

ORDINANCE NO. #23-77

AN ORDINANCE PROHIBITING AND MAKING UNLAWFUL DISCRIMINATION IN HOUSING AND/OR REAL PROPERTY BECAUSE OF RACE, COLOR, RELIGION, CREED, NATIONAL ORIGIN, ANCESTRY, SEX, OR PHYSICAL OR MENTAL HANDICAP IN THE COUNTY OF MARSHALL

WHEREAS, the County of Marshall, Illinois desires to assure equal opportunity to all residents, regardless of race, color, religion, creed, national origin or ancestry, sex, or physical or mental handicap, to live in decent, sanitary, and healthful living quarters; and,

WHEREAS, the 1970 Constitution of the State of Illinois provides as follows in Article I " . . . no person shall be denied any civil or political right, privilege or capacity on account of his religious opinions . . ." (Section 3); " . . . All persons shall have the right to be free from discrimination on the basis of race, color, creed, national ancestry and sex in . . . the sale or rental of property . . ." (Section 17); "The equal protection of the laws shall not be denied or abridged on account of sex by the State or its units of local government and school districts." (Section 18); "All persons with a physical or mental handicap shall be free from discrimination in the sale or rental of property . . ." (Section 19); and,

WHEREAS, the Congress of the United States has provided that "it is the policy of the United States to provide, within constitutional limitations, for fair housing throughout the United States" and has established by law the following provisions:

" . . . it shall be unlawful:

(a) To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make available or deny, a dwelling to any person because of race, color, religion, sex, or national origin.

(b) To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith because of race, color, religion, sex, or national origin . . ."

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY CHAIRMAN AND THE COUNTY BOARD OF THE COUNTY OF MARSHALL, ILLINOIS, AS FOLLOWS:

SECTION 1. 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 County may be ensured, it is hereby declared the policy of the County of Marshall, Illinois, to assure equal opportunity to all residents, regardless of race, color, religion, national origin or ancestry, sex, creed, or physical or mental handicap to live in decent, sanitary, healthful, standard living quarters.

(b) It is the policy of the County of Marshall 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 County, 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 handicap of such person or persons or discriminate against any person or persons because of race, color, religion, national origin or ancestry, sex, creed or physical or mental handicap 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 therewith.

(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 2. DEFINITIONS:

Unless a different meaning clearly appears from the context, the following terms shall have the meaning ascribed in this SECTION and as used in this Ordinance.

(a) **DISCRIMINATE** - The terms "discriminate" or "discrimination" mean any difference expressed in any way toward a person or persons in the terms of the sale, exchange, lease, rental or financing for 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 handicap of such person.

(b) **HOUSING ACCOMMODATION** - The term "housing accommodation" includes any building, structure, or portion thereof which is used or occupied, maintained, arranged or designed to be used or occupied as a home, residence or sleeping place of one or more human beings, or any real estate so used, designed or intended for such use.

(c) **REAL PROPERTY** - The term "real property" means any real estate, vacant land, building, structure or housing accommodations within the corporate limits of the County of Marshall, Illinois.

(d) **REAL ESTATE BROKER** - The term "real estate broker" means any person, partnership, association, corporation and/or agent thereof, who for a fee or other valuable consideration offers, sells, purchases, exchanges or rents, or negotiates for the sale, purchase, exchange or rental of 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.

(e) **FINANCIAL INSTITUTION** - The term "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.

(f) **OWNER** - An "owner" means any person/persons who hold legal or equitable title to, or owns any beneficial interest in any real property or who hold legal or equitable title to shares of, or hold any beneficial interest in any real estate cooperative which owns any real property and/or housing accommodations.

(g) **DECENT, SANITARY, HEALTHFUL STANDARD LIVING QUARTERS** - "Decent, sanitary, healthful standard living quarters" is housing, which is in sound, clean, and weather-tight condition in conformance with applicable local, state, and national codes.

SECTION 3. PROHIBITED ACTS:

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 or persons because of their race, color, religion, national origin or ancestry, sex, creed, or physical or mental handicap with regard to the sale, exchange or rental, or any dealing concerning any housing accommodation and/or real property.

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 County of Marshall, Illinois:

(a) To discriminate 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 County or in furnishing of any facilities or services in connection therewith.

(b) To publish or 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, rental 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 handicap of any person.

(c) 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.

(d) To solicit for sale, lease, or listing for the sale or lease, of any housing accommodation and/or real property on the grounds of loss of value because of the present or prospective entry into any neighborhood of any person or persons of any particular race, color, religion, national origin or ancestry, sex, creed, or physical or mental handicap.

(e) 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 or her property because of any present or prospective change in the race, color, religion, national origin or ancestry, sex, creed, or physical or mental handicap of persons in the neighborhood.

(f) 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 of any particular race, color, religion, national origin or ancestry, sex, creed, or physical or mental handicap 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.

(g) 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 or mental handicap.

(h) 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 handicap of the proposed buyer or tenant.

SECTION 4. PENALTY:

Any person convicted of violating any of the provisions of this Ordinance shall be punished by a fine of not less than one hundred dollars (\$100.00) nor more than fifteen hundred dollars (\$1500.00). Each day a violation continues shall constitute a separate violation. This Section shall in no way abrogate or impair the right of the County of Marshall, Illinois, to specifically enforce, by any legal means, any of the provisions of this Ordinance.

SECTION 5:

That all Ordinances and parts thereof in conflict herewith are expressly repealed and are of no other force and effect.

SECTION 6:

That it is the intention of the County Board of the County of Marshall, Illinois that this Ordinance and every provision thereof shall be considered separable and the invalidity of any section, clause, or provision of this Ordinance shall not affect the validity of any other portion of this Ordinance.

SECTION 7:

That this Ordinance shall be known as Ordinance No. #23-77 of the County of Marshall, Illinois, and shall be in full force and effect from and after its passage, approval, recording, and publication in pamphlet form in accordance with law.

PASSED AND ADOPTED this 10th day of August, 2023.

APPROVED BY ME this 10th day of August, 2023.

Gary R Kroeschen

Gary R Kroeschen, County Chairman

Jill M Kenyon
Jill M Kenyon, County Clerk