

ORDINANCE NO. 20 - \_\_\_\_\_

**AN ORDINANCE  
AMENDING CHAPTER 5 (HOUSING ADVISORY COMMISSION) OF  
TITLE 2 (BOARDS AND COMMISSIONS),  
REPEALING CHAPTER 5 (FAIR HOUSING) OF  
TITLE 10 (POLICE REGULATIONS), AND  
ESTABLISHING TITLE 12 (HUMAN RIGHTS AND FAIR HOUSING) OF  
THE NAPERVILLE MUNICIPAL CODE**

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NAPERVILLE, DUPAGE AND WILL COUNTIES, ILLINOIS, in exercise of its home rule powers that:

**SECTION 1:** Chapter 5 (Housing Advisory Commission) of Title 2 (Boards and Commissions) of the Naperville Municipal Code is hereby amended by deleting the stricken language and by adding the underlined language as follows:

**TITLE 2 – BOARDS AND COMMISSIONS**

**CHAPTER 5 – HUMAN RIGHTS AND FAIR HOUSING ~~HOUSING ADVISORY~~ COMMISSION**

SECTION:

**2-5-1: - PURPOSE AND CREATION:**

There is hereby created a Human Rights and Fair Housing Advisory Commission for the City of Naperville. The ~~Housing Advisory~~ Commission shall have only those powers, duties, responsibilities and authority specifically delegated to it under this Code.

**2-5-2: - MEMBERSHIP:**

Initially, as of the effective date of this ordinance, the Commission shall consist of nine (9) eleven (11) members. Thereafter, as initial member terms expire, they shall not be replaced until the Commission stands at nine (9) members and thereafter the Commission shall consist of nine (9) members. At least five (5) of said members shall have professional expertise experience in the various facets aspects of the duties of the Commission by virtue of their training, life experience or employment. Said areas of expertise may include, but not necessarily be limited to, real estate, business,

~~architecture, community development, property management, senior services, the disabled and financial lending. The Commission shall be broadly representative of the City's population and shall include members of Naperville's minority communities.~~

### **2-5-3: - POWERS AND DUTIES:**

~~It is the policy of the City to encourage and develop the best possible living conditions for the present and future residents of the City to attain and maintain a stable and well balanced community. The Commission shall propose policies and programs to the Council as will assist all persons, regardless of age, race, color, creed, or income, to have equal opportunity to secure safe and adequate housing within the City.~~

The powers and duties of the Commission shall be as follows:

1. ~~Assist the City Council in the development, and implementation, and maintenance of a City policies~~ related to housing, unlawful discrimination and fair housing and propose policies and programs to the City Council in furtherance of combatting unlawful discrimination and unfair housing practices.
2. Encourage the maintenance and development of ~~existing sound housing affordable housing~~ and rehabilitation of deteriorating housing.
3. Assist in the identification and development of available resources related to housing, unlawful discrimination and fair housing.
4. Study and consider such other matters as may be referred to it ~~from time to time~~ by the City Council.
5. ~~To r~~Receive, investigate and process, as hereinafter set forth, complaints alleging violations of the provisions of Title 1240, Chapter 5 of this Code.
6. ~~To s~~Seek conciliation of, hold hearings on, and make findings of fact with respect to any complaint received alleging violations of the provisions of Title 12 of this Code.
7. Educate and engage the community in efforts to promote increased awareness and understanding, and eliminate discrimination, and act as a point of contact with the community for issues related to housing, unlawful discrimination and unfair housing practices. To make recommendations to the City Council upon its findings and make a report to the City Council of its findings of fact and recommendations.
8. Delegate to designated City staff or agents any Commission functions, powers and duties, including with respect to investigating, conciliating, determining, certifying, reporting, or otherwise acting as to any Commission work, business, or matter related to the provisions of Title 12 of this Code, including, but not

~~limited to, retaining the services of an administrative law judge or hearing officer for the purpose of adjudicating hearings and a mediator to aid in conciliations, regarding alleged violations of the provisions of Title 12 of this Code. To render a written annual report to the City Council of its activities, and its recommendations, if any, with respect to the enforcement of Title 10, Chapter 5 of this Code; and to render such other reports as the City Council may request.~~

~~9. To keep a separate file of every complaint filed, and keep an accurate record of all its proceedings.~~

#### ~~**2-5-4: - COOPERATION OF OTHER CITY AGENCIES:**~~

~~The City Manager, the City Attorney, the Director of Community Development, and other officers, departments and agencies of the City shall assist and cooperate with the Commission, and upon request of the Commission Chairman, shall attend Commission meetings, furnish information, advise and provide access to facilities respecting such matters as the Commission may reasonably require in order to fulfill its purposes, as set forth herein. The Commission shall be assisted by a City staff member. This member shall assist in conducting investigations, screening cases, scheduling, and other such activities as delegated by the Commission.~~

**SECTION 2:** Chapter 5 (Fair Housing) of Title 10 (Police Regulations) of the Naperville Municipal Code is hereby repealed and stricken in its entirety and Chapter 5 of Title 10 shall be designated as reserved.

**SECTION 3:** Title 12 (Human Rights and Fair Housing) of the Naperville Municipal Code is hereby established by adding the language as follows:

## **TITLE 12 – HUMAN RIGHTS AND FAIR HOUSING**

### **CHAPTER 1 – DECLARATION OF POLICY**

#### **SECTION:**

#### **12-1-1: - HUMAN RIGHTS AND FAIR HOUSING:**

It is the policy of the City of Naperville that all individuals shall have an equal opportunities and access to places of public accommodation including the ability to purchase, own,

lease, and occupy housing within the City without being discriminated against based on race, color, religion, sex, national origin, ancestry, age, marital status, familial status, physical or mental disability, military status, sexual orientation, or legal source of income. It is also the policy of the City that members of those protected classes shall have the right to be free from discriminatory practices, including when engaging in real estate transactions and seeking access to financial credit for real estate transactions. The City's human rights and fair housing regulations shall be consistent with and, in some cases, more stringent than the provisions of the Illinois Human Rights Act (775 ILCS 5/1-101 et seq., as amended) and the Fair Housing Act (42 USC Section 3601 et seq., as amended). Both laws as used in this Title shall be identified as the "Fair Housing Act" and the "Illinois Human Rights Act" without citation to the Statutes unless a specific citation is necessary.

**CHAPTER 2 – DEFINITIONS**

**SECTION:**

For the purpose of the interpretation and enforcement of this Title, the words and phrases used in this Title shall have the meanings ascribed to them in the Fair Housing Act and in the Illinois Human Rights Act, unless this Title contains a specific definition for a word or phrase or unless the context of the sentence in which the word or phrase is used shall indicate otherwise. All definitions contained herein shall be deemed to include any and all exceptions, exclusions and/or exemptions as set forth in the Illinois Human Rights Act and Fair Housing Act.

CHAIR OR CHAIRPERSON:	A member of the Human Rights and Fair Housing Commission elected to run meetings of the Commission or other Commission hearings.
COMMISSION:	The City of Naperville’s Human Rights and Fair Housing Commission.
COMMISSIONER:	A member of the Human Rights and Fair Housing Commission.
COMPLAINANT:	A person filing a complaint as provided in this Title.
CREDIT HISTORY:	A record of a person’s past borrowing and repaying, including information about late payments and bankruptcy.
CREDIT REPORT:	Any written or other communication of any information by a consumer reporting agency that bears on a consumer’s credit worthiness, credit standing, credit capacity, or credit history.
DISABILITY	As used in this Title shall have the same meaning ascribed to that term in the Illinois Human Rights Act and Fair Housing Act and may be used interchangeably with the term "handicap". The preferred term for purposes of this Title and its enforcement shall be "disability".  Generally, a physical or mental impairment that substantially limits one or more of the major life activities of an individual; a record of such impairment; or being regarded as having such an impairment. Excluded from this definition is an impairment

	relating to the illegal use, possession, or distribution of controlled substances as defined in schedules I through V of the Controlled Substances Act (21 U.S.C. § 812).
GENDER IDENTITY:	The actual or perceived appearance, expression, identity, or behavior of a person as being male, female, or nonbinary, whether or not that appearance, expression, identity or behavior is different from that traditionally associated with the person's designated sex at birth.
HOUSING AUTHORITY:	The DuPage Housing Authority, the Housing Authority of Joliet, or any other Housing Authority or agency which administers the Housing Choice Voucher Programs in the City of Naperville.
HOUSING STATUS:	The type of housing in which a person resides, whether publicly or privately owned; a person's ownership status with respect to the person's residence; or the status of having or not having a fixed residence.
LEGAL SOURCE OF INCOME:	Any lawful income, subsidy or benefit with which an individual supports himself or herself and his or her dependents, including but not limited to, child support, maintenance, and any federal, state or local public assistance, medical assistance or rental assistance program, provided that: (1) nothing in this Title prevents an owner or agent acting in good faith from taking into consideration factors other than legal sources of income such as credit history, criminal history or reference; (2) nothing in this Title shall require or prevent any person whose property, upon inspection by the Housing Authority, fails to meet federal housing quality standards in connection with the federal Housing Choice Voucher program to lease or rent a unit to a prospective tenant who is relying on such subsidy, payment assistance contribution or voucher for payment of part or all of the rent for such unit; (3) in addition, in such time as a landlord is waiting for an inspection or other agency response relative to a Housing Choice Voucher participant's application for rental of the landlord's housing unit, this Title shall not prohibit such landlord from choosing to rent such unit to another applicant who may or may not be a Housing Choice Voucher participant.
MARITAL STATUS:	The status of being single, married, divorced, separated, or widowed.
MILITARY STATUS:	Whether a person is actively a member of or has been discharged from the Armed Forces of the United States, their Reserve components or any National Guard or Naval Militia other than by a "dishonorable discharge."
NATIONAL ORIGIN:	The place in which a person or one of such person's ancestors was born.
PARENTAL STATUS:	The status of living with one or more dependent minors or disabled children.

PERSON:	One or more individuals; partnerships, associations, or organizations; labor organizations, labor unions, joint apprenticeship committees, or union labor associations; corporations; recipients of County funds; legal representatives, trusts, trustees in bankruptcy, or receivers; state governments other than that of Illinois; or commercial operations or entities controlled by governments other than those of Illinois, or of the United States.
PUBLIC ACCOMODATION:	<p>A person, place, business establishment, or agency that for or without regard to profit sells, leases, provides, or offers any product, facility, or service to the public in the City of Naperville, for a fee or free of charge.</p> <p>Public accommodation shall not mean any private club or other place, establishment, or facility which by its nature is distinctly private, except where such distinctly private place, establishment, or facility caters or offers services, facilities, or goods to the nonmembers for a fee or charge or gratuitously, it shall be deemed a public accommodation during such period.</p>
RELIGION:	All aspects of religious observance, practice, belief, or the actual or perceived identification with a religion.
RESPONDENT:	The private, non-governmental party against whom a complaint has been filed.
SERVICE ANIMAL:	An animal trained in obedience and task skills to meet the needs of a person with a disability, consistent with the Illinois Humane Care for Animals Act (510 ILCS 70) as amended from time to time. Emotional support animals shall not be included in this definition.
SEXUAL ORIENTATION:	The actual or perceived status or expression of heterosexuality, homosexuality, or bisexuality.
UNLAWFUL DISCRIMINATION:	<p>Discrimination against a person because of the actual or perceived status, practice, or expression of that person's race, skin color, sex, age, religion, disability, national origin, sexual orientation, legal source of income, marital status, parental status, military status, gender identity, or housing status.</p> <p>A specific act or practice of such discrimination shall be deemed to be a continuing violation of this Title where such act or practice is one of a series, each of which constitutes unlawful discrimination in whole or in part, and as otherwise specified in this Title.</p>

**CHAPTER 3 - UNLAWFUL DISCRIMINATION PROHIBITED**

SECTION:

### **12-3-1: - HUMAN RIGHTS AND FAIR HOUSING**

No person, organization, company, or group shall engage in unlawful discrimination in violation of any provision of the Illinois Human Rights Act, the Fair Housing Act, Chapter 11 of the International Building Code, as amended, the Illinois Accessibility Code (71 Illinois Administrative Code Section 400 et seq.), as amended, this Title or any other applicable law or ordinance. Any amendments to those laws made after the effective date of this Title shall be incorporated by reference into this Section without formal action by the City. If any provisions of the laws and codes are in conflict or are otherwise inconsistent, then the more stringent or restrictive provision shall prevail and shall be enforced by the City.

### **12-3-2: - PLACES OF PUBLIC ACCOMODATION**

No person that owns, leases, rents, operates, manages, or in any manner controls a public accommodation in the City of Naperville shall withhold, curtail, limit, or discriminate concerning the full use of such public accommodation by any individual based on unlawful discrimination.

### **12-3-3: - AIDING, ABETTING, RETALIATION, OR COERCION:**

It shall be unlawful discrimination for any person to:

1. Intentionally aid, abet, compel, or coerce another person to engage in any of the practices prohibited by this Title.
2. Discriminate or retaliate against another person because that such individual has:
  - a. Opposed what he or she reasonably and in good faith believes to be an incident of unlawful discrimination;
  - b. Made a charge, filed a complaint, testified, assisted, or participated in an investigation, proceeding or hearing under this Title; or
  - c. Requested, attempted to request, used, or attempted to use a public accommodation as allowed in this Title.
3. Discriminate against another person because of the person's relationship or association with a person protected under this Title.
4. Coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, because the person having exercised or enjoyed, or because the person having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by this Title.

5. 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 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.”

## **CHAPTER 4 – FAIR HOUSING**

### **SECTION:**

#### **12-4-1: - ACCESSIBILITY OF STRUCTURES:**

1. The City shall enforce the accessibility laws and codes for new multi-family housing subject to regulation under the Fair Housing Act and the Illinois Human Rights Act. New housing subject to regulation under this Title shall be constructed in compliance with all applicable regulations and in compliance with the current version of:
  - 1.2. The American National Standards Institute’s ANSI A117.1 (Standard for Accessible and Usable Buildings and Facilities), as published by the International Code Council;
  - 1.3. The United States Department of Housing and Urban Development’s Fair Housing Accessibility Guidelines; and
  - 1.4. The Illinois Accessibility Code.
  - 1.5. Any amendments to the standards, codes, guidelines or regulations listed above made after the effective date of this Title shall be incorporated by reference into this Section without formal action by the City. If any provisions of the standards, codes, guidelines or regulations listed above are in conflict or are otherwise inconsistent, then the more stringent or restrictive provision shall prevail and shall be enforced by the City.
2. **ADDITIONAL ACCESSIBILITY STANDARDS:**

If a building with four (4) or more dwelling units, none of which is occupied by the owner, will be ready for initial occupancy, the following standards shall apply:

  - 2.1. In a building with an elevator, all dwelling units shall be made accessible and the elevator must serve all units.



- 2.2. In a building without an elevator, all dwelling units on the ground floor shall be made accessible. The accessibility requirements apply only to the ground floor units.
- 2.3. This Section shall be interpreted to be consistent with the accessibility laws and codes incorporated by reference in this Title.

**12-4-2: - ADDITIONAL RENTAL REGULATIONS:**

No owner or manager of property being made available for rent shall:

1. Refuse to let a person with a disability make a reasonable modification to his or her dwelling unit or common use areas at the sole expense of the person renting the property from the owner or manager, if the modification is necessary for that person to make the housing accessible. The owner or manager shall be required to permit the modification to be made only if the person making the modification agrees to restore the property to its original condition when that person vacates the property.
2. Refuse to make reasonable accommodations in rules, policies, practices, or services if the accommodations are necessary for the person with a disability to use the housing.

**12-4-3: - OTHER PROHIBITIONS:**

1. No person shall make any distinction, discrimination, or restriction in the price, terms, conditions, or privileges of any real estate transaction, including the decision to engage in or renew any real estate transaction, based on unlawful discrimination.
2. No person shall 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 a real estate transaction which will indicate or express any unlawful limitation or discrimination based on unlawful discrimination.
3. No person shall deliberately and knowingly refuse examination of any listing of residential real property within the City of Naperville to any individual because of unlawful discrimination.
4. No person shall deliberately and knowingly represent to an individual that residential real property is not available for inspection, sale, rental, or lease in the City of Naperville when in fact it is available, or fail to bring a residential real estate listing in Naperville to an individual's attention, or refuse to permit a person to inspect residential real property in Naperville because of unlawful discrimination.

5. No person shall solicit, for sale, lease, or listing for sale or lease, residential real property within the City of Naperville on the grounds of loss of value due to the present or prospective entry into any neighborhood of any individual(s) of any particular race, skin color, sex, age, religion, disability, national origin, sexual orientation, marital status, parental status, military status, source of income, gender identity, or housing status.
6. No person shall distribute or cause to be distributed written material or statements designed to induce any owner of residential real property in the City of Naperville to sell or lease such owner's property because of any prospective change in the race, skin color, sex, age, religion, disability, national origin, sexual orientation, marital status, parental status, military status, source of income, gender identity, or housing status of individuals in the neighborhood.
7. No person shall intentionally create alarm among residents of any community within the City of Naperville by transmitting communication in any manner, including a telephone call whether or not conversation thereby ensues, with a design to induce any person within Naperville to sell or lease the person's residential real property within Naperville because of the present or prospective entry into the vicinity of the property of any individual of any particular race, skin color, sex, age, religion, disability, national origin, sexual orientation, marital status, parental status, military status, source of income, gender identity, or housing status.

**12-4-4: - EXCEPTIONS:**

The prohibitions in this Chapter shall not apply to any of the following:

1. Restricting rental or sale of a housing accommodation to an individual of a certain age group:
  - 1.1. When such housing accommodation is authorized, approved, financed, or subsidized in whole or in part for the benefit of that age group by a unit of State, local, or Federal government; or
  - 1.2. When the duly recorded initial declaration of a condominium or community association limits such housing accommodations to individuals 50 years of age or older, provided that an individual or members of the household of an individual owning or renting a unit in such housing accommodation prior to the recording of the initial declaration shall not be deemed to be in violation of the age restriction as long as the individual or household member continues to own or reside in the housing accommodation.
2. Limitation by a religious organization, association, or society, or any not-for-profit institution or organization operated, supervised, or controlled by or in conjunction with a religious organization, association, or society, of the sale, rental, or

occupancy of a dwelling which it owns or operates for other than a commercial purpose to individuals of the same religion, or from giving preference to such individuals.

3. Restricting the rental of rooms in a housing accommodation to individuals of one sex or gender. The determination of an individual's sex or gender shall be based upon the sex or gender of that individual as reflected on any official identification of that individual recognized by the State, including a driver's license or State identification card.
4. Rental of a room or rooms in a private home by an owner if the owner or a member of the owner's family resides therein or, while absent for a period of not more than 12 months, if the owner or a member of the owner's family intends to return to reside therein.

## **CHAPTER 5 – COMPLAINTS**

### **SECTION:**

#### **12-5-1: - COMPLAINTS OF VIOLATION:**

Any person aggrieved by a violation of any provision of this Title may file a written complaint with the Commission. A complaint shall be barred from consideration by the Commission if it is not filed within ninety (90) days of the alleged unlawful act that forms the basis of the complaint. The complaint shall state:

1. The name, address, and telephone number of the complainant.
2. The name and address of the person or persons against whom the complaint is made, if that information is known to the complainant.
3. The facts upon which the alleged violation is based.
4. The dates and places when and where the alleged acts were committed.
5. Any other information or documents supporting the alleged violation.

#### **12-5-2: - PROCEDURE FOR PROCESSING COMPLAINTS:**

1. The written complaint shall be filed with the office of the City Clerk and forwarded to assigned staff member, and City Attorney. The Commission shall schedule a review of the complaint at one of its regular or special meetings.
2. A member of City staff will assist the Commission in determining if the complaint states a valid claim. The Chairperson shall direct the staff member to compile a

report regarding the claim and present it to the Commission. This report shall contain a summary of the claim and all pertinent details.

3. The Commission shall be authorized to request additional information from the complainant and to request a written response to the complaint from the respondent. The respondent shall have ten (10) business days from the date of the request for a response to submit a written response. The Commission may grant an extension if necessary.
4. Notices and responses shall be served by U.S. mail, by personal service, or by any other means of communication, including electronic, approved by the Commission's review panel.
5. The Commission may determine that mediation of the dispute is possible without referring the complaint to hearing. The Chairperson shall be authorized to appoint a person to act as a mediator to meet with all parties and come to a resolution acceptable to the parties. The mediator will then report back to the Commission for further action.
6. The staff member's report to the Commission shall include one or more of the following recommendations:
  - 6.1. No reasonable grounds exist for the filing of the complaint, and the complaint should be dismissed.
  - 6.2. Reasonable grounds exist for the filing of the complaint, and the complaint should proceed to a hearing before the full Commission.
  - 6.3. The panel has succeeded in effecting a conciliation of the complaint through mediation between the complainant and the respondent.
  - 6.4. The respondent admits that unlawful discrimination occurred, and the petition shall proceed directly to a hearing on remedies.
  - 6.5. Conciliation of the complaint through mediation was not achieved by the panel, and the complaint should proceed to a hearing.
7. A record of the proceedings before the Commission will be prepared to the extent deemed necessary. If the Commission concurs in the determination of the report as to Subsection 6.1, 6.3, or 6.4 of this Chapter, then the complaint shall be dismissed by the Commission. If the complaint is not dismissed, then the Commission shall proceed to a hearing on the complaint in accordance with the provisions of this Title.

## **CHAPTER 6 - HEARING PROCEDURE**

### **SECTION:**

The parties shall be entitled to be represented by counsel and shall have the right to call witnesses and to cross-examine witnesses. All testimony shall be given under oath. The Commission and the Commission's review panel may conduct a closed meeting when authorized to do so by the Illinois Open Meetings Act.

The Commission shall keep a record of proceedings by providing a court reporter or by having the record of proceedings, including testimony, prepared by other means of recording, provided that the Commission approves the alternate means of recording its proceedings before the commencement of the hearing. The Commission shall not be required to have the record transcribed. If either party desires to have a transcript of the hearing prepared, the cost of preparing the record shall be done at the expense of the party requesting the record.

Hearings shall be conducted in accordance with the provisions of this Title and the rules promulgated by the Commission.

### **12-6-1: - NOTICE:**

1. The Commission may issue a notice of hearing. The staff member shall send a copy of the determination and notice of hearing to each respondent and each complainant.
2. The notice shall include:
  - 2.1. A statement of the time, place, and nature of the hearing;
  - 2.2. A statement of the legal authority and jurisdiction under which the hearing is to be held; and
  - 2.3. A reference to the applicable section(s) of this Title and rule(s) involved.

### **12-6-2: - RIGHTS OF PARTIES:**

At a hearing under this Title, each party may present evidence, cross-examine witnesses and request the issuance of subpoenas. Any aggrieved person may petition the Commission, or the Commission's designee for permission to intervene as a party in the proceeding.

### **12-6-3: - EXPEDITED DISCOVERY AND HEARING:**

1. A hearing under this Title shall be conducted as expeditiously and inexpensively as possible, consistent with the needs and rights of the parties to obtain a fair hearing and a complete record.
2. The administrative law judge or hearing officer shall commence the hearing under this Title no later than one hundred twenty (120) days following the reasonable grounds determination, unless it is impracticable to do so. If the judge or hearing officer is unable to commence the hearing within 120 days after the determination, the administrative law judge or hearing officer shall notify the Commission, the complainant, and the respondent in writing of the reasons for not doing so.

**12-6-4: - FINDINGS, CONCLUSIONS, AND ORDER:**

1. The administrative law judge or hearing officer shall make findings of fact and conclusions of law within sixty (60) days after the end of the hearing under this Title, unless it is impracticable to do so. If the administrative law judge is unable to make findings of fact and conclusions of law within such period, or any succeeding 60-day period thereafter, the administrative law judge shall notify the Commission, the aggrieved person on whose behalf the charge was filed, and the respondent in writing of the reasons for not doing so.
2. If the administrative law judge or hearing officer finds that a respondent has engaged in unlawful discrimination, such administrative law judge or hearing officer shall promptly issue an order detailing the findings of fact and conclusions of law. These findings and conclusions shall include:
  - 2.1. If the respondent was found to have engaged in unlawful discrimination, a recommendation for such relief as may be appropriate, which may include actual damages suffered by the complainant and injunctive or other equitable relief. Such order may, to serve the public interest, assess a civil penalty against the respondent.
  - 2.2. Whether the complainant acted in good faith in his or her attempt to secure benefits provided under this Title.
  - 2.3. Whether the specific acts charged in the complaint, which constitute a violation of the provisions of this Title, have been sustained by a preponderance of the evidence.
3. If it is found that a respondent has engaged in unlawful discrimination, the Commission shall commence a hearing on remedies within thirty (30) days of the receipt of the report from the administrative law judge or hearing officer. The parties may submit written impact or mitigation statements to Commission and the Commission may choose, in its sole discretion, whether to allow parties to present witnesses and oral statements at the hearing. Within fourteen (14) days of the remedy hearing, the Commission shall enter a written order detailing what remedy

or remedies the respondent shall undertake. This order shall be mailed to all parties.

4. The Administrative law judge, hearing officer, or Commission may consider other relief to be appropriate, including monetary damages, fines, penalties, or any such relief listed in this Title.
5. If the administrative law judge or hearing officer finds that the respondent has not engaged in a discriminatory practice, such judge or officer shall enter an order dismissing the charge. The Commission shall make public disclosure of each such dismissal.

#### **12-6-5: - REVIEW BY COMISSION:**

1. The Commission may review any finding, conclusion or order issued under this Title. Such review shall be completed not later than 30 days after the finding, conclusion, or order is so issued; otherwise the finding, conclusion, or order becomes final.
2. The Commission shall cause the findings of fact and conclusions of law made with respect to any final order for relief under this Title, together with a copy of such order, to be served on each complainant and each respondent in the proceeding.
3. The Commission's decision, or the judge's or hearing officer's decision if the Commission does not review the latter's decision, shall be final and subject to judicial review in accordance with applicable law.

#### **12-6-6: - REMEDIES:**

The Commission may impose any of the following remedies upon a respondent found to have engaged in unlawful discrimination:

1. Order the respondent to cease and desist from violating any provision of this Title.
2. Order the respondent to terminate any unlawfully discriminatory practice and bring himself, herself, or property into compliance with this Title.
3. Order that a copy of the Commission's decision be sent to any governmental entity that regulates or licenses or has jurisdiction over the respondent or the respondent's profession with a request for that entity to take all appropriate action on the sustained allegation of unlawful discrimination.
4. Request that the City Attorney, with the permission of the City Manager, take legal action seeking any available judicial relief at law or in equity against the respondent for the unlawful discrimination.

5. Order the respondent undergo sensitivity, bias, or other such relevant training.
6. Nothing in this Section shall be construed as prohibiting the complainant from taking independent legal or administrative action against the respondent for any violation of this Title or any other applicable law or ordinance.

**SECTION 4:** This Ordinance shall be in full force and effect from and after its approval.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

AYES:

NAYS:

ABSENT:

APPROVAL this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Steve Chirico  
MAYOR

ATTEST:

\_\_\_\_\_  
Pam Gallahue, Ph.D.  
CITY CLERK