

SUBSTITUTE ORDINANCE

Sponsored by

THE HONORABLE MIKE QUIGLEY, PRESIDENT JOHN H. STROGER, JR.

AND JOHN P. DALEY, COUNTY COMMISSIONERS

Co-Sponsored by

THE HONORABLE CALVIN R. SUTKER, BOBBIE L. STEELE AND

ROBERTO MALDONADO, COUNTY COMMISSIONERS

**Gender Identity Amendment to the
Cook County Human Rights Ordinance**

WHEREAS, Cook County seeks to protect its citizens in the enjoyment of civil rights and to promote mutual understanding and respect among all who live and work within the County; and

WHEREAS, discrimination, prejudice, intolerance and bigotry directly and profoundly threaten the rights and freedom of Cook County residents; and

WHEREAS, Cook County has passed ordinances to protect the civil rights of those who live and work within the County, including the prohibition of discrimination based on sex; and

WHEREAS, despite these protections, there are still citizens who are denied their civil rights because their gender identity, appearance or behavior differs from that traditionally associated with their sex at birth; and

WHEREAS, gender-based discrimination often leads to loss of employment, housing and refusal of services in public accommodations.

NOW, THEREFORE, in order to protect these citizens, the Cook County Board of Commissioners proposes that the term “gender identity,” as defined, be added as an amendment to the Cook County Human Rights Ordinance (Ordinance No. 93-O-13, approved and adopted March 16, 1993).

FURTHERMORE, it is proposed that various sections of Ordinance No. 93-O-13, the Cook County Human Rights Ordinance, be amended as follows:

I. PREAMBLE

WHEREAS, Section 6(a) of Article VII of the 1970 Constitution of the State of Illinois provides that “a County which has a Chief Executive Officer elected by the electors of the County... [is] a Home Rule Unit” and the County of Cook, Illinois (the “County”), has a Chief Executive Officer elected by the electors of the County and is therefore a Home Rule Unit and may, under the powers granted by said Section 6(a) of Article VII of said Constitution of 1970, exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, prejudice, intolerance, bigotry, and discrimination occasioned thereby threaten the rights and proper privileges of the County's inhabitants and menace the institutions and foundation of a free and democratic society; and

WHEREAS, behavior which denies equal treatment to any individual because of his or her race, color, sex, age, religion, disability, national origin, ancestry, sexual orientation, marital status, parental status, military discharge status, source of income, gender identity, or housing status undermines civil order and deprives individuals of the benefits of a free and open society; and

WHEREAS, in order to create a free and open society, it is necessary to provide the protection set forth herein on a county-wide basis.

BE IT AND IT IS HEREBY ORDAINED, by the Cook County Board of Commissioners, **AN ORDINANCE** to assure that individuals within the jurisdiction of Cook County shall be protected in the enjoyment of civil rights, and to promote mutual understanding and respect among all who live and work within this County.

The provisions of this Ordinance shall be liberally construed for the accomplishment of its purpose. Nothing in this Ordinance shall be construed to limit rights granted under the laws of the State of Illinois or the United States. This Ordinance shall be known and may be cited as the “Cook County Human Rights Ordinance.”

II. DEFINITIONS

Whenever used in this Ordinance, unless otherwise defined herein:

- (A) “Age” means chronological age of not less than 40 years.
- (B) “Credit transaction” means the grant, denial, extension or termination of credit to an individual.
- (C) “Disability” means (1) a physical or mental impairment that substantially limits one or more of the major life activities of an individual; (2) a record of such an impairment; or (3) 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).
- (D) (1) “Employee” means any individual whether paid or unpaid, engaged in employment for an employer, or (2) an applicant for employment.
- (E) “Employer” means (1) any person employing one or more employees, or seeking to employ one or more employees, (a) if the person has its principal place of business within Cook County; or (b) does business within Cook County. (2) “Employer” does not mean (a) the government of the United States or a corporation wholly owned by the government of the United States; (b) an Indian tribe or a corporation wholly owned by an Indian tribe; (c) the government of the State of Illinois or any agency or department thereof, or (d) the government of any municipality in Cook County.
- (F) “Employment” means the performance of services for an employer (1) for remuneration; or (2) as a volunteer; or (3) as a participant in a training or apprenticeship program.
- (G) “Employment agency” means a person that undertakes to procure employees or opportunities to work for potential employees, through interviews, referrals, or advertising, or any combination thereof.

~~(H)~~ (H) “Gender identity” means the actual or perceived appearance, expression, identity, or behavior of a person as being male or female, whether or not that appearance, expression, identity or behavior is different from that traditionally associated with the person’s designated sex at birth.

~~(H)~~ (I) “Housing status” means the type of housing in which an individual resides, whether publicly or privately owned; an individual's ownership status with respect to the individual's residence; or the status of having or not having a fixed residence.

~~(H)~~ (J) “Labor organization” includes any organization, labor union, or craft union, or any voluntary incorporated association designed to further the cause of the rights of union labor, which is constituted for the purpose, in whole or in part, of collective bargaining or of dealing with an employer concerning grievances, terms or conditions of employment, or apprenticeships or applications for apprenticeships, or of other mutual aid or protection in connection with employment, including apprenticeships or applications for apprenticeships.

~~(H)~~ (K) “Marital status” means the status of being single, married, divorced, separated, or widowed.

~~(K)~~ (L) “Military discharge status” means the fact of having 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.”

~~(L)~~ (M) “National origin” means the place in which an individual or one of his or her ancestors was born.

~~(M)~~ (N) “Parental status” means the status of living with one or more dependent minors or disabled children.

~~(N)~~ (O) “Person” means 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.

~~(O)~~ (P) “Public accommodation” means a person, place, business establishment, or agency that sells, leases, provides, or offers any product, facility, or service to the general public in Cook County, regardless of ownership or operation (1) by a public body or agency; (2) for or without regard to profit; or (3) for a fee or not for a fee. “Public accommodation” also means an institution, club, association, or other place of accommodation in Cook County, whether or not open to the general public, that has more than 400 members and provides regular meal service and regularly receives payment for dues, fees, accommodations, facilities, or services from or on behalf of nonmembers for the furtherance of trade or business. “Public accommodation” also means any products, facilities, or services of a non-public accommodation that are made available in Cook County to the general public or to the customers or patrons of another establishment that is a public accommodation.

~~(P)~~ (Q) “Religion” means all aspects of religious observance and practice, as well as belief, or the actual identification with or perceived identification with a religion.

~~(Q)~~ (R) “Sexual orientation” means the status or expression, whether actual or perceived, of heterosexuality, homosexuality, or bisexuality.

~~(R)~~ (S) “Source of income” means the lawful manner by which an individual supports himself or herself and his or her dependents.

~~(S)~~ (T) “Unlawful discrimination” means discrimination against a person because of the actual or perceived status, practice, or expression of that person's race, color, sex, age, religion, disability, national origin, ancestry, sexual orientation, marital status, parental status, military discharge status, source of income, gender identity or housing status; or the actual or perceived association with such a person.

III. EMPLOYMENT

(A) COVERAGE

The prohibitions against unlawful discrimination contained in Article III apply as follows, 1) to employment that is or would be in whole or in part in Cook County; or 2) when the act of unlawful discrimination takes place in Cook County.

(B) PROHIBITIONS

(1) EMPLOYMENT. No employer shall directly or indirectly discriminate against any individual in hiring, classification, grading, recruitment, discharge, discipline, compensation, selection for training and apprenticeship, or other term, privilege, or condition of employment on the basis of unlawful discrimination.

(2) EMPLOYMENT AGENCY. No employment agency shall directly or indirectly discriminate against any individual in hiring, classification, grading, recruitment, discharge, discipline, compensation, selection for training and apprenticeship, or other term, privilege, or condition of employment on the basis of unlawful discrimination.

(3) LABOR ORGANIZATIONS. No labor organization shall limit, segregate, or classify its membership, or limit employment opportunities, selection, and training for apprenticeship in any trade or craft, or otherwise take, or fail to take, any action which affects adversely any individual's status as an employee, or as an apprentice, or as an applicant for apprenticeships, or wages, tenure, hours of employment, or apprenticeship conditions, on the basis of unlawful discrimination.

(C) EXCEPTIONS

The prohibitions contained in this Article III shall not apply to any of the following:

(1) BFOQ. Hiring or selecting between individuals for bona fide occupational qualifications.

(2) MILITARY DISCHARGE STATUS. Use of an individual's unfavorable discharge from military service as a valid employment criterion where (a) authorized by federal law or regulation; or (b) where the affected position of employment involves the exercise of fiduciary responsibilities and the reasons for the unfavorable discharge relate to his or her fiduciary capacity; or (c) where the reasons for the unfavorable discharge specifically relate to criteria which constitute a bona fide occupational qualification for a particular job.

(3) VETERANS. Giving preferential treatment to veterans and their relatives as required by federal or state law or regulation.

(4) RELIGION. Giving preference in employment by a religious corporation, association, educational institution, or society to individuals of a particular religion to help carry out the religious activities of such corporation, association, educational institution or society.

(D) RELIGIOUS ACCOMMODATION

(1) No employer shall refuse to make all reasonable efforts to accommodate the religious beliefs, observances, and practices of employees or prospective employees unless the employer demonstrates that he or she is unable to reasonably accommodate an employee's or prospective employee's religious observance or practice without undue hardship on the conduct of the employer's business.

(2) Reasonable efforts to accommodate include, but are not limited to, allowing an employee: (a) to take a day of paid leave or vacation, where applicable under the employee's employment agreement; or (b) to be excused from work without pay and without discipline or other penalty; or (c) to elect to take the day off with pay in order to practice the employee's religious beliefs, and to make up the lost work time at a time and date consistent with the operational needs of the employer's business. Any employee who elects such deferred work shall be compensated at his or her regular rate of pay, regardless of the time and date at which the work is made up. The employer may require that any employee who plans to exercise option (c) of this paragraph provide the employer with notice of the employee's intention to do so, no less than five days prior to the date of absence.

(E) SEXUAL HARASSMENT

No employer, employee, agent of an employer, employment agency, or labor organization (hereinafter referred to collectively in this section as "employer") shall engage in sexual harassment. "Sexual harassment" means any unwelcome sexual advance, request for sexual favors, or conduct of a sexual nature when (1) submission to such conduct is an explicit or implicit term or condition of an individual's employment; or (2) submission to or rejection of such conduct by an individual is used as the basis for any employment decision affecting the individual; or (3) such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

An employer is responsible for its acts and those of its agents and supervisory employees with respect to sexual harassment regardless of whether the specific acts complained of were authorized or even forbidden by the employer and regardless of whether the employer knew or should have known of their occurrence. An employer is responsible for acts of sexual harassment between co-employees in the workplace where the employer (or its agents or supervisory employees) knew or should have known of the conduct, unless it can show that it took immediate and appropriate corrective action. An employer may also be responsible for the acts of non-employees, with respect to sexual harassment of employees in the workplace, where the employer (or its agents or supervisory employees) knew or should have known of the conduct and failed to take immediate and appropriate corrective action.

(F) NATIONAL ORIGIN

No employer may discriminate based on national origin under the guise of discrimination based on an individual's foreign education or training. Nothing in this Ordinance shall be construed to conflict with federal or state licensing or certification requirements.

IV. CREDIT TRANSACTIONS

(A) PROHIBITION

No person shall discriminate in Cook County against any individual in any aspect of a credit transaction or in any term or condition of bonding on the basis of unlawful discrimination.

(B) SEXUAL HARASSMENT

No person shall engage in sexual harassment in Cook County in any aspect of a credit transaction or in any term or condition of bonding. "Sexual harassment" means any unwelcome sexual advance, request for sexual favors, or conduct of a sexual nature when (1) submission to such conduct is an explicit or implicit term or condition of an individual's credit transaction or of bonding; or (2) submission to or rejection of such conduct by an individual is used as the basis for any credit or bonding decision affecting the individual; or (3) such conduct has the purpose or effect of substantially interfering with an individual's access to credit or bonding or creating an intimidating, hostile, or offensive environment in any aspect of bonding or in any aspect of a credit transaction.

V. PUBLIC ACCOMMODATIONS

(A) PROHIBITION

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

(B) EXCEPTIONS

(1) The prohibition contained in this Article V shall not apply to sex discrimination in any of the following:

(a) **DISTINCTLY PRIVATE FACILITY.** Any facility that is distinctly private in nature, such as rest rooms, shower rooms, bath houses, dressing rooms, or health clubs.

(b) **SLEEPING ROOMS.** Any facility that restricts rental of residential or sleeping rooms to individuals of one sex.

(c) **EDUCATIONAL INSTITUTIONS.** Any educational institution that restricts enrollment of students to individuals of one sex.

(d) For the purposes of the exceptions set forth in Article V, Public Accommodations, (B) Exceptions (1) (a) through (c), 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 within by the State of Illinois, including a driver's license or state identification card.

(2) The Cook County Commission on Human Rights ("Commission") as defined in Article X of this Ordinance shall adopt rules specifying any additional exceptions to the prohibition contained in this Article V based on bona fide considerations of public policy.

(3) Notwithstanding anything to the contrary contained in this Ordinance, nothing contained in this Article V shall require any person who does not participate in the federal Section 8 housing assistance program (42 U.S.C 1437f) to accept any subsidy, payment assistance, voucher, or contribution under or in connection with such program or to lease or rent to any tenant or prospective tenant who is relying on such a subsidy, payment assistance, contribution, or voucher for payment of part of the rent for such place of accommodation.

(C) SEXUAL HARASSMENT

No person who is, owns, leases, rents, operates, manages, or in any manner controls a public accommodation shall engage in sexual harassment affecting access to, participation in, or the full use of such public accommodation. "Sexual harassment" means any unwelcome sexual advance, request for sexual favors, or conduct of a sexual nature when (1) submission to such conduct is an explicit or implicit term or condition of an individual's access to, participation in, or full use of a public accommodation; or (2) submission to or rejection of such conduct by an individual is used as the basis for any decision affecting the individual's access to, participation in, or full use of a public accommodation; or (3) such conduct has the purpose or effect of substantially interfering with an individual's access to, participation in, or full use of any public accommodation or creating an intimidating, hostile, or offensive environment with respect thereto.

VI. HOUSING

(A) DEFINITIONS

Whenever used in this Article VI:

(1) "Person" shall mean any person as defined in Article II (N) of this Ordinance that is also an owner, lessor, sublessor, assignor, managing agent, or other individual, firm, or corporation having the right to sell, rent, lease, or sublease any housing unit within Cook County, or any agent, broker, or other individual working on behalf of any such individual, firm, or corporation.

(2) "Real estate transaction" means the sale, exchange, rental, occupancy, lease, sublease, or lease renewal of real property for residential purposes in Cook County or the provision of services or utilities in connection with such sale, exchange, rental, occupancy, lease, sublease, or lease renewal. "Real estate transaction" also means with respect to activity conducted or property located in Cook County, the brokering or appraising of residential real property in Cook County and the making, purchasing, or guaranteeing of loans or mortgages or providing any other financial assistance either (a) for purchasing, constructing, improving, repairing, or maintaining a dwelling or (b) secured by residential real property.

(B) PROHIBITIONS

(1) **TERMS AND CONDITIONS.** 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, on the basis of unlawful discrimination.

(2) **DISCRIMINATORY COMMUNICATIONS.** 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 on the basis of unlawful discrimination.

(3) LISTINGS. No person shall deliberately and knowingly refuse examination of any listing of residential real property within Cook County to any individual because of unlawful discrimination.

(4) REPRESENTATIONS. No person shall deliberately and knowingly represent to an individual that residential real property is not available for inspection, sale, rental, or lease in Cook County when in fact it is available, or fail to bring a residential real estate listing in Cook County to an individual's attention, or refuse to permit a person to inspect residential real property in Cook County because of unlawful discrimination.

(5) BLOCKBUSTING. No person shall solicit, for sale, lease, or listing for sale or lease, residential real property within Cook County on the grounds of loss of value due to the present or prospective entry into any neighborhood of any individual or individuals of any particular race, color, sex, age, religion, disability, national origin, ancestry, sexual orientation, marital status, parental status, military discharge status, source of income, gender identity, or housing status.

(6) ENCOURAGEMENT OF BLOCKBUSTING. No person shall distribute or cause to be distributed written material or statements designed to induce any owner of residential real property in Cook County to sell or lease his, her, or its property because of any prospective change in the race, color, sex, age, religion, disability, national origin, ancestry, sexual orientation, marital status, parental status, military discharge status, source of income, gender identity, or housing status of individuals in the neighborhood.

(7) CREATING ALARM. No person shall intentionally create alarm among residents of any community within Cook County by transmitting communication in any manner, including a telephone call whether or not conversation thereby ensues, with a design to induce any person within Cook County to sell or lease his or her residential real property within Cook County because of the present or prospective entry into the vicinity of the property of any individual or individuals of any particular race, color, sex, age, religion, disability, national origin, ancestry, sexual orientation, marital status, parental status, military discharge status, source of income, gender identity, or housing status.

(C) EXCEPTIONS

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

(1) AGE. Restricting rental or sale of a housing accommodation to an individual of a certain age group (a) 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 (b) 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) RELIGION. 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) SINGLE SEX. Restricting the rental of rooms in a housing accommodation to individuals of one sex. 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 within by the State of Illinois, including a driver's license or state identification card.

(4) PRIVATE ROOMS. Rental of a room or rooms in a private home by an owner if he or she or a member of his or her family resides therein or, while absent for a period of not more than twelve months, if he or she or a member of his or her family intends to return to reside therein.

(5) Notwithstanding anything to the contrary contained in this Ordinance, nothing contained in this Article VI shall require any person who does not participate in the federal Section 8 housing assistance program (42 U.S.C 1437f) to accept any subsidy, payment assistance, voucher, or contribution under or in connection with such program or to lease or rent to any tenant or prospective tenant who is relying on such a subsidy, payment assistance, contribution, or voucher for payment of part of the rent for such housing accommodation.

(D) SEXUAL HARASSMENT

No person shall engage in sexual harassment in any real estate transaction. "Sexual harassment" means any unwelcome sexual advance, request for sexual favors, or conduct of a sexual nature when (1) submission to such conduct is an explicit or implicit term or condition of an individual's real estate transaction; or (2) submission to or rejection of such conduct by an individual is used as the basis for any decision affecting the individual's real estate transaction; or (3) such conduct has the purpose or effect of substantially interfering with an individual's real estate transaction or creating an intimidating, hostile, or offensive environment with respect thereto.

VII. COUNTY FACILITIES, SERVICES AND PROGRAMS

(A) PROHIBITION

No person shall engage in unlawful discrimination in the provision or distribution of any Cook County ("County") facilities, services, or programs.

(B) EXCEPTION

The Cook County Commission on Human Rights ("Commission") as defined in Article X of this Ordinance shall adopt rules specifying any exceptions to the prohibition contained in this Article VII based on bona fide considerations of public policy.

(C) SEXUAL HARASSMENT

No person shall engage in sexual harassment in the provision or distribution of any County facilities, services, or programs. "Sexual harassment" means any unwelcome sexual advance, request for sexual favors, or conduct of a sexual nature when (1) submission to such conduct is an explicit or implicit term or condition of an individual's use of County facilities, or the provision of County services or programs; or (2) submission to or rejection of such conduct by an individual is used as the basis for any decision affecting the provision or allocation of County services or programs, or the use of County facilities; or (3) such conduct has the purpose or effect of substantially interfering with an individual's access to County services, programs, or facilities, or the conduct creates an intimidating, hostile, or offensive environment for the provision of County services or programs, or in the use of County facilities.

VIII. CONTRACTS

(A) PROHIBITION

No person who is a party to a contract with Cook County ("County") shall engage in unlawful discrimination or sexual harassment against any individual in the terms or conditions of employment, credit, public accommodations, housing, or provision of County facilities, services or programs. "Sexual harassment" has such meaning as is ascribed to it in other articles of this Ordinance.

(B) CONTRACT PROVISIONS

The purchasing agent for the County, and all other department heads, as authorized, shall include a provision in all County contracts that sets forth the County's policies with respect to unlawful discrimination and sexual harassment, as embodied in this Ordinance, and that requires every contractor to certify its compliance with these policies and its agreement to abide by such policies as a part of the contractor's contractual obligations.

All County contracts shall further provide that if any party to a contract with the County is found to have violated any provision of this Ordinance, or furnished false or misleading information in any investigation, hearing, or inquiry held pursuant to this Ordinance, that contract may be subject to a declaration of default and termination.

(C) EXCEPTION

This Article VIII applies only to contracts executed after the effective date of this Ordinance.

IX. ADDITIONAL CIVIL RIGHTS VIOLATIONS

(A) RETALIATION

No person shall retaliate against any person because that person in good faith has opposed that which he or she reasonably believed to be unlawful discrimination, sexual harassment, or other violation of this Ordinance or has made a complaint, testified, assisted, or participated in an investigation, proceeding, or hearing under this Ordinance.

(B) AIDING AND ABETTING

No person shall aid, abet, compel, or coerce a person to commit a violation under this Ordinance.

(C) INTERFERENCE

No person shall willfully interfere with the performance of a duty or the exercise of a power by the Commission or one of its members or staff.

X. ENFORCEMENT

(A) COMMISSION ON HUMAN RIGHTS

(1) The President shall appoint eleven members to a Commission on Human Rights ("Commission") subject to approval of the Cook County Board of Commissioners. In appointing members to the Commission, the President shall take into account the diversity of communities and conditions protected by this Ordinance and shall seek the input of affected communities. Four of the initial appointees shall be appointed for term expiring on July 1 of the year following their appointment, four shall be appointed for term expiring on July 1 of the second year following their appointment, and three shall be appointed for terms ending on July 1 of the third year following their appointment. Thereafter, members shall be appointed for three-year terms.

(2) Each member of the Commission (a) shall reside within the corporate boundaries of Cook County; (b) shall not be an employee of the County during his or her term; and (c) shall serve without compensation, but may be reimbursed for reasonable expenses incurred in the performance of Commission duties.

(3) A majority of the members of the Commission shall constitute a quorum for the purpose of transacting business.

(4) At its first meeting after July 1 of each year, the Commission shall elect from its membership a chairperson and a vice chairperson. The chairperson shall preside at all meetings and hearings of the Commission. In the absence of the chairperson, the vice chairperson shall preside.

(5) The President may remove any member of the Commission for incompetence, substantial neglect of duty, gross misconduct, malfeasance in office, or violation of any law, after written notice, stating with particularity the grounds for removal and providing an opportunity for the member to respond.

(6) The President shall appoint an Executive Director of the staff for the Commission. The Executive Director shall be responsible for the day-to-day operation of the Commission and its staff.

(7) The Commission shall be responsible for initiating, receiving, and investigating violations of this Ordinance.

(8) Hearing officers shall conduct hearings on complaints brought under this Ordinance. A hearing officer shall be an attorney duly licensed to practice law in this state.

(9) The Commission may delegate to the Commission staff as the Commission considers necessary any matter properly before the Commission. The Commission shall adopt rules which specify those duties and responsibilities which may be delegated to Commission staff, and those duties and responsibilities which shall remain with the members of the Commission.

(B) PROCEDURE

(1) Complaint Process

(a) Within 180 days after the date that a violation of this Ordinance is alleged to have been committed, a written complaint may be filed with the Commission. A written complaint may be filed by a party alleging that he or she was injured (“complainant”) by a violation of this Ordinance, or a complaint may be issued by the Commission. For any continuing violation, the complaint may be filed within 180 days after the last day of the violation.

(b) The complaint shall be in such detail as to substantially apprise any party properly concerned as to the time, place, and facts surrounding the alleged violation. The Commission may reject without prejudice and without investigation any complaint that fails to set forth sufficient evidence to state a prima facie case of a violation of this Ordinance.

(c) The Commission shall serve a copy of the complaint on the party against whom it is made (“respondent”) within 10 days after it is filed with the Commission. The Commission's failure to meet this or any other deadline shall not prejudice the complainant.

(d) Both the complainant or the respondent may be represented by counsel at any stage of conciliation, investigation, or hearing on the complaint.

(2) Investigation Process

(a) The Commission shall investigate each complaint to determine whether there is substantial evidence that a violation of this Ordinance has occurred. The investigation shall be completed within 180 days after the filing or issuance of the complaint, unless it is impractical to do so within that time. If the Commission determines that there is not substantial evidence, written notification of the determination shall be served on the complainant and the respondent. The complainant shall have 30 days from receipt of this notice to file with the Commission a request for reconsideration of the Commission's determination.

(b) Notwithstanding the above-referenced 180-day time period, the Commission may defer investigation of a timely filed complaint when the same complaint, or a substantially similar complaint, has been filed by the complainant with another administrative agency. The Commission shall adopt rules specifying under what circumstances investigation of a complaint may be deferred.

(c) The Commission may attempt to settle or adjust any complaint by conciliation at any time that the complaint is pending.

(d) The Commission shall issue subpoenas for the appearance of witnesses, the production of evidence, or both, in the course of investigations and hearings. Subpoenas shall be issued where necessary for a full and complete investigation. A subpoena shall be served in the same manner as subpoenas issued under the Rules of the Illinois Supreme Court to compel the appearance of a deponent and shall be subject to the same witness and mileage fees fixed by law for such subpoenas. The Commission shall adopt rules for determining objections to any subpoenas and prescribing any other requirements for subpoenas.

(e) If the Commission concludes at any time following the filing or issuance of a complaint that in order to carry out the purposes of this Ordinance a civil action to preserve the status quo or to prevent irreparable harm is advisable, then the Commission may pursue a civil action for appropriate temporary or preliminary relief pending final disposition of the complaint.

(f) If any person refuses to comply with a Commission subpoena, order, or decision, the Commission may seek judicial enforcement.

(g) The Commission shall adopt liberal rules for discovery so that the complainant and the respondent may each obtain documents and other relevant information in the other's possession.

(h) The Commission shall not disclose, other than to the parties or at the hearing, on the complainant, any evidence obtained in the course of the investigation or conciliation unless otherwise required by law.

(i) The Commission may dismiss a complaint or may enter an order of default against a party for failure to cooperate with the Commission.

(3) Hearings

(a) For any complaint where it is determined that there is substantial evidence that a violation has occurred, a hearing shall be conducted by a hearing officer on the complaint. A hearing shall be commenced within 90 days after the determination of substantial evidence that a violation has occurred. All testimony shall be under oath and shall be either recorded or transcribed. The complainant and the respondent shall be allowed to testify, present evidence, and cross-examine witnesses at the hearing.

(b) The Commission, at the request of any party and upon good cause shown, may at any time consider a request for expedited proceedings. If the Commission determines that any party has an imminent health risk during the proceedings, it may order the proceedings expedited. When an order for expedited proceedings is issued, the processing of the complaint shall take precedence over all matters except other matters of the same expedited character. When such an order is issued, the Commission or any hearing officer shall be authorized to shorten any time period set by this Ordinance or by rule other than the 180 day period for filing complaints.

(4) Decisions

(a) The hearing officer hearing the case shall make findings of fact based on the evidence admitted at the hearing and shall also recommend such relief as is appropriate to make a complainant whole. The findings and recommendations shall be served on all parties. Each party shall be given an opportunity to file with the Commission a brief on exceptions to the hearing officer's findings of fact and recommendations.

(b) Subsequent to the filing and consideration by the hearing officer of any briefs on exceptions the Commission shall adopt the findings of fact of the hearing officer if the recommended findings are not contrary to the evidence presented at the hearing. The Commission may adopt, reject, or modify the recommendations of the hearing officer, in whole or in part, or may remand for additional hearing on some or all of the issues presented.

(c) Decisions of the Commission shall be in writing and must be approved by a majority of those Commissioners who vote at a meeting with a quorum. Decisions of the Commission are final orders and shall be served upon the parties. Either party may file with the Commission a request for reconsideration within 30 days of receipt of the Commission's decision.

(d) Any party may seek a writ of certiorari from the Chancery Division of the Circuit Court of Cook County according to applicable law, appealing any final order or decision of the Commission.

(C) REMEDIES

(1) Relief may include, but is not limited to, an order:

(a) to cease the illegal conduct complained of and to take steps to alleviate the effect of the illegal conduct complained of;

(b) to pay actual damages, as reasonably determined by the Commission, for injury or loss suffered;

(c) to hire, reinstate, or upgrade the complainant, with or without back pay, or to provide such fringe benefits as the complainant may have been denied;

(d) to sell or lease housing in question to the complainant;

(e) to admit the complainant to a public accommodation;

(f) to extend to the complainant the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of the respondent;

(g) to pay the complainant all or a portion of the costs, including reasonable attorney's fees, expert witness fees, witness fees, and duplicating costs, incurred in pursuing the complaint before the Commission or at any stage of judicial review;

(h) to take such action as may be necessary to make the complainant whole, including, but not limited to, awards of interest on the actual damages and back pay from the date of the violation;

(i) to file with the Commission a report as to the manner of compliance;

(j) to post in a conspicuous place notices which the Commission may publish or cause to be published setting forth requirements for compliance with this Ordinance or other relevant information which the Commission determines necessary to explain this Ordinance; and

(k) to pay a fine of not less than \$100 and not more than \$500 for each offense. Every day that a violation shall continue shall constitute a separate and distinct offense.

(2) The Commission may file with the Department of Professional Regulation of the State of Illinois a notice in the event that any licensed real estate broker or salesperson violates this Ordinance.

(3) All remedies shall be cumulative.

(D) INDIVIDUAL RIGHT OF ACTION

(1) Any individual injured by a violation of this Ordinance shall have cause of action against the violator. It is expressly the intention of this Ordinance to confer an individual rights of action which may be redressed in the courts in accordance with paragraphs (2), (3), (4), (5) and (6) of this Section (D).

(2) Subsequent to a complaint being timely filed with the Commission, where such complaint alleges a violation(s) under Article III, IV, V, VI, VII, or VIII of this Ordinance, and prior to an evidence finding a complainant may request of the Commission to have the claims asserted in that complaint decided in a civil action in a court of general jurisdiction. The Commission in its discretion may approve the request and shall issue a written authorization to the complainant to proceed before such a court. Upon receipt of the written authorization the complainant shall give notice of his or her decision to proceed to court to the Commission and to all other complainants and respondents to whom the complaint relates. Under this paragraph a complainant has 90 days from the date the written authorization is received within which to bring suit. The Commission shall adopt rules specifying what the Commission may consider in determining whether to grant or deny a request to proceed to court.

(3) Subsequent to a complaint being timely filed with the Commission, where such complaint alleges violation(s) under Article III, IV, V, VII, or VIII of this Ordinance, and subsequent to a finding of substational evidence a complainant may elect to have the claims asserted in the complaint decided in a civil action in a court of general jurisdiction. This election must be made not later than 20 days after all parties are notified of the Commission's finding of substantial evidence. If the election is not made within the specified time period the Commission shall retain jurisdiction of the complaint. The complainant shall give notice of election to the Commission and to all other complainants and respondents to whom the complaint relates. The Commission shall issue a written authorization to the complainant to proceed before such a court. A complainant who chooses to proceed to court has 90 days from the date the written authorization is received within which to bring suit.

(4) Subsequent to a complaint being timely filed with the Commission, where such complaint alleges a violation under Article VI of this Ordinance, and subsequent to a finding by the Commission that there is substantial evidence that a violation of Article VI has occurred, a complainant or respondent may elect to have the claims asserted in the complaint decided in a civil action in a court of general jurisdiction. This election must be made not later than 20 days after all parties are notified of the Commission's finding of substantial evidence. If the election is not made within the specified time period the Commission shall retain jurisdiction of the complaint. The complainant or respondent shall give notice of election to the Commission and to all other complainants and respondents to whom the complaint relates. The Commission shall issue a written authorization to the complainant or respondent to proceed before such a court. A complainant or respondent who chooses to proceed to court has 90 days from the date the written authorization is received within which to bring suit.

(5) The filing by a complainant or respondent of a complaint in any court based on some or all of the same issues as are raised in a complaint before the Commission shall automatically terminate the jurisdiction of the Commission over the complaint. In such a case, the Commission shall dismiss the complaint either on its own motion or on the motion of either party.

(6) Final disposition of a complaint by the Commission shall bar a suit in the courts on this Ordinance over the same issues, except a suit to review judicially the decision of the Commission.

(7) The Commission may seek to intervene in any civil action filed by a complainant or respondent pursuant to paragraphs (2), (3) and (4), of this section (D).

(E) ADDITIONAL POWERS AND DUTIES

The Commission shall have such additional powers and duties as reasonably flow from its responsibilities, including but not limited to:

(1) Advising and consulting with the President and the Cook County Board of Commissioners on all matters involving discrimination and sexual harassment and recommending such legislative action as it may deem appropriate to effectuate the policy of this Ordinance.

(2) Advising and consulting with the President, the Cook County Board of Commissioners, and officials, departments, and agencies of the County government on assuring and improving the equality of services to all citizens.

(3) Advising and consulting with the Cook County Bureau of Human Resources and other County departments on the development and implementation of programs to train County employees in methods of dealing with intergroup relations, in order to develop respect for equal rights and to achieve equality of treatment regardless of race, color, sex, age, religion, disability, national origin, ancestry, sexual orientation, marital status, parental status, military discharge status, source of income, gender identity, or housing status.

(4) Rendering an annual report of the activities of the Commission and making recommendations to the President and Cook County Board of Commissioners. The report shall be published.

(5) Issuing such other rules and regulations as may be necessary to implement its powers, including rules of evidence and procedure for hearings.

(6) Conducting research, public forums, and educational programs on tensions between various groups within society, or practices of unlawful discrimination; conducting public hearings to ascertain the status and treatment of various racial, ethnic, religious, cultural, and social groups within society, means of alleviating discrimination and bias, and means of improving human relations within the County; and issuing such publications as may assist in the performance of its function.

(7) Assuming all rights, obligations, duties, and responsibilities of the existing Cook County Commission on Human Rights as established by Executive Orders 91-4 of the President of the Cook County Board of Commissioners and the Forest Preserve District of Cook County. The Commission without any additional action on behalf of a complainant whose complaint was filed under Executive Order 91-4 shall under the governance of this Ordinance continue to investigate, conciliate, and adjudicate as appropriate complaints filed under such Executive Order. The Commission shall send notice to the affected parties of this assumption.

(8) Upon approval of the Cook County Board of Commissioners, the Commission may enter into a written agreement with any political subdivision, municipal agency, or municipal government within the County, or any state or federal agency, whereby the Commission and such entity may agree to jointly process, transfer, or refer from one to the other for processing and investigation an individual's complaint alleging unlawful discrimination, sexual harassment, or other civil rights violation.

