



City of Chicago



SO2015-8051

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Meeting Date: 11/18/2015

Sponsor(s): Emanuel (Mayor)

Type: Ordinance

Title: Amendment of Municipal Code Titles 2, 5 and 9 regarding military status discrimination and associated corrections

Committee(s) Assignment: Committee on Human Relations

SUBSTITUTE

ORDINANCE

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

SECTION 1. Section 2-32-450 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

2-32-450 Loan policy – Pledge requirements.

With each bid for interest upon city and school funds, the comptroller shall obtain signature by either the chairman of the board, chief executive officer, or an officer acceptable to the city comptroller, of the bidding bank or savings and loan association on the following pledge:

We pledge not to arbitrarily reject mortgage loans for residential properties within a specific geographic area in Chicago because of the location and/or age of the property, or in the case of proposed borrower to arbitrarily vary the terms of those loans or the application procedures for those loans on the basis of race, color, religion, national origin, age, sex, gender identity, marital status, ancestry, sexual orientation, parental status, source of income, disability or military ~~discharge~~ status. In addition, we pledge to make loans available to low- and moderate-income residential property in the neighborhoods of the City of Chicago within the limits of our legal restriction and prudent financial practices.

(Omitted text is unaffected by this ordinance)

SECTION 2. Section 2-32-460 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

2-32-460 Definitions.

Whenever used in this chapter, the terms “race”, “color”, “sex”, “gender identity”, “age”, “religion”, “disability”, “national origin”, “sexual orientation”, “marital status”, “parental status”, “military ~~discharge~~ status” and “source of income” shall have the ~~same~~ meaning as described ascribed to that term in Chapter 2-160, Section 2-160-020, of this Code or in rules duly promulgated under Chapter 2-160 of this Code.

SECTION 3. Section 2-74-080 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

2-74-080 Discrimination – Unlawful activities.

No person shall discriminate against any employee or applicant because of race, color, sex, gender identity, age, religion, disability, national origin, ancestry, sexual orientation, marital status, parental status, military ~~discharge~~ status, ~~or~~ source of income, credit history (within the meaning of Section 2-160-053), or criminal record or criminal history (within the meaning of Section 2-160-054), as those terms are defined in Chapter 2-160 of this Code or in rules duly promulgated thereunder.

SECTION 4. Section 2-120-480 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through, as follows:

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 ~~discharge~~ status, ~~lawful~~ source of income, ~~or~~ credit history (within the meaning of Section 2-160-053), or criminal record or criminal history (as to employment only within the meaning of Section 2-160-054) 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.

SECTION 5. Section 2-120-485 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

2-120-485 Definitions.

Wherever used in this Article XIV, the terms “age”, “religion”, “disability”, “sexual orientation”, “marital status”, “parental status”, “military ~~discharge~~ status”, “gender identity”, and “source of income” shall have the ~~same meanings as described~~ meaning ascribed to that term in Chapter 2-160 Section 2-160-020 of this Code. The term “credit history” shall have the meaning ascribed to that term in Section 2-160-020 and Section 2-160-053.

SECTION 6. Section 2-120-510 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and 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:

(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 ~~discharge~~ status, source of income, credit history (as to employment only within the meaning of Section 2-160-053), or criminal record or criminal history (within the meaning of Section 2-160-054), or professional training or education from an accredited institution; and to recommend such legislative action as it may deem appropriate to effectuate the policy of this ordinance;

(Omitted text is unaffected by this ordinance)

(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 ~~discharge~~ status, source of income, ~~or~~ credit history (as to employment only within the meaning of Section 2-160-053), or criminal record or criminal history (within the meaning of Section 2-160-054);

(Omitted text is unaffected by this ordinance)

SECTION 7. Section 2-120-515 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

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 ~~discharge status, or lawful~~ source of income, credit history (within the meaning of Section 2-160-053), or criminal record or criminal history (within the meaning of Section 2-160-054); 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.

SECTION 8. Section 2-160-010 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

2-160-010 Declaration of city policy.

(Omitted text is unaffected by this ordinance)

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

(Omitted text is unaffected by this ordinance)

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 ~~discharge status, source of income, or credit history~~ (within the meaning of Section 2-160-053), or criminal record or criminal history (as to employment only within the meaning of Section 2-160-054) undermines civil order and deprives persons of the benefits of a free and open society.

(Omitted text is unaffected by this ordinance)

SECTION 9. Section 2-160-020 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

2-160-020 Definitions.

Whenever used in this chapter:

(Omitted text is unaffected by this ordinance)

(h) “Military ~~discharge~~ status” means (1) being on active duty in, or in 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 ~~military status~~ any such branch of the armed forces and the reasons for such discharge.

(Omitted text is unaffected by this ordinance)

SECTION 10. Section 2-160-030 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

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 ~~discharge~~ status, credit history (within the meaning of Section 2-160-053), criminal record or criminal history (within the meaning of Section 2-160-054), 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 ~~discharge~~ status, credit history (within the meaning of Section 2-160-053), criminal record or criminal history (within the meaning of Section 2-160-054), 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 his or her 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, ~~or state~~ or local law or regulation.

SECTION 11. Section 2-160-060 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through, as follows:

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 ~~discharge~~ status, or source of income.

SECTION 12. Section 2-160-070 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through, as follows:

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 ~~discharge~~ status, or source of income. The prohibition contained in this section shall not apply to the following:

(Omitted text is unaffected by this ordinance)

SECTION 13. Section 5-8-010 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through, as follows:

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 ~~discharge~~ status or source of income.

SECTION 14. Section 5-8-020 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through, as follows:

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 ~~discharge~~ 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 ~~discharge~~ 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.

SECTION 15. Chapter 5-8 of the Municipal Code of Chicago is hereby amended by inserting a new Section 5-8-025 underscored, as follows:

5-8-025 Retaliation – Prohibited.

No person shall retaliate against any individual because that individual in good faith has made a charge, testified, assisted or participated in an investigation, proceeding or hearing under this chapter.

SECTION 16. Section 5-8-030 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through, as follows:

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 with the use or occupancy therewith,

predicated upon the race, color, sex, gender identity, age, religion, disability, national origin, ancestry, sexual orientation, marital status, parental status, military ~~discharge~~ 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 ~~discharge~~ 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 ~~discharge~~ 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 ~~discharge~~ 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 ~~discharge~~ 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 ~~discharge~~ 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 ~~discharge~~ status or source of income.

(Omitted text is unaffected by this ordinance)

SECTION 17. Section 5-8-040 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through, as follows:

5-8-040 Definitions.

Wherever used in this chapter, the terms “age”, “religion”, “disability”, “sexual orientation”, “marital status”, “parental status”, “military discharge status”, “gender identity” and “source of income” shall have the ~~same meanings as described in Chapter 2-160 of this Code~~ meaning ascribed to that term in Section 2-160-020.

SECTION 18. Section 9-115-180 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through, as follows:

9-115-180 Operating regulations.

(Omitted text is unaffected by this ordinance)

(l) All licensees and drivers must comply with all Federal, State of Illinois and City of Chicago non-discrimination laws. No licensee shall discriminate against any potential or existing employee, driver or passenger on account of race, color, sex, gender identity, age, religion, disability, national origin, ancestry, sexual orientation, marital status, parental status, military discharge status or source of income, as defined in ~~Chapter 2-160 of this Code~~ Section 2-160-020.

(Omitted text is unaffected by this ordinance)

SECTION 19. This ordinance shall take full force and effect upon its passage and publication.



PROCO JOE MORENO

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February 10, 2016

To the President and Members of the City Council:

Your committee on Human Relations, for which a meeting was held February 2, 2016, had under consideration the appointment of Julio Rodriguez and the reappointments of Naderh H. Elrabadi Stephanie A. Kanter, David J. Mussatt, and Nabeela Rasheed as members of Chicago Commission on Human Relations. The committee also reviewed 02015-8051 Amendment of Municipal Code Titles 2, 5 and 9 regarding military status discrimination and associated corrections. These recommendations were concurred in a voice vote of all committee members present with no dissenting votes.

Respectfully submitted,

Proco Joe Moreno, Chairman
Committee on Human Relations