

VILLAGE OF HAMMOND
PIATT COUNTY, ILLINOIS

ORDINANCE #2023-17

"An Ordinance Defining Fair Housing in the Village of Hammond"

ADOPTED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF HAMMOND THIS
13th DAY OF December 2023

Published in pamphlet form by authority of the Village Board of the Village of Hammond, Piatt
County, Illinois

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PIATT COUNTY, ILLINOIS
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Be it ordained by the President and the Board of Trustees of the Village of Hammond, Piatt County, Illinois, as follows:

Section 1: Definitions.

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

1. “Decent, sanitary, healthful standard living quarters” means housing which is in sound, clean, and weathertight condition in conformance with applicable local, state, and national codes.
2. “Discriminate” or “Discrimination” means any difference expressed in any way toward a person in the terms of the sale, exchange, lease, rental or financing form, housing accommodation and/or real property in regard to such sale, exchange, rental, lease, or finance because of race, color, religion, national origin, or ancestry, sex, creed, or physical or mental disability of such person.
3. “Financial Institution” means any person, institution, or business entity of any kind which loans money to persons and receives as security for said loans a secured interest of any kind in the real property of the borrower.
4. “Owner” means any person who holds legal or equitable title to, or owns any beneficial interest in any real property or who holds legal or equitable title to shares of, or holds any beneficial interest in any real estate cooperative which owns any real property and/or housing accommodations.
5. “Real Estate Broker” means any person, partnership, association, corporation, and/or agent thereof, who for a fee or tother valuable consideration offers, sells, purchases, exchanges or rents, or negotiates, for the sale, purchase, exchange, or rental for a housing accommodation and/or real property of another, or collects rental for the use of a housing accommodation and/or real property of another.
6. “Real Property” means any real estate, vacant land, building, structure, or housing accommodations within the corporate limits of the Village of Hammond, Illinois.

Section 2: Declaration of Policy.

- a. In furthering the policy of the State of Illinois as expressed in its Constitution and other laws; in order that the safety and general welfare, peace, and health of all the inhabitants of the Village may be ensured, it is hereby declared the policy of the Village of Hammond, Illinois, to ensure equal opportunity to all residents, regardless of race, color, religion, national origin, or ancestry, sex, creed, or physical or mental disability to live in decent, sanitary, healthful, standard living quarters.
- b. It is the policy of the Village of Hammond that no owner, lessee, sub-lessee, assignee, managing agent, or other person, firm, or corporation having the right to sell, rent, lease (or otherwise control) any housing accommodation and/or real property within the Village, or any agent of these shall refuse to sell, rent, lease, or otherwise deny to or withhold from any person or group of persons such housing accommodations and/or real property because of race, color, religion, national origin or ancestry, sex, creed, or

physical or mental disability of such person or discriminate against any person because of race, color, religion, national origin or ancestry, sex, creed, or physical or mental disability in the conditions, terms, privileges of the sale, rental or lease of any housing accommodation and/or real property or in the furnishing of facilities and/or services in connection herewith.

- c. Relocation shall be carried out in a manner that will promote maximum choice within the community's total housing supply; lessen racial, ethnic, and economic concentrations; and facilitate desegregation and racially inclusive patterns of occupancy and use of public and private facilities.

Section 3: Prohibited Acts.

- a. It shall be unlawful for any owner of real estate, lessee, sub-lessee, real estate broker or salesman, financial institution or employee of the financial institution, advertiser, or agent of any or all of the foregoing, to discriminate against any person because of their race, color, religion, national origin or ancestry, sex, creed, or physical or mental disability with regard to the sale, exchange or rental, or any dealing concerning any housing accommodation and/or real property.
- b. In addition to the foregoing, it shall also be unlawful for any real estate broker or employee thereof, owner or other person, or financial institution dealing with housing or real property in the Village of Hammond, Illinois:
 1. To discrimination against any person in the availability of or the price, terms, conditions, or privileges of any kind relating to the sale, rental, lease, or occupancy of any housing accommodation or real property in the Village or in furnishing of any facilities or services in connection therewith.
 2. To publish, circulate, or cause to be published or circulated, any notice, statement or advertisement, or to announce a policy, or to use any form of application, for the purchase, lease, rental, or financing of real property, or to make any record of inquiry in connection with the prospective purchase, rent, or lease of such real estate, which expresses directly or indirectly any discrimination as to race, color, religion, national origin or ancestry, sex, creed or physical or mental disability of any person.
 3. To discriminate in connection with lending money, guaranteeing loans, accepting mortgages, or otherwise obtaining or making available funds for the purchase, acquisition, construction, rehabilitation, repair or maintenance of any housing accommodation and/or real property.
 4. To solicit for sale, lease, or listing for the sale or lease, of any housing accommodation and/or real property on the ground of loss of value because of the present or prospective entry into any neighborhood of any person of any particular race, color, religion, national origin or ancestry, sex, creed, or physical or mental disability.
 5. To distribute or cause to be distributed, written material or statements designed to induce any owner or any housing accommodation and/or real property to sell or lease his/her property because of any present or prospective change in the race, color, religion, national origin or ancestry, sex, creed, or physical or mental disability of persons in the neighborhood.
 6. To make any misrepresentations concerning the listing for sale or the anticipated listing for sale or the sale of any housing accommodation and/or real property for the

- purpose of inducing or attempting to induce the sale or listing for sale of any housing accommodation and/or real property by representing that the presence or anticipated presence of persons or any particular race, color, religion, national origin or ancestry, sex, creed, or physical or mental disability in the area will or may result in the lowering of property values in the block, neighborhood, or area in which the property is located.
7. For an owner to solicit any real estate broker to sell, rent, or otherwise deal with such owner's housing accommodations and/or real property with any limitation on its sale based on race, color, religion, national origin or ancestry, sex, creed, physical and mental disability.
 8. For an owner to refuse to sell, rent, or otherwise deal with any housing accommodation and/or real property because of race, color, religion, national origin or ancestry, sex, creed, or physical or mental disability of the proposed buyer or tenant.

Section 4: Exemptions.

This ordinance shall not apply to:

1. A religious organization, association, or society or any non-profit institution or organization operating, supervised, or controlled by or in conjunction with a religious organization, association, or society, which limits the sale, rental, or occupancy, of dwellings which it owns or operates for other than commercial purpose to persons of the same religion, or which gives preference to such persons, unless membership in such a religion is restricted on account of race, color, sex, or national origin.
2. A private club not in fact open to the public, which as an incident to its primary purpose or purposes, provides lodgings which it owns or operates for other than a commercial purpose, and which limits the rental or occupancy of such lodgings to its members or gives preference to its members.
3. Any single-family house sold or rented by an owner: Provided that such private individual owner does not own more than three such single-family houses any one time: Provided further that in the case of the sale of any such single-family house by a private individual owner not residing in such house at the time of such sale or who was not the most recent resident of such house prior to such sale, the exemption granted by this subsection shall apply only with respect to one such sale within any 24 month period: Provided further that such bona fide private individual owner does not own any interest in, nor is there owned or serviced on his/her behalf, under any express or voluntary agreement, title to or any right to all or a portion of the proceeds from the sale or rental of, more than three such single-family houses at any one time: Provided further the sale or rental of any such single-family house shall be excepted from the application of this ordinance only if such house is sold or rented:
 - a. Without the use in any manner of the sales or rental facilities or the sales or rental services of any real estate broker, agent, or salesman, or of such facilities or services of any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, agent, salesman, or person, and
 - b. Without the publication, posting or mailing, after notice, of any advertisement of written notice in violation of the provisions of 42 United States Code Section 3604 (c) or of Section 3 of this ordinance; but nothing in this provision shall

- prohibit the use of attorneys, escrow agents, abstractors, title companies, or other such professional assistance as necessary to perfect or transfer the title; or
4. Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his/her residence.

Section 5: Procedure.

Any person aggrieved by an unlawful practice prohibited by this ordinance may file a complaint with the Village attorney within 30 days after the aggrieved person becomes aware of the alleged unlawful practice, and in no event more than 60 days after the alleged unlawful practice occurred. The Village attorney or his/her duly authorized representative shall investigate each complaint and attempt to resolve each complaint. Failure to achieve a resolution acceptable to both parties and compliance with this ordinance shall cause the Village attorney to forward the complaint and his/her findings to appropriate state and federal officials.

Section 6: Other Remedies.

Nothing herein contained shall prevent any person from exercising any right or seeking any remedy to which he/she might otherwise be entitled or from filing his/her complaint with any appropriate governmental agency.

Section 7: Summary Abatement:

Whenever, in the opinion of the Village, the maintenance or continuation of a nuisance creates an imminent threat of serious injury to persons or serious damage to real or personal property, and the continuation of the nuisance poses a substantial threat of injury to persons or property, the Village may proceed immediately and summarily to abate such nuisance.

Penalty:

Any person, firm, or corporation violating any provisions of this Ordinance shall be notified as follows:

1. Place phone call to homeowner notifying them of the violation on their property and giving them 10 days in which to fix the violation.
2. If compliance is not met in the 10 days, a non-certified letter will be sent reiterating the violation that needs to be corrected. Allow another 10 days.
3. If compliance is still not met, a certified violation letter is mailed to the homeowner. The first fine will be charged at this time for non-compliance and due within 10 days. The fine structure is as follows:

- 1st Offense: \$180.00
- 2nd Offense-committed within 12 months of any prior offense: \$330.00
- 3rd Offense-committed within 12 months of any prior offense: \$580.00

Each day that a violation continues beyond the 10-day notice period described above shall constitute a separate offense.

Notice:

Notice shall be deemed to be properly served by:

- Depositing the notice in U.S. mail, prepaid first-class postage regardless of whether the addressee accepts or refuses delivery; or
- Personal service; or
- Posting of notice upon property

Section 8: Severability of Invalid Provisions.

In case any one or more of the sections, subsections, clauses, or provisions of this ordinance, or the application of such sections, subsections, clauses or provisions to any situations, circumstances, or person shall for any reason be held to be unconstitutional or invalid, such unconstitutionality or invalidity shall not affect any other sections or provisions of this ordinance or the application of such sections, subsections, clauses, or provisions to any other situation, circumstance or person, and it is intended that this ordinance shall be constructed and applied as if such section or provision so held unconstitutional or invalid had not been included in this ordinance.

Section 9: Effective Date.

This Ordinance shall take effect and be in full force from and after its passage and approval, and publication in pamphlet form as required by law. Any and all prior Ordinances not in conformity herewith are hereby revoked and declared null and void.

Passed by the Board of Trustees of the Village of Hammond, Piatt County, Illinois, this 13th day of December 2023, by the following roll call vote:

AYES: 4

NAYS: 0

ABSENT: 2

Brenda Sebens
Village Clerk, Village of Hammond
Piatt County, Illinois

Marsha Burgener
President, Board of Trustees
Village of Hammond, Piatt County, Illinois

State of Illinois)
) ss.
 County of Piatt)
 Certificate of Publication)

I, Brenda Sebens, certify that I am the duly appointed and acting Municipal Clerk of the Village of Hammond, Piatt County, Illinois.

I further certify that on December 13, 2023, the Corporate Authorities of such municipality passed and approved Ordinance #2023-17, entitled, "An Ordinance Defining Fair Housing in the Village of Hammond", which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance #2023-17, including the Ordinance and a cover sheet thereof, was prepared and a copy of such Ordinance was posted in the municipal building commencing on December 14, 2023 and continuing for at least 10 (ten) days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the Municipal Clerk.

Dated at Hammond, Illinois, this 13th day of December, 2023.

(SEAL)

Brenda Sebens
 Municipal Clerk