



# City of Chicago



**O2018-8076**

Office of the City Clerk

## Document Tracking Sheet

<b>Meeting Date:</b>	10/31/2018
<b>Sponsor(s):</b>	Emanuel (Mayor)
<b>Type:</b>	Ordinance
<b>Title:</b>	Amendment of Municipal Code Chapters 2-120, 2-160, 4-6 and 5-8 regarding human rights and fair housing ordinances
<b>Committee(s) Assignment:</b>	Joint Committee: Housing and Real Estate; Human Relations



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OFFICE OF THE MAYOR  
CITY OF CHICAGO

RAHM EMANUEL  
MAYOR

October 31, 2018

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

Ladies and Gentlemen:

At the request of the Commission on Human Relations, I transmit herewith an ordinance amending the Human Rights Ordinance and Fair Housing Ordinance.

Your favorable consideration of this ordinance will be appreciated.

Very truly yours,

Mayor

## 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 deleting the language struck 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:

*(Omitted text is not affected 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 ~~480~~ 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 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 not affected 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. Any final Decisions decision of the commission shall constitute a final determination for purposes of judicial review and shall be subject to review in accordance with applicable law;

**SECTION 2.** Section 2-160-100 of the Municipal Code of Chicago is hereby amended by deleting the language struck through and by inserting the language underscored, as follows:

**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 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.

**SECTION 3.** Section 4-6-180 of the Municipal Code of Chicago is hereby amended by deleting the language struck through and by inserting the language underscored, as follows:

**4-6-180 Hotel.**

*(Omitted text not affected by this ordinance)*

(f) Prohibited acts. It shall be unlawful for any licensee engaged in the business of hotel to:

- (1) (i) rent any sleeping room by the hour or for any period of fewer than ten consecutive hours; or (ii) rent any sleeping room more than once within any consecutive ten hour period measured from the commencement of one rental to the commencement of the next; or (iii) advertise an hourly rate or any other rate for a sleeping room based on a rental period of

fewer than ten consecutive hours. Provided, however, that clauses (i) and (ii) shall not apply to any hotel that is located within the central area as defined in Section 10-32-220(1) of this Code, or within three miles of property used for airport purposes at the Chicago O'Hare International Airport, Midway Airport or within 1.5 miles of the McCormick Place complex. Any person who violates any requirement of this subsection shall be subject to a fine of not less than \$500.00 nor more than \$1,000.00 for each offense. Each day that a violation continues shall constitute a separate and distinct offense.

(2) knowingly permit prostitution, pimping, gambling or illegal possession or delivery of, or trafficking in, controlled substances or other drugs, including cannabis, to occur on or immediately adjacent to the licensed establishment; or to fail to discover such illegal acts on or immediately adjacent to the licensed establishment under circumstances in which a reasonable person, exercising ordinary care and diligence, would infer that such activity is taking place; or to fail to report to the police in a timely manner any criminal activity occurring on or immediately adjacent to the licensed establishment, if such criminal activity is observed by or reported to the licensee. Provided, however, that it shall be an affirmative defense to any prosecution under this subsection if the licensee immediately notified the police of the public nuisance occurring on or immediately adjacent to the licensed establishment. For purposes of this subsection, the term "licensee" also includes employees and agents of the licensee.

(3) retaliate against any employee for: (i) reasonably using a panic button or notification device, or (ii) availing himself or herself of the requirements set forth in subsection (e)(2)(c), (e)(2)(d) or (e)(2)(e) of this section, or (iii) disclosing, reporting, or testifying about any violation of this section or any rule promulgated thereunder. Any complaint alleging a violation of this subsection (f)(3) shall be filed by the aggrieved party with the Chicago Commission on Human Relations ("CCHR") no later than ~~480~~ 300 days after the occurrence of the alleged violation and in accordance with rules duly promulgated by the Commissioner of CCHR. Two or more adjudged violations of this subsection (f)(3) within any 12-month period may result in license suspension or revocation in accordance with Section 4-4-280. Provided, however, that: (A) the subject matter of any such disciplinary hearing or proceeding under Section 4-4-280 shall be limited to the issue of whether the required number of adjudged violations of this subsection (f)(3) occurred within any 12-month period; (B) the licensee shall not be permitted at such disciplinary hearing or proceeding to challenge the adjudged violations themselves, nor any underlying facts asserted or determined therein; and (C) no fines shall be imposed on the licensee as a result of such disciplinary hearing or proceeding under Section 4-4-280.

*(Omitted text not affected by this ordinance)*

**SECTION 4.** Section 5-8-025 of the Municipal Code of Chicago is hereby amended by deleting the language struck through and by inserting the language underscored, as follows:

**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 Chapter.

**SECTION 5.** This ordinance shall take effect upon its passage and approval.