Public accommodation” means a place, business establishment or agency that sells, leases, provides or offers any product, facility or service to the general public, regardless of ownership or operation (i) by a public body or agency; (ii) for or without regard to profit; or (iii) for a fee or not for a fee. An institution, club, association or other place of accommodation which has more than 400 members, and provides regular meal service and regularly receives payment for dues, fees, accommodations, facilities or services from or on behalf of nonmembers for the furtherance of trade or business shall be considered a place of public accommodation for purposes of this chapter.

(k) “Religion” means all aspects of religious observance and practice, as well as belief, except that with respect to employers “religion” has the meaning ascribed to it in Section [2-160-050](#).

(l) “Sexual orientation” means the actual or perceived state of heterosexuality, homosexuality or bisexuality.

(m) “Sexual harassment” means any unwelcome sexual advances or requests for sexual favors or conduct of a sexual nature when (i) submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment; or (2) submission to or rejection of such conduct by an individual is used as the basis for any employment decision affecting the 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.

(mm) “Sister agency” means the Chicago Public Schools, the Chicago Park District, the Chicago Transit Authority, the City Colleges of Chicago, the Chicago Housing Authority, and the Public Building Commission.

(n) “Source of income” means the lawful manner by which an individual supports himself and his or her dependents.

(Prior code § 199-2; Added Coun. J. 12-21-88, p. 23526; Amend Coun. J. 11-6-02, p. 96031, § 3; Amend Coun. J. 3-14-12, p. 22749, § 1)

2-160-030 Unlawful discriminatory activities designated.

No person shall directly or indirectly discriminate against any individual in hiring, classification, grading, discharge, discipline, compensation or other term or condition of employment because of the individual's race, color, sex, gender identity, age, religion, disability, national origin, ancestry, sexual orientation, marital status, parental status, military status, credit history, criminal history, or source of income. No employment agency shall directly or indirectly discriminate against any individual in classification, processing, referral or recommendation for employment because of the individual's race, color, sex, gender identity, age, religion, disability, national origin, ancestry, sexual orientation, marital status, parental status, military status, credit history, criminal history, or source of income. The prohibitions contained in this paragraph shall not apply to any of the following:

(a) use of an individual's unfavorable discharge from military service as a valid employment criterion where (i) authorized by federal law or regulation; or (ii) where the affected position of employment involves the exercise of fiduciary responsibilities and the reasons for the dishonorable discharge are related to such individual's fiduciary capacity;

(b) hiring or selecting between individuals for bona fide occupational qualifications; and

(c) giving preferential treatment to veterans and their relatives as required by federal, state or local law or regulation.

(Prior code § 199-3; Added Coun. J. 12-21-88, p. 23526; Amend Coun. J. 11-6-02, p. 96031, § 3; Amend Coun J. 3-14-12, p. 22740, § 1)

2-160-040 Sexual harassment.

No employer, employee, agent of an employer, employment agency or labor organization shall engage in sexual harassment. An employer shall be liable for sexual harassment by nonemployees or nonmanagerial and nonsupervisory employees only if the employer becomes aware of the conduct and fails to take reasonable corrective measures.

(Prior code § 199-4; Added Coun. J. 12-21-88, p. 23526)

2-160-050 Religious beliefs and practices.

No employer shall refuse to make all reasonable efforts to accommodate the religious beliefs, observances and practices of employees or prospective employees unless the 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.

Reasonable efforts to accommodate include, but are not limited to allowing an employee: (i) to take a day of paid leave or vacation, where applicable under the employee's employment agreement; or (ii) to be excused from work without pay and without discipline or other penalty; or (iii) to elect to take the day off with pay in order to practice the employee's religious beliefs, and to make up the lost work time at a time and date consistent with the operational need of the employer's business. Any employee who elects such deferred work shall be compensated at his or her regular rate of pay, regardless of the time and date at which the work is made up. The employer may require that any employee who plans to exercise option (iii) of this subsection provide the employer with notice of the employee's intention to do so, no less than five days prior to the date of absence.

(Prior code § 199-5; Added Coun. J. 12-21-88, p. 23526)

2-160-053 Credit history

(a) Except as otherwise provided in this section, no employer, agent of an employer, employment agency or labor organization shall do any of the following:

(i) Fire or refuse to hire or recruit, discharge, or otherwise discriminate against an individual with respect to employment, compensation, or a term, condition, or privilege of employment because of the individual's credit history or credit report.

(ii) Inquire about an applicant's or employee's credit history.

(iii) Order or obtain an applicant's or employee's credit report from a consumer reporting agency.

(b) The prohibitions contained in this section shall not prevent an inquiry or employment action if a satisfactory credit history is an established bona fide occupational requirement of a particular position or a particular group of employees. A satisfactory credit history is not a bona fide occupational requirement unless at least one of the following circumstances is present:

(i) State or federal law requires bonding or other security covering an individual holding the position.

(ii) The duties of the position include custody of or unsupervised access to cash or marketable assets valued at \$2,500 or more. For the purpose of this exception (ii), "marketable assets" means company property that is specially safeguarded from the public and to which access is only entrusted to managers and other select employees. "Marketable assets" do not include the fixtures, furnishings, or equipment of an employer.

(iii) The duties of the position include signatory power over business assets of \$100 or more per transaction.

(iv) The position is a managerial position which involves setting the direction or control of the business.

(v) The position involves access to personal or confidential information, financial information, trade secrets, or state or national security information. For purposes of this exception, the following definitions apply:

A. "Personal or confidential information" means sensitive information that an employee, customer, client, or service recipient gives explicit authorization for another person to obtain, process, and keep; that an organization entrusts only to managers and a select few employees; or that is stored in secure repositories not accessible by the public or low-level employees.

B. "Financial information" means non-public information on the overall financial direction of an organization, including, but not limited to, company taxes or profit and loss reports.

C. "Trade secrets" means sensitive information regarding a company's overall strategy or business plans. This does not include general proprietary company information such as handbooks, policies, or low-level strategies.

D. "State or national security information" means information only offered to select employees because it may jeopardize the security of the state or the nation if it were entrusted to the general public.

(vi) The position meets criteria in administrative rules, if any, that the U.S. Department of Labor or the Illinois Department of Labor has promulgated to establish the circumstances in which a satisfactory credit history is a bona fide occupational requirement.

(vii) The employee's or applicant's credit history is otherwise required by or exempt under other applicable law.

(c) The prohibitions contained in this section shall not apply to any of the following:

(i) Any bank holding company, financial holding company, bank, savings bank, savings and loan association, credit union, or trust company, or any subsidiary or affiliate thereof, that is authorized to do business under the laws of Illinois or of the United States.

(ii) Any company authorized to engage in any kind of insurance or surety business pursuant to the Illinois Insurance Code, including any employee, agent, or employee of an agent acting on behalf of a company engaged in the insurance or surety business.

(iii) Any municipal law enforcement or investigative unit, including without limitation the Office of the Inspector General, Police Department, and Independent Police Review Authority.

(iv) Any entity that is defined as a debt collector under federal or state statute.

(Added Coun J. 3-14-12, p. 22749, § 1)

2-160-054 Criminal record or criminal history

(a) Employers that are not subject to the Illinois Job Opportunities for Qualified Applicants Act, including the City of Chicago and its sister agencies, may not inquire about or into, consider, or require disclosure of an applicant's criminal record or criminal history until after the applicant has been determined qualified for the relevant position and notified that he or she has been selected for an interview, or, if there is no interview, until after a conditional offer of employment is extended to the applicant.

The prohibitions set forth in this subsection 2-160-054(a) do not apply where:

(1) federal or state law excludes applicants with certain criminal convictions from the relevant position;

(2) a standard fidelity bond or an equivalent bond is required for the relevant position, and an applicant's conviction of one or more specified criminal offenses would disqualify the applicant from obtaining such a bond, in which case an employer may include a question or otherwise inquire whether the applicant has ever been convicted of any of those offenses; or

(3) the relevant position requires a license under the Emergency Medical Services (EMS) Systems Act, 210 ILCS 50/1. et seq.

This subsection 2-160-054(a) does not prohibit providing written notice of specific offenses that will disqualify an applicant from employment in a particular position.

(b) If the City of Chicago or a sister agency, subsequent to interviewing or extending a conditional offer of employment to an applicant, determines that he has a criminal conviction, that fact, standing alone, shall not automatically disqualify the applicant from employment. Instead, the decision whether to employ the applicant shall take into account the following factors:

- (1) the nature of the applicant's specific offense or offenses;
- (2) the nature of the applicant's sentencing;
- (3) the applicant's number of convictions;
- (4) the length of time that had passed following the applicant's most recent conviction;
- (5) the relationship between the applicant's crimes and the nature of the relevant position;
- (6) the age of the applicant at the time of his most recent conviction;
- (7) any evidence of rehabilitation, including, but not limited to, whether the applicant has completed a treatment or counseling program or received a certification of relief from disabilities or good conduct;
- (8) the extent to which the applicant has been open, honest, and cooperative in examining his background; and
- (9) any other information relevant to the applicant's suitability for the relevant position.

(c) In the event any employer, including one subject to the Illinois Job Opportunities for Qualified Applicants Act, makes a decision not to hire an applicant that is based, entirely or partially, on the applicant's criminal record or history, the employer shall inform the applicant of this basis at the time he is informed of the decision.

2-160-055 Job Opportunity Advertisements

No person shall publish or cause to be published, in print or on the internet, an advertisement for, or other posting of, any job opportunity that requires the applicant for the position to be employed or which states any other preference, limitation, or discrimination prohibited by this ordinance. This prohibition does not apply to any third-party publisher of advertisements which is not itself the employer, agent of an employer, employment agency, or labor organization causing publication of the job opportunity.

(Added Coun J. 3-14-12, p. 22749, § 1)

2-160-060 Discriminatory practices – Credit transactions.

No person shall discriminate against any individual in any aspect of a credit transaction, or in any terms and conditions of bonding because of the individual's race, color, sex, gender identity, age, religion, disability, national origin, ancestry, sexual orientation, marital status, parental status, military status, or source of income.

(Prior code § 199-6; Added Coun. J. 12-21-88, p. 23526; Amend Coun. J. 11-6-02, p. 96031, § 3)

2-160-065 Matricula consular identification cards.

(a) *Recognition of Mexican Matricula Consular Cards as valid identification.* When requiring members of the public to provide identification, each city department shall accept as valid identification of the person a "Matricula Consular" identification card issued by the Mexican Consulate.

(b) *Recognition of other Latin American Matricula Consular Cards as valid identification.* When requiring members of the public to provide identification, each city department shall accept as valid identification of the person a "Matricula Consular" identification card issued by any other Latin American country that is represented by a consulate office in the City of Chicago, to its citizens or nationals if the issuing country's consulate has certified to the City of Chicago that the identification card meets the following security requirements:

- (1) the issuing country authorizes the use of the card as an alternative to a passport for re-entry into the issuing country; and
- (2) the card holder was required to provide proof of identity, nationality and address in order to obtain the card; and
- (3) the card had a photograph of the person, the person's date of birth and the person's current local address; and
- (4) the card has physical security features reasonably designed to protect against fraud and counterfeit reproduction, including the use of bonded paper, lamination, a hologram, and an embedded signature of the issuing officer and serialization.

(c) The office of the superintendent of police shall compile and make available to the members of the Chicago City Council and the city departments a list of the types of identification cards and the issuing countries that have certified to the office of the superintendent of police that their identification cards meet the requirements of this section.

(d) The requirements of this section do not apply under circumstances where (1) a federal or state statute, administrative regulation or directive, or court decision requires the city to obtain different identification, (2) a federal or state statute or administrative regulation or directive preempts local regulation of identification requirements, or (3) the city would be unable to comply with a condition imposed by a funding source, which would cause the city to lose funds from that source.

(e) Nothing in this section is intended to prohibit city departments from (1) asking for additional information from individuals in order to verify a current address or other facts that would enable the department to fulfill its responsibilities, except that this section does not permit the department to require additional information solely in

order to establish identification of the person when the Matricula Consular Card is the form of identification presented, or (2) using fingerprints for identification purposes under circumstances where the department also requires fingerprints from persons who have a driver's license or state identification card.

(Added Coun. J. 6-19-02, p. 88685, § 1; Amend Coun. J. 7-21-04, p. 27697, § 1)

2-160-070 Discriminatory practices – Public accommodations.

No person that owns, leases, rents, operates, manages or in any manner controls a public accommodation shall withhold, deny, curtail, limit or discriminate concerning the full use of such public accommodation by any individual because of the individual's race, color, sex, gender identity, age, religion, disability, national origin, ancestry, sexual orientation, marital status, parental status, military status, or source of income. The prohibition contained in this section shall not apply to the following:

(a) a private club or other establishment not in fact open to the public, except to the extent that the products, facilities or services thereof are made available to the general public or to the customers or patrons of another establishment that is a public accommodation;

(b) any facility, as to discrimination based on sex, which is distinctly private in nature, such as restrooms, shower rooms, bathhouses, dressing rooms, and health clubs;

(c) any facility, as to discrimination based on sex, which restricts rental of residential or sleeping rooms to individuals of one sex;

(d) any educational institution, as to discrimination based on sex, which restricts enrollment of students to individuals of one sex; and

(e) notwithstanding subsections (a) through (d) above, any person may use a public accommodation or any of its products, facilities, or services that are open to persons of his or her sex. For purposes of this subsection, "sex" includes both biological category and gender identity. Each person determines his or her own gender identity; no proof shall be required except the person's expression of his or her gender.

(Prior code § 199-7; Added Coun. J. 12-21-88, p. 23526; Amend Coun. J. 11-6-02, p. 96031, § 3)

2-160-080 Exemptions for certain religious organizations.

Nothing in this chapter shall apply to decisions of a religious society, association, organization or institution affecting the definition, promulgating or advancement of the mission, practices or beliefs of the society, association, organization or institution.

(Prior code § 199-8; Added Coun. J. 12-21-88, p. 23526)

2-160-090 Violation – Investigation by commission on human relations – Prosecution.

The Chicago commission on human relations shall receive and investigate complaints of violations of this chapter, except where such duty is modified by intergovernmental agreement, and shall prepare and provide necessary forms for such complaints. No person shall refuse or fail to comply with any subpoena, order or decision issued in the course of or as a result of an investigation.

(Prior code § 199-9; Added Coun. J. 12-21-88, p. 23526; Amend Coun. J. 3-21-90, p. 13523; Amend Coun. J. 7-8-98, p. 72891)

2-160-100 Retaliation prohibited.

No person shall retaliate against any individual because that such individual has:

- (1) opposed what he or she reasonably and in good faith believes to be an incident of unlawful discrimination or sexual harassment;
- (2) made a charge, filed a complaint, testified, assisted, or participated in an investigation, proceeding or hearing under this Chapter or under subsection (f)(3) of Section 4-6-180; or
- (3) requested, attempted to request, used, or attempted to use a public accommodation as allowed in this Chapter.

(Prior code § 199-10; Added Coun. J. 12-21-88, p. 23526)

2-160-110 Construction of chapter provisions.

The provisions of this chapter shall be liberally construed for the accomplishment of the purpose hereof. Nothing in this chapter shall be construed to limit rights granted under the laws of the State of Illinois or the United States.

(Prior code § 199-11; Added Coun. J. 12-21-88, p. 23526)

2-160-120 Violation – Penalty.

Any person who violates any provision of this ordinance as determined by this commission shall be fined not less than \$100.00 and not more than \$1000.00 for each offense. In addition, any city licensee who violates any provision of this section or any rule or regulation promulgated thereunder may be subject to license discipline pursuant to Section 4-4-280 of this Code. Every day that a violation shall continue shall constitute a separate and distinct offense.

(Prior code § 199-12; Added Coun. J. 12-21-88, p. 23526; Amend Coun. 7-8-98, p. 72891)

CHICAGO FAIR HOUSING ORDINANCE

5-8-010 City policy generally.

It is hereby declared the policy of the City of Chicago to assure full and equal opportunity to all residents of the city to obtain fair and adequate housing for themselves and their families in the City of Chicago without discrimination against them because of their race, color, sex, gender identity, age, religion, disability, national origin, ancestry, sexual orientation, marital status, parental status, military status or source of income.

(Prior code § 198.7B-1; Amend Coun. J. 12-21-88, p. 23526; Amend Coun. J. 11-6-02, p. 96031, § 4)

5-8-020 Discrimination prohibited.

It is further declared to be the policy of the City of Chicago that no owner, lessee, sublessee, assignee, managing agent, or other person, firm or corporation having the right to sell, rent or lease any housing accommodation, within the City of Chicago, or any agent of any of these, should refuse to sell, rent, lease, or otherwise deny to or withhold from any person or group of persons such housing accommodations because of his race, color, sex, gender identity, age, religion, disability, national origin, ancestry, sexual orientation, marital status, parental status, military status or source of income of such person or persons or discriminate against any person because of his race, color, sex, gender identity, age, religion, disability, national origin, ancestry, sexual orientation, marital status, parental status, military status or source of income in the terms, conditions, or privileges or the sale, rental or lease of any housing accommodation or in the furnishing of facilities or services in connection therewith.

(Prior code § 198.7B-2; Amend Coun. J. 12-21-88, p. 23526; Amend Coun. J. 11-6-02, p. 96031, § 4)

5-8-025 Retaliation – Prohibited

No person shall retaliate against any individual because that such individual has:

- (1) opposed what he or she reasonably and in good faith believes to be an incident of unlawful discrimination or sexual harassment; or
- (2) made a charge, filed a complaint, testified, assisted, or participated in an investigation, proceeding or hearing under this Chapter.

5-8-030 Unfair housing practices.

It shall be an unfair housing practice and unlawful for any owner, lessee, sublessee, assignee, managing agent, condominium association board of managers, governing body of a cooperative, or other person, firm or corporation having the right to sell, rent, lease, sublease, or establish rules or policies for any housing accommodation, within the City of Chicago, or any agent of any of these, or any real estate broker licensed as such:

A. To 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 of Chicago or in the furnishing of, or access to, any facilities (including common areas or common elements such as but not limited to elevators, hallways, entrances, and garages, and in instances in which access to these is to be gained with the use of an ambulatory assistive device, wheelchair, stroller or comparable device), privileges, furnishings, or services rendered in connection therewith, predicated upon the race, color, sex, gender identity, age, religion, disability, national origin, ancestry, sexual orientation, marital status, parental status, military status or source of income of the prospective or actual buyer or tenant thereof. Provided, however, that the access provision in this subsection does not mandate modifications, accommodations, or other actions not also required by the Federal Fair Housing Amendments Act and its regulations.

B. To 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 residential real property within the City of Chicago which will indicate or express any limitation or discrimination in

the sale, rental or leasing of such residential real estate, predicated upon the race, color, sex, gender identity, age, religion, disability, national origin, ancestry, sexual orientation, marital status, parental status, military status or source of income of any prospective buyer, lessee or renter of such property.

C. To refuse to sell, lease or rent, any real estate for residential purposes within the City of Chicago because of the race, color, sex, gender identity, age, religion, disability, national origin, ancestry, sexual orientation, marital status, parental status, military status or source of income of the proposed buyer or renter.

D. To 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 residential housing unit or housing accommodation in the City of Chicago because of race, color, sex, gender identity, age, religion, disability, national origin, ancestry, sexual orientation, marital status, parental status, military status or source of income.

E. To solicit for sale, lease or listing for sale or lease, residential real estate within the City of Chicago on the ground of loss of value due to the present or prospective entry into any neighborhood of any person or persons of any particular race, color, sex, gender identity, age, religion, disability, national origin, ancestry, sexual orientation, marital status, parental status, military status or source of income.

F. To distribute or cause to be distributed, written material or statements designed to induce any owner of residential real estate in the City of Chicago to sell or lease his property because of any present or prospective change in the race, color, sex, gender identity, age, religion, disability, national origin, ancestry, sexual orientation, marital status, parental status, military status or source of income of persons in the neighborhood.

G. To deliberately and knowingly refuse examination of any listing of residential real estate within the City of Chicago to any person because of race, color, sex, gender identity, age, religion, disability, national origin, ancestry, sexual orientation, marital status, parental status, military status or source of income.

H. To interfere with the religious observances or practices of any lessee or condominium or cooperative unit owner, by restricting or prohibiting such persons from placing or affixing a religious sign, symbol or relic on the door, door post or entrance of an individual apartment, condominium or cooperative housing unit owned or leased by such person; provided that imposing reasonable rules necessary to avoid substantial damage to property or an undue hardship to other unit owners or lessees shall not be deemed a violation of this subsection.

(Prior code § 198.7B-3; Amend Coun. J. 12-21-88, p. 23526; Amend Coun. J. 11-6-02, p. 96031, § 4; Amend Coun. J. 3-31-04, p. 20916, § 2.8; Amend Coun. J. 12-14-05, p. 67149, § 1)

5-8-040 Definitions.

Wherever used in this chapter, the terms “age”, “religion”, “disability”, “sexual orientation”, “marital status”, “parental status”, “military status”, “gender identity” and “source of income” shall have the same meanings as described in Chapter [2-160](#) of this Code.

(Prior code § 198.7B-4; Amend Coun. J. 12-21-88, p. 23526; Amend Coun. J. 11-6-02, p. 96031, § 4)

5-8-050 Exemptions.

No provision of this chapter shall be construed to prohibit any of the following:

(a) Restricting rental or sale of a housing accommodation to a person of a certain age group (1) 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 (2) when the duly recorded initial declaration of a condominium or community association limits such housing accommodations to persons above the age of 50; provided, that a person or the immediate family of a person 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 person or the person’s immediate family continue to own or reside in the housing accommodation.

(b) 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, from limiting the sale, rental or occupancy of a dwelling which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color or national origin.

(c) Restricting the rental of rooms in a housing accommodation to persons of one sex.

(Prior code § 198.7B-4.1; Amend Coun. J. 12-21-88, p. 23526)

5-8-060 Applicability.

Any owner, lessee, sublessee, assignee, managing agent, or condominium association board of managers, governing body of a cooperative, or other person, firm or corporation having the right to sell, rent, lease, or establish rules or policies for any housing accommodation within the City of Chicago who shall exercise any function of selling, renting, leasing, subleasing, or establishing rules or policies for any housing accommodation within the City of Chicago shall be deemed subject to all applicable provisions hereof. Any real estate broker who shall exercise any function of a real estate broker within the City of Chicago shall be subject to all applicable provisions hereof.

(Prior code § 198.7B-5; Amend Coun. J. 12-14-05, p. 67149, § 1)

5-8-070 Complaint procedure.

Any person aggrieved in any manner by any violation of this chapter may file a written complaint with the commission on human relations. The complaint shall include the name and address of the complainant and of every person against whom the complaint is made, and shall set out the facts giving rise to the complaint. No person shall refuse or fail to comply with any subpoena, order or decision issued in the course of or as a result of an investigation of a complaint.

(Prior code § 198.7B-6; Added Coun. J. 3-21-90, p. 13523)

5-8-120 Severability.

If any section, subdivision, paragraph, sentence or clause of this ordinance is for any reason to be invalid or unconstitutional, such decision shall not affect any remaining portion, section or part thereof.

(Prior code § 198.7B-11)

5-8-130 Violation – Penalty.

Any owner, lessee, sublessee, assignee, managing agent, condominium association board of managers, governing body of cooperative, or other person, firm, corporation, or real estate broker, who shall violate or fail to comply with any of the provisions of this ordinance, as determined by this commission, shall be punished by a fine in any sum not exceeding \$1,000.00. Nothing herein contained shall be construed so as to preclude any aggrieved person from pursuing such other and further legal and equitable relief to which he may be entitled.

(Prior code § 198.7B-12; Amend Coun. J. 7-8-98, p. 72891; Amend Coun. J. 12-14-05, p. 67149, § 1)

5-8-140 Notice of conviction.

The corporation counsel shall file with the Department of Professional Regulation of the State of Illinois a notice of the conviction of any licensed real estate broker or salesperson found guilty of violating this chapter.

(Prior code § 198.7B-13; Amend Coun. J. 3-21-90, 13523)