



# City of Chicago



O2018-6071

Office of the City Clerk

## Document Tracking Sheet

<b>Meeting Date:</b>	7/25/2018
<b>Sponsor(s):</b>	Burke (14) Solis (25) Reboyas (30)
<b>Type:</b>	Ordinance
<b>Title:</b>	Amendment of Municipal Code Sections 5-8-010 and 5-8-020 to prohibit discrimination based on alienage in obtaining fair and adequate housing
<b>Committee(s) Assignment:</b>	Committee on Finance

ORDINANCE

WHEREAS, the City of Chicago is a home rule unit of government pursuant to the 1970 Illinois Constitution, Article VII, Section 6(a); and

WHEREAS, pursuant to its home rule power, the City of Chicago may exercise any power and perform any function relating to its government and affairs including the power to regulate for the protection of the public health, safety, morals, and welfare; and

WHEREAS, housing discrimination based on alienage is not currently covered comprehensively by federal or local law; and

WHEREAS, according to the *Los Angeles Times*, immigrants' rights groups "have received reports of landlords threatening to report tenants to immigration authorities. Often, the advocates say, the threats are in response to residents reporting issues such as exposed electrical wiring or vermin;" and

WHEREAS, the Supreme Court of the United States in *Espinoza v. Farah* (1973) held that *national origin* and *alienage* are distinct for constitutional purposes, and that national origin may only protect an alien in the narrow circumstance that citizenship was being used as a proxy for another suspect class; and

WHEREAS, the 7<sup>th</sup> Circuit has held that for purposes of Title VII and employment actions that national origin and alienage are distinct, and that many local and state laws fail to adequately capture discrimination based on alienage; and

WHEREAS, the State of Illinois is very active in this area, having passed a law which prohibits discrimination based on alienage in employment, however, the law did not reach fair housing; and

WHEREAS, on May 31, 2018 the Illinois General Assembly approved a bill which would protect alienage in housing, and has yet to be signed by the Governor; and

WHEREAS, other States and municipalities have taken action in this area, California fines landlords who threaten alien tenants with deportation; and

WHEREAS, the City of Chicago provides for protection based on national origin but not currently alienage; and

WHEREAS, the City of Chicago and the United States are and will always be a nation of immigrants; and

WHEREAS, according to John F. Kennedy, in his 1958 book, *A Nation of Immigrants*, "The same things are said today of Puerto Ricans and Mexicans that were once said of Irish, Italians, Germans and Jews: 'They'll never adjust; they can't learn the language; they won't be absorbed,'" and

WHEREAS, it has always been the cherished duty of local government to provide for the protection and safety of its residents, especially in times of federal inaction; **NOW THEREFORE**

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

SECTION 1. The above recitals are expressly incorporated herein and made part hereof as though fully set forth herein.



SECTION 2. Chapter 5-8 of the Municipal Code of Chicago is hereby amended by inserting underscored language as follows:

5-8-010 City policy generally.

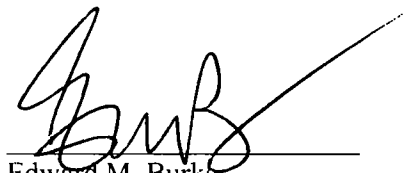
It is hereby declared the policy of the City of Chicago to assure full and equal opportunity to all residents of the city to obtain fair and adequate housing for themselves and their families in the City of Chicago without discrimination against them because of their race, color, sex, gender identity,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

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, alienage, 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, alienage, 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.

*(Omitted text is unaffected by this ordinance)*

SECTION 3. This ordinance shall take effect immediately after its passage.



Edward M. Burke  
Alderman, 14<sup>th</sup> Ward



Daniel Solis  
Alderman, 25<sup>th</sup> Ward



Ariel Reboyras  
Alderman, 30<sup>th</sup> Ward