



# City of Chicago



O2013-8566

Office of the City Clerk

## Document Tracking Sheet

**Meeting Date:** 11/13/2013

**Sponsor(s):** Emanuel (Mayor)

**Type:** Ordinance

**Title:** Amendment of Titles 2 and 5 of Municipal Code regarding fines, damages and frivolous complaints

**Committee(s) Assignment:** Committee on Human Relations

## ORDINANCE

### **BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICAGO:**

**SECTION 1.** Section 2-120-510 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, as follows:

#### **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:

*(Omitted text is unaffected by this ordinance)*

- (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 180 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 purposes of harassment, the commission is authorized to impose a fine on the complainant of not less than \$250.00 and up to \$1,000.00 for each such filing;

*(Omitted text is unaffected by this ordinance)*

- (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;

*(Omitted text is unaffected by this ordinance)*

**SECTION 2.** Sections 2-160-120 and 5-8-130 of the Municipal Code of Chicago are hereby amended by deleting the language struck through and by inserting the language underscored, as follows:

**2-160-120 Violation – Penalty.**

Unless another fine or penalty is specifically provided in this Code, Any 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 ~~\$500~~ \$1,000.00 for each offense. Every day that a violation shall continue shall constitute a separate and distinct offense.

**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 ~~\$500.00~~ \$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.

**SECTION 3.** This ordinance shall be in full force and effect ten days after its passage and publication.



OFFICE OF THE MAYOR  
CITY OF CHICAGO

RAHM EMANUEL  
MAYOR

November 13, 2013

TO THE HONORABLE, THE CITY COUNCIL  
OF THE CITY OF CHICAGO

Ladies and Gentlemen:

At the request of the Chairman of the Commission on Human Relations, I transmit herewith an ordinance amending Chapter 2-120 and Chapter 2-160 of the Municipal Code regarding fines, damages and frivolous complaints.

Your favorable consideration of this ordinance will be appreciated.

Very truly yours,

Mayor