



## **Fair Housing Action Plan Policy**

Bensenville's ordinance on fair housing is contained in [Title 4 Chapter 7](#) of the Village Code. This chapter offers concise definitions, defines prohibited actions, and defines the process for addressing complaints.

### **4-7-1: DECLARATION OF POLICY; ADMINISTRATION:**

A. It is hereby declared to be the policy of the Village to provide, within constitutional limitations, for fair housing throughout the Village, to assure that all persons have full and equal opportunity to consider all available housing and obtain fair and adequate housing for themselves and their families within the Village without discrimination because of actual or perceived race, color, religion, sex, national origin, ancestry, age, marital status, order of protection status, disability, parental status, military status, sexual orientation, pregnancy, source of income, unfavorable discharge from military service, gender identity, retaliation, housing status, English language proficiency, familial status, an arrest record or by aiding, abetting or willful interference thereof and to promote a stable community.

B. It is hereby further declared to be the policy of the Village to undertake all actions necessary and proper to achieve the policy expressed in subsection A. of this section.

C. It shall be the responsibility of the Village Manager to receive and investigate complaints charging unlawful discriminatory and unfair housing practices and to endeavor, by conciliation, to resolve any such complaints by acting as a bridge between the parties to the dispute. Any person otherwise qualified who is denied or discriminated against may also contact or file a written, formal complaint with DuPage County Community Services, the Cook County Human Rights Commission, the Illinois Department of Human Rights, or the U.S. Department of Housing and Urban Development at any time or seek whatever legal or equitable remedy at law in any court of competent jurisdiction for appropriate relief from such violation. (Ord. 38-2020, 8-25-2020)

### **4-7-2: CONSTRUCTION:**

This chapter shall be liberally construed to further the purposes and policies stated herein. (Ord. 38-2020, 8-25-2020)

### **4-7-3: SEVERABILITY:**

If any court of competent jurisdiction shall adjudge any section, subsection, or provision of this chapter to be unconstitutional, void, or ineffective, such judgment shall not affect any other section, subsection or provision of this chapter not specifically included in said judgment. If any court of competent jurisdiction shall adjudge the application of any section, subsection, or provision of this chapter to any person or circumstance to be unconstitutional, void, or ineffective, such judgment shall not affect the application of said section, subsection, or provision to any other person or circumstance not specifically included in said judgment. (Ord. 38-2020, 8-25-2020)

#### 4-7-4: DEFINITIONS:

For the purpose of this chapter, and the interpretation and application thereof, the following terms, phrases, words and their derivations shall have the meanings given herein, unless the context in which they are used shall indicate otherwise. When not inconsistent with the context, words used in the present tense include the future, words in the singular number include the plural number and words in the plural number include the singular number. Words or phrases not defined shall be given their common and ordinary meaning unless the context clearly indicates or requires a different meaning.

**ARREST RECORD:** An arrest not leading to a conviction; a juvenile record; or criminal history record information ordered expunged, sealed, or impounded under Section 5.2 of the Criminal Identification Act.

**DWELLING:** Any building, structure, or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one (1) or more persons, and any vacant land which is offered for sale or rental and on which any such building, structure, or portion thereof may be constructed or located.

**FAMILIAL STATUS:** One (1) or more individuals (who have not attained the age of eighteen (18) years) being domiciled with: a parent or another person having legal custody of such individual or individuals; or the designee of such parent or other person having such custody, with the written permission of such parent or other person. The protections afforded by this chapter against discrimination on the basis of familial status shall apply to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of eighteen (18) years.

**LENDING INSTITUTION:** Any bank, savings and loan association, insurance company, or other organization or entity regularly engaged in the business of lending money or guaranteeing loans for profit.

**MULTIFAMILY RESIDENTIAL DEVELOPMENT:** Any building or structure, or group of buildings or structures, which contains two (2) or more dwellings under common management or ownership.

**OWNER:** Any person who holds legal or equitable title to, or shares of, or holds any beneficial interest in, a dwelling or who holds legal or equitable title to, or shares of, or holds any beneficial interest in, any organization or person which owns a dwelling; and such owner's agent.

**PERSON:** One (1) or more individuals, corporations, companies, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers or fiduciaries.

**PURCHASE:** To obtain a dwelling through a sale.

**RENT OR RENTAL:** To lease, sublease, assign or otherwise grant or obtain the right to occupy a dwelling not owned by the occupant in return for consideration, or a contract or option to do any of the foregoing.

**SALE OR SELL:** To convey, exchange, transfer or assign legal or equitable title to, or a beneficial interest in, a dwelling in return for consideration, or a contract or option to do any of the foregoing. (Ord. 38-2020, 8-25-2020)

**4-7-5: EXEMPTIONS:**

Nothing in this chapter shall apply to:

- A. The rental of a portion of an owner-occupied single-family dwelling;
- B. A religious organization, association, or society, or any nonprofit institution or organization operated, supervised, or controlled by or in conjunction with a religious organization, association, or society, with respect to its limitation of the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or with respect to preference given to such persons, unless membership in such religion is restricted on account of race, color, sex, national origin, or handicap;
- C. A private club not in fact open to the public, which as an incident to its primary purposes provides lodgings which it owns or operates for other than a commercial purpose, with respect to its limitation of the rental or occupancy of such lodgings to its members and their guests, or with respect to preference given to such persons;
- D. Reasonable local, State, or Federal restrictions regarding the maximum number of occupants permitted to occupy a dwelling;
- E. Conduct against a person because such person has been convicted by any court of competent jurisdiction of the illegal manufacture or distribution of a controlled substance as defined in Section 102 of the Federal Controlled Substances Act (21 U.S.C. 802);
- F. Refusal of a child sex offender who owns and resides at residential real estate to rent any residential unit within the same building in which he or she resides to a person who is the parent or guardian of a child or children under eighteen (18) years of age;
- G. Inquiry into or the use of an arrest record if the inquiry or use is otherwise authorized by State or Federal law. (Ord. 38-2020, 8-25-2020)

**4-7-6: DISCRIMINATORY TERMS, REFUSE TO NEGOTIATE OR WITHHOLD DWELLING:**

In order to effectuate the policies set forth in Section 4-7-1, it is hereby declared to be a discriminatory act, an unfair housing practice and unlawful for any lending institution or other person to discriminate against any person in the price, terms, conditions, or privileges relating to the sale or rental of any dwelling, or in the provision of facilities, repairs, improvements, or services in connection therewith, or to refuse to sell or rent, after the making of a bona fide offer, or to refuse to negotiate or claim that any dwelling is not available for the sale or rental of a dwelling, or otherwise make unavailable or deny when in fact such dwelling is in fact so available, to any person, because of actual or perceived race, color, religion, sex, national origin, ancestry, age, marital status, order of protection status, disability, parental status, military status, sexual orientation, pregnancy, source of income, unfavorable discharge from military service, gender identity, retaliation,

housing status, English language proficiency, familial status, an arrest record or by aiding, abetting or willful interference thereof. (Ord. 38-2020, 8-25-2020)

**4-7-7: ADVERTISEMENTS, SIGNS, NOTICES:**

In order to effectuate the policies set forth in Section 4-7-1, it is hereby declared to be a discriminatory act, an unfair housing practice and unlawful for any lending institution or other person to make, publish, print, circulate, issue or display, or cause to be made, published, printed, circulated, issued, or displayed, any communication, notice, advertisement, sign, symbol, listing or other writing of any kind, in connection with the sale or rental of any dwelling, or the financing thereof, that indicates or expresses any preference, limitation, reliance, or discrimination based on actual or perceived race, color, religion, sex, national origin, ancestry, age, marital status, order of protection status, disability, parental status, military status, sexual orientation, pregnancy, source of income, unfavorable discharge from military service, gender identity, retaliation, housing status, English language proficiency, familial status, an arrest record or by aiding, abetting or willful interference thereof, or an intention to make such preference, limitation, reliance, or discrimination. (Ord. 38-2020, 8-25-2020)

**4-7-8: MULTIPLE-LISTING SERVICES:**

In order to effectuate the policies set forth in Section 4-7-1, it is hereby declared to be a discriminatory act, an unfair housing practice and unlawful for any lending institution or other person to discriminate against any person by denying access to, or membership or participation in, any multiple-listing service, real estate agents' organization, or other service, organization, or facility relating to the business of selling or renting dwellings; or discriminate against any person in the terms or conditions of such access, membership or participation. (Ord. 38-2020, 8-25-2020)

**4-7-9: STEERING:**

In order to effectuate the policies set forth in Section 4-7-1, it is hereby declared to be a discriminatory act, an unfair housing practice and unlawful for any lending institution or other person to, for profit, use any word, phrase or action in connection with the sale or rental of a dwelling which influences or is intended to influence the choice of a prospective purchaser or renter solely or in part because of actual or perceived race, color, religion, sex, national origin, ancestry, age, marital status, order of protection status, disability, parental status, military status, sexual orientation, pregnancy, source of income, unfavorable discharge from military service, gender identity, retaliation, housing status, English language proficiency, familial status, an arrest record or by aiding, abetting or willful interference thereof; or for profit, otherwise induce or attempt to induce, or deter or attempt to deter, the inspection, purchase or rental of any dwelling by representations regarding the presence in, proximity to, or entry or prospective entry into, the block, neighborhood or area of a person or persons of a particular race, color, religion, sex, national origin, ancestry, age, marital status, order of protection status, disability, parental status, military status, sexual orientation, pregnancy, source of income, unfavorable discharge from military service, gender identity, retaliation, housing status, English

language proficiency, familial status, an arrest record or by aiding, abetting or willful interference thereof. (Ord. 38-2020, 8-25-2020)

**4-7-10: PEDDLING:**

In order to effectuate the policies set forth in Section 4-7-1, it is hereby declared to be a discriminatory act, an unfair housing practice and unlawful for any lending institution or other person to, for profit, induce or attempt to induce the sale, rental or listing for sale or rental of any dwelling by representations regarding the presence in, proximity to, or entry or prospective entry into, the block, neighborhood or area of a person or persons of a particular race, color, religion, sex, national origin, ancestry, age, marital status, order of protection status, disability, parental status, military status, sexual orientation, pregnancy, source of income, unfavorable discharge from military service, gender identity, retaliation, housing status, English language proficiency, familial status, an arrest record or by aiding, abetting or willful interference thereof. (Ord. 38-2020, 8-25-2020)

**4-7-11: AIDING OR OBSTRUCTING:**

In order to effectuate the policies set forth in Section 4-7-1, it is hereby declared to be a discriminatory act, an unfair housing practice and unlawful for any lending institution or other person to aid, abet, compel, coerce, or attempt the commission of any act declared to be unlawful under this chapter; or obstruct or prevent enforcement of, or compliance with this chapter. (Ord. 38-2020, 8-25-2020)

**4-7-12: OTHER DISCRIMINATORY ACTS:**

In order to effectuate the policies set forth in Section 4-7-1, it is hereby declared to be a discriminatory act, an unfair housing practice and unlawful for any lending institution or other person to discriminate by engaging in any other action which makes unavailable, or restricts consideration of, the inspection, purchase, sale or rental of any dwelling. (Ord. 38-2020, 8-25-2020)

**4-7-13: LENDING:**

In order to effectuate the policies set forth in Section 4-7-1, it is hereby declared to be a discriminatory act, an unfair housing practice and unlawful for any lending institution to discriminate against any person in connection with borrowing or lending money, guaranteeing loans, accepting a deed in trust or mortgage, or otherwise obtaining or making available funds for the purchase, construction, improvement, repair, or maintenance of any dwelling; or discriminate by delaying the processing of or denying such loan or other financial assistance; or discriminate the fixing of the amount, interest rate, duration, or other terms or conditions of such loan or other financial assistance; or discriminate on the basis that a dwelling is located in a particular geographic area. (Ord. 38-2020, 8-25-2020)

**4-7-14: PENALTY:**

Any owner or person violating any provision of this chapter shall be fined not less than one hundred dollars (\$100.00) nor more than seven hundred fifty dollars (\$750.00) for each

discriminatory act, unfair housing practice, unlawful lending practice or other such violation as herein required or prohibited. Each day of the occurrence of any such violation shall constitute a separate and distinct offense subject to fine and penalty, as herein required. (Ord. 38-2020, 8-25-2020)

### **Bensenville's Commitment to Addressing Fair Housing Complaints:**

The Village of Bensenville considers training to be an important priority to effectively provide quality services, which would include implementation of its Fair Housing Action Plan and policies.

As such, the Village dedicates significant resources to training initiatives each year. This would include, as opportunities present, attending seminars and conferences related to fair housing requirements offered by the Illinois Municipal League, Mayors and Managers Conference, American Planning Association, and others.

In addition to formal training events, the Village leverages its strong relationships, which provides Village staff with ongoing Fair Housing knowledge and experience gained through continued working partnerships with agencies like the Hope Fair Housing Center (which is a HUD-Approved non-profit organization serving DuPage County Communities to provide opportunities for fair housing). Lastly, should a complaint arise, the Village's legal council is also a valued, trained resource to assist Village staff with any response.

### **Bensenville's Commitment to Maintaining Up-To-Date Information on Fair Housing:**

The Village of Bensenville cares about Fair Housing policies and maintaining up-to-date information for our community on the topic of fair housing. Any updates to the Fair Housing Action Plan will be posted on this web page, and communicated through noticed agendas, postings on bulletin boards at Village Hall entrances, and as needed, the Village's monthly newsletter.